



SECOND REPORT OF PRESIDENT AND THE BOARD OF EAJ

After EAJ on line Meeting, which took place on December 3rd 2021 where First Report has been presented about activities from the day of election to that day, before you please find our Second Report which covers period from December 3rd 2021 until April 16th 2022.

In this short time judges in Europe were facing same problems, challenges and situations where all our knowledge, skills, ability and among all solidarity is required.

Judges in Poland are still facing same problems with ups and downs where legislator and executive power is twisting the judgments of the ECtHR and ECJ without any real signs that there is will to get back on the path of rule of law. Similar situation is in Hungary and Romanian Constitutional Court decided that some judgments of ECJ are not in line with the Constitution.

We are still faced with real existential problems for Turkish judges and their families.

In recent less than two months war broke up in the heart of Europe Russian aggression on Ukraine as sovereign state is going before our eyes. International law is broken, humanitarian laws are ignored and humanitarian crisis is on our doorstep.

In months to come I am afraid we as largest European Association of judges will look for best ways to help and assist Ukrainian judges and their families. Some steps have been already taken but we must be open and alert to all situations and different developments not only towards our colleagues and friends from Ukraine but to our members in countries closest to Ukraine who will by all means be faced with demands for help and assistance.

The list of challenges does not end here because we as part of IAJ have to think also to our colleagues in Afghanistan and I am sure at Porto Meeting we will be informed about developments in other our Member Associations and their Countries.

Having all this in mind please find what occupied our time, ability and enthusiasm to serve EAJ in the best possible way, always with great and invaluable help of every and each member of the IAJ Secretariat and support and advice of IAJ President.

December 6th 2021.

Meeting (on line) of the Network of Judicial Networks. Two main topics were discussed, joint letter of the chairpersons of the Network about preserving independence and security of judges and new survey which ENCJ will conduct among judges of EU member States.

December 9th 2021.

I was attending and actively participating at UNODC Conference “Rule of Law and Good governance”. Which was organized in Riad for Arab speaking nations.

At second day of the Conference, I presented a topic “Integrity of judges and integrity of judicial system”.

There were around 60 participants and after my and presentation there was open space for discussion opportunity to answer several questions. One which was significantly interested came from Tunisian colleague who asked about relation between independence of judges and judges serving in Ministry of Justice.

Co- panellists were Ms. Tatiana Veress from UNODC office in Vienna and Mr. Jorge Jimenez Martin – chair of Spanish School for Judges.

December 13th 2021.

I was attending on line Meeting on the rule of law in Poland -Role of international courts and institutions in the organization of ODHR office in Poland. EAJ has good and fruitful cooperation with ODHR/OSCE organization in all issues in regard the rule of law and those contacts and close cooperation should be maintained.

Speakers at the meeting were:

Małgorzata Szuleka, Overview of recent rule of law related developments in Poland

Filip Skawinski, European Commission Office in Poland (TBC) - International dialogue on Poland

Mr. Ireneusz Kondak, Senior lawyer, Registry of the European Court of Human Rights – European court of human rights and Poland.

I had an opportunity to take a floor and I tried to explain the importance of being persistent in explaining why developments in Poland are not acceptable from the point of the principle rule of law and role of independent judiciary in democratic state not only for the Poland but for the all European states because developments and ideas which are now part of the ruling establishment in Poland are appealing to other political options existing in Europe and not only those coming from the right spectre of the political life.

December 17th 2021.

Expert consultation meeting “Review of the 2010 Kyiv Recommendations”

The objective of the meeting was to share and to discuss the findings of the work carried out by ODIHR as part of the process to date, with a particular focus on feedback received during a series of workshops across the region on a number of thematic sub-topics in focus. The meeting brought together individual experts from different parts of the OSCE region, some of whom have already provided support to various stages of the review process, as well as representatives of regional and international organizations with a rule of law mandate.

Speakers were:

- Ghenadie Barba, Chief of the Rule of Law Unit, OSCE Office for Democratic Institutions and Human Rights (ODIHR)
- Carolyn Hammer, Rule of Law Adviser, OSCE Office for Democratic Institutions and Human Rights (ODIHR)
- Kees Sterk, Accountability of judicial self-governance bodies
- Sinisa Milatovic, Disciplinary accountability of judges
- Gar Yein Ng, transfer of judges

January 3rd 2022.

