Report of Sir Nicholas Blake, Chair of the Working Party on Assistance to Judges to the Central Council IAJ Taipei September 2023.

1. At the meeting of the Working Party (WP) in Tel Aviv (our first meeting in person since it was established in 2019), it was decided that until the Taiwan meeting of the IAJ in September 2023 the work would be restricted to two activities:
    i. Completing a survey of international jurisprudence on judicial independence arising from litigation involving proceedings against judges with a view to submitting it to the Presidency Committee in good time before the Taipei meeting.
    ii. Exploring how best to provide assistance to judges facing legal proceedings arising from their judicial role and responding to requests for assistance from the Presidency Committee or the Regional Associations of the IAJ.

2. There have been no requests for assistance directed to the Working Party.

3. The survey of jurisprudence was completed in June 2023 and circulated to the Secretariat. It is attached at Appendix 1 to this short report.

4. Following an exchange of emails, the WP recommends establishing institutional links with the International Bar Association with a view to seeking legal representation for judges facing legal proceedings arising from their judicial duties in the case of future need. Some initial discussion has taken place between the Chair of the WP and Baroness Helena Kennedy a member of the IBA Human Rights Institute, but it will be for the Central Council to decide whether to pursue this recommendation

5. The exchange also revealed that a number of those who had volunteered their services but had not been able to contribute because of pressure of work and rival commitments now wished to stand down from the working group. I will be retiring from the position of Cahir at the meeting and if the WP is to continue a new Chair will need appointment

6. The WP recommends that Clayton Conlon, Canada should be appointed the Chair of the Working Party from September 2023. The membership of the WP should be refreshed and reviewed at or after the Central Council meeting. We have had two nominations from the Ibero American group.

7. The WP therefore invites the Central Council to approve the following:

    i. Receive the present draft of the Case Law Compendium as a contribution to the dissemination of information on this important topic.
    ii. The IAJ establishes institutional links with the IBA to provide representation for judges facing proceedings arising from their judicial role.
    iii. Clayton Conlon be appointed the new chair of the WP.
    iv. The member associations are invited to nominate up to 3 members to the WP.

Nicholas Blake 16th July 2023

Appendix 1:

Compendium of Case Law

Compendium of recent European and other international Case Law.

1. Introduction

1.1 In September 2017 the IAJ approved the Universal Charter of the Judge that sought to synthesise the principles of judicial independence reflected in international practice: including decision of international courts and tribunals, treaties and other international declarations.

1.2 Since then many of those principles have come under attack by governments in many parts of the world but including states bound by the case law and decisions of both the Court of Justice of the European Union and the European Court of Human Rights of the Council of Europe.

1.3 The IAJ Working Party on Judicial Assistance was established by the General Assembly of the IAJ at Nur Sultan September 2019 but as a result of the covid pandemic was only able to meet in person at the General Assembly at Tel Aviv September 2022. It was there agreed that one of its functions was to disseminate important international decisions relating to judicial independence so member associations can keep up to date with developments.

1.4 The Working Party is aware that our European Colleagues are very well informed about the case law of the two European Courts in this field, that have proved influential in the case law of the UN Human Rights Committee and the Inter American Court of Human Rights. Colleagues from outside Europe may be less aware of this jurisprudence which in any event would only be of persuasive effect. Other regional associations do not have a standing committee on these issues as is the case with the EAJ.

1.5 This summary of the case law has been compiled by the chair of the working party on its behalf. It is necessarily selective and incomplete. The litigation between the governments of Poland and Hungary and the EU Commission and others has seen many such decisions although they usually repeat and affirm the core principles set out here. Other decisions have been made in recent weeks.

1.6 It is hoped that this brief survey of significant decisions made since the Universal Charter was adopted will inform debate in each of our jurisdictions as to both what judicial independence means and why it is important. In states governed by both democratic accountability and respect for the rule of law, experience suggests that it is public confidence in the work of the judiciary rather than specific constitutional enactments (always capable of amendment and repeal if found inconvenient) that ultimately ensures that the executive respects these principles.

2. Judicial Free Speech

2.1 It is well recognised that to ensure public confidence the judiciary must refrain from political statements or statements that are perceived as such. However judges are well placed to keep the public informed about threats to judicial independence judges may be under a moral duty to speak out albeit in sober language about specialists issues within their knowledge. The tension between these two calls on judicial duty have long been recognised.

2.2 In 1962 in *Baker v Carr* 369 US 186, the Supreme Court Justice Frankfurter said:

> "The Court's authority …possessed of neither the purse not the sword …ultimately rests on sustained public confidence in its moral sanction. Such a feeling must be nourished by the Court's complete detachment, in fact and in appearance, from political entanglement and by abstention from injecting itself into the clash of political forces in political settlements".

