

## IAJ COMMITTEE ON ASSISTANCE TO JUDGES

### Background:

1. At its 2019 annual meeting in Nur Sultan the Association a proposal from then President Tony Pagone to set up a working party to give expert assistance to judges who are facing difficulties in their national jurisdictions for the proper discharge of their duties.
2. I was asked to chair this working party, and in due course a number of participants were identified by their regional associations to explore this idea.
3. In early 2020 we agreed some proposals to be explored for adoption by the IAJ, but with the interruption of annual meetings with the covid epidemic, further discussion and decision of this issue has been postponed.
4. Later in 2020, I produced a report at the request of the then President of the EAJ with the assistance of other members of the working party into some questions that had arisen with respect to the disciplinary proceedings being taken against members of the Polish judiciary who applied EU law in domestic proceedings. (Annex A)
5. Thereafter, the working group has been inactive. In January 2022, IAJ President Matos indicated that there was a continuing need for an IAJ committee to provide assistance, given the present climate of hostility to judicial independence in many countries.
6. It is therefore proposed to canvass the opinion of the regional groups of the IAJ on the outline proposals set out below with a view to discussion and decision at the IAJ level at the next meeting in Israel in September 2022 and/or Taiwan in 2023.
7. I am conscious that the EAJ already has a working group on problems in member states. I am not aware of a similar working group in other regional associations

### Proposals

8. The working committee proposes:
  - (I) The IAJ should establish a committee of experts to be able to give advice to the Association, its regional associations and members on issues that concern judicial independence, particularly with respect to disciplinary or criminal proceedings against judges for acts done within the scope of their judicial functions.
  - (II) The chair of the committee and its members should be appointed by the annual meeting of the IAJ for a period of two years renewable.
  - (III) The chair shall report on the activities of the committee annually.
  - (IV) The committee will act on any request for assistance by the Presidency Committee of the IAJ, where a matter has been taken up by the relevant national association of the judge concerned and the regional association.
  - (V) In carrying out its work the committee will only apply established international principles derived from international agreements, declarations, decisions of international courts and tribunals and relevant case law of national constitutional courts.
  - (VI) The committee will not duplicate the work of standing committees of regional associations but will complement this work when requested.

## Membership of the Committee

9. Membership of the committee should sufficiently reflect the different languages, constitutional traditions, and geographic range of the IAJ without becoming too large to prevent effective communication and decision making.
10. The following were nominated by their regional associations to become members of the working party in 2019:

EAJ members: Andrea Kaptein (Netherlands: Court of Appeal); Kjartan Bjorgvinsson (Iceland: judge); Manuel Soares (Portugal: Court of Appeal judge); Francisco Silla (Spain) Janja Roblek (Slovenia District Court judge); Bogdan Jedrys (Poland Court of Appeal judge);

ANAO Members: Clayton Conlan (Canada; Judge of the Ontario Supreme Court); Cynthia Rufe (USA); Juan Wolfe (Bermuda, Chief Magistrate); Armanah Salameh (Lebanon: investigative judge);

FLAM: Walter Barone (Brazil); Carlos Salgado (Puerto Rico); Vinicio Palacio (Ecuador)

African Association of Judges: George Wiles (Liberia)

11. It would be helpful to know if any all of the above would like to serve on the committee in the event that that the IAJ adopts these proposals. I would be willing to serve as chair until the Taiwan meeting in 2023.
12. Clearly the committee would benefit from greater representation from Africa and Asia and from Francophone countries.

Nicholas Blake  
21 April 2022