The Platform for Turkey, represented by the Presidents of the 4 main European Associations of Judges (Association of European Administrative Judges, AEAJ; the European Association of Judges, EAJ; Judges for Judges and Magistrates Européens pour la Démocratie et les Libertés, MEDEL), addressed a Letter to the members of the European Commission and European Council.

<https://www.iaj-uim.org/iuw/wp-content/uploads/2022/01/Letter-from-Platform-for-Turkey.pdf>

January 10th 2022.

The first meeting of the Network of Judiciary Organizations of Europe in 2022 took place in virtual surroundings. Representatives of ENCJ, ENPSC, IACA and me were present.

We discussed recent developments in Romania caused with Constitutional Court ruling that Romanian constitution has supremacy towards EU Law and consequences for judges who are trying to challenge domestic law before ECJ.

Information is that as in Poland judges could be put before disciplinary tribunal if they challenge domestic laws before ECJ. Problem lays in the fact that disciplinary chambers are not independent because Minister of Justice appoints chare of such panel.

As information about real situation is not clear enough, we decided to wait on ECJ decision on the Constitutional Court ruling and to act after this decision is made public, because ECJ put the case on “fast track”.

We come to common opinion that we should start some dialog with other powers of the state, probably through EP or EU Commission and so far, until next meeting scheduled for 7th of February, Ms. Bettina Liperger, President of German Supreme Federal Court will explore possibilities to make such dialog formal initiative.

January 21st 2022.

Meeting of EAJ Board took place in Zagreb.

Members of the EAJ Board (Sabine Matejka, Mikael Sjoberg and myself) were discussing next steps which EAJ and its's board should take and also what is needed for the preparation of next EAJ Meeting in Porto from 28th to 30th of April.

It was decided to approach EU Commission and to ask for the Meeting with EU Commissioner for Justice but also to see what are possibilities to meet Members of EU Parliament which have interest and influence in the judiciary matters.

Also, it was suggested to organize meeting with President of “Justitia:

In regard to Nick's Blake initiative Board decided to take next step and to invite Judge Blake to explain initiative which actually was accepted at CC Meeting in Nur Sultan.

The initiative is to form a WG on the IAJ level which would help judges in our member states when they face serious accusations in regard to their function and duty they perform.

Hoping that more will be known after Porto Meeting.

January 24th 2022.

Thanks to our Working Group on situation on Member Associations, and thanks to our members who send their replays on time EAJ answer to the EU Commission questionnaire for” EU Rule of Law Report 2021” have been prepared and sent to Commissioner Reynders.

February 7th 2022.

Meeting (on line) of the Network of Networks (ENCJ, NPESC, IACA, EAJ). Beside discussion on situation in different EU States and developments in judiciary with accent on Romania, and decision of Constitutional Court which declared that EU Law has no supremacy over the Romanian Constitution it has been decided that representatives of the Network should pay visit to EU institutions (Commission and Parliament) and president of Network of Presidents of Supreme Courts took an obligation to investigate all possibilities.

February 10th 2022.

1. Ad hoc meeting (on line) of EAJ Board.

We were discussing how to be part of the conference which shall take place on 5th and 6th of April organized by LICRA (International League against Racism and Anti-Semitism).

EAJ has been invited to participate because it is envisaged that Conference will take stand against attacks on the independence of the judiciary.

I personally accepted to be part of the Conference (probably on line) and we decided to send a letter to Mr. Gilbert Flam to ask for the details.

We also invited president of "JUSTITIA" to meet with the EAJ Board and that meeting is planned to take place on 24th of February.

2. On the urgent matter in regard to situation in Poland, I issued a Statement which has been distributed not only to JUSTITIA but to all our members and authorities in EU and CoE.

<https://www.iaj-uim.org/news/statement-on-poland-2/>

February 14th 2022.

Meeting (on line) with representatives of EU Commission on the topic of Rule of Law Report for 2022.

February 16th - 18th 2022.

CCJE Working Party meeting (on line)- preparation of next CCJE Opinion "Freedom of Speech for Judges".

February 24th 2022.

I was addressed from EJTN by the letter of 14th February 2022. Following this letter on this day I had a conference call with Mr. Markus Bruckner - Secretary General of EJTN (European Judicial Training Network).

Topic of the Meeting was EU Council Conclusions "Boosting Training of Justice Professionals of March 11th 2021. Council called EU Commission to support the existing European Networks and to promote and enhance the dialog among judges.

Commission entrusted EJTN with this task.

24th February 2022.

Meeting (on line) with "Iustitia" president Kristian Markiewich and members of the "Iustitia" Board.

We (Members of EAJ Board) discussed with Iustitia all issues which concern Polish Association of judges and we established the principles of further cooperation and channels of communication.

President Markiewich explained and stressed main concerns in constant erosion rule of law and in Poland. Judges who are deciding in contrary to the policy of the Government in regard to judges appointed by neo KRS (Council for Judiciary) are facing suspension and facing disciplinary proceedings.

EAJ Board expressed its readiness to be of all assistance and we stressed usual procedures when intervention of EAJ is requested from Statements of the President, Board or EAJ as a whole.

March 3rd 2022.

On line Meeting of the EAJ Board.

March 15th 2022.

Meeting with representatives of Montenegrin judiciary where I spoke about international standards on ethics for judges. Among speakers was representative of Serbian Association of Judges and President of Association of Judges of Montenegro.

I was attending "lunch on line seminar" with a topic on saturation in Ukraine on ENCJ invitation. Speakers were president of Supreme Court of Ukraine Mr. Vsevolod Kniazov, and representatives of Judicial Councils of Slovak Republic, Latvia and Lithuania, Jan Mazaik, Sigeta Rudenaite and Solvita Harbacevica.

All speakers and participants were united that internationalization of support to Ukraine is essential and that we as judges' community have to do whatever we can.

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The idea is to form forum of dialogue among judges in safe protected space under “Chatan House Rules.

The Forum will be accessible to 60 judges in EU MS, through self-registration process who will be chosen through some kind of lottery. The idea is to avoid nominations of judges in the Forum from judicial hierarchy.

Beside EAJ partners will be ENCJ, ENPSC, IACA and Strasbourg and Luxemburg Court.

For the moment, our role would be to promote this initiative with our members, and to ask them to promote it between judges to apply to the forum and to potentially become part of it.

March 22nd 2022.

The war in Ukraine and the senseless aggression against a sovereign and independent country are once again putting Europe's solidarity to the test.

For that reason, I have sent letter to all national associations to agree that on the EAJ website and in all other media, we publish the contacts of national associations in addition to the contact of EAJ as the first information to our colleagues who can contact us if they are now as refugees and victims of war in your respectful country.

https://www.iaj-uim.org/iuw/wp-content/uploads/2022/03/Letter_Duro-Sessa_President-of-the-EAJ.pdf

March 30th 2022.

The event to mark second anniversary of One Thousand Robes March was organized under title “The March of a Thousand Gowns two years later” organised by the Polish member of the IAJ, IUSTITIA.

The main theme of the Conference organized on line was the: “Sovereignty and rule of law – the role of the courts in post–pandemic era”. “1000 Robes March “

In the capacity of President of EAJ I was invited and delivered among others introductory speech which is published on IAJ web site.

<https://www.iaj-uim.org/news/the-march-of-a-thousand-gowns-two-years-later/>

March 8th 2022

Attending 30st Anniversary General Assembly of Slovak Association of Judges which took place in Strbske Pleso.

EAJ was represented by vice-president Sabine Matejka and we both gave introductory speeches supporting Association in their fight for rule of law and independent judiciary.

Special award was handed to honorary president Gunter Worach for his constant support of Slovak Association.

April 11th 2022

Meeting of UNODC Judicial Integrity Network Board.

Future activities have been discussed, and new study about judges' wellbeing survey has been presented which will shortly be published on Network web site.

April 12th 2022

I have attended on invitation on line round table organized by ODHR office with topic "Judicial independence and the rule of law in Poland".

Recent developments have been represented, especially focused on recent new laws proposals where proposals of the government are not following the principles set up in numerous judgments of ECtHR and EC.

Representative of European Parliament and EU Commission assured participants that Commission will not deviate from the already set up principle not to allow Polish Government to benefit from EU funds until rule of law is restored.



Duro Sessa

President of the EAJ

In Zagreb April 2022.