2.3 In 1997, the distinguished British Court of Appeal judge Sir Henry Brooke published an important and informative article about the developments in English history in the seventeenth century that led to the legislative provision for the principles of judicial independence "*The Fragile Bastion: Judicial Independence in the Nineties and Beyond"* (Republished in European Human Rights Law Review (2015) vol 5 at 446). Ironically but perceptively he prefaced his narrative with these words:

> "Today both Russia and Poland boast an impressive array of constitutional provisions designed to underpin the independence of the judiciary, but in each place I counselled that clauses in a constitution were not enough. For the rule of law to be really secure, there has to be a widespread understanding among the people of a country, of the reasons why it is so important that the judges should be truly independent of the state. And this is what this essay is all about…"

2.4 In June 2022 a Chamber of the Strasbourg Court in *Zurek v Poland* (2022) 485 (https://hudoc.echr.coe.int/eng?i=001-217705) found that the summary termination in 2017 of Judge Zurek's appointment to the National Judicial Council and his removal as spokesman on public affairs for his regional court was materially connected with his previous criticisms of reforms to the Constitutional Court, Supreme Court and National Judicial Council of Poland since 2015. It is to be noted that both of these reforms were subsequently found to be in breach of European law and there has been a long sequence of executive decisions and challenges to proposals by the Polish government to responding to these criticisms.

2.5 In the *Zurek* case, applying the jurisprudence of the Grand Chamber in *Baka v Hungary (*2016) (https://hudoc.echr.coe.int/eng?i=001-163113) the European Court found that Poland had breached both the fair trial rights of the judge as there was no court to which he could apply to vindicate his rights but also his free speech rights. It concluded at paragraphs 221-2:

> "The Court attaches particular importance to the office held by the applicant, whose functions and duties included expressing his views on the legislative reforms which were to have an impact on the judiciary and its independence. It notes also the

extensive scope of the reforms which affected practically every segment of the judiciary (see paragraph 210 above). It refers in this connection to the Council of Europe instruments which recognise that each judge is responsible for promoting and protecting judicial independence (see paragraph 3 of the Magna Carta of Judges) and that judges and the judiciary should be consulted and involved in the preparation of legislation concerning their status and, more generally, the functioning of the judicial system (see paragraph 34 of Opinion no. 3 (2002) of the CCJE and paragraph 9 of the Magna Carta of Judges, cited above, paragraphs 109-110 above).

In the present case, the Court is assessing the situation of an applicant who was not only a judge, but also a member of a judicial council and its spokesperson. However, the Court would note that a similar approach would be applicable to any judge who exercises his freedom of expression - in conformity with the principles referred to in paragraph 219 above - with a view to defending the rule of law, judicial independence or other similar values falling within the debate on issues of general interest. When a judge makes such statements not only in his or her personal capacity, but also on behalf of a judicial council, judicial association or other representative body of the judiciary, the protection afforded to that judge will be heightened.

Furthermore, *the general right to freedom of expression of judges to address matters concerning the functioning of the justice system may be transformed into a corresponding duty to speak out in defence of the rule of law and judicial independence when those fundamental values come under threat.* This duty has been recognised, *inter alia*, by the CCJE (see paragraph 41 of its Opinion no. 18 (2015) on the position of the judiciary and its relation with the other powers of state in a modern democracy, cited in paragraph 111 above), the UN Special Rapporteur on the independence of judges and lawyers (see paragraph 102 of his 2019 Report on freedom of expression, association and peaceful assembly of judges, cited in paragraph 103 above) and the General Assembly of the ENCJ (see paragraph (vii) of its 2013 Sofia Declaration, cited in paragraph 112 above."

(Emphasis supplied)

3 Judicial Independence: General principles

3.1 Article 19(1) Treaty on European Union requires the independent judges of member states to apply Union law when applicable. In case *C-619/18 Commission v Poland (Independence of the SC)* 24 June 2019 (available in English French and Spanish at the Curia website(https://curia.europa.eu/juris/document/) the CJEU identified two aspects of judicial independence at [72] to [74]

"The first aspect, which is external in nature, requires that the court concerned exercise its functions wholly autonomously, without being subject to any hierarchical constraint or subordinated to any other body and without taking orders or instructions from any source whatsoever, thus being protected against external interventions or pressure liable to impair the independent judgment of its members and to influence their decisions (judgment of 27 February 2018, *Associação Sindical dos Juízes Portugueses*, C-64/16, EU:C:2018:117, paragraph 44 and the case-law cited).

The second aspect, which is internal in nature, is for its part linked to impartiality and seeks to ensure that an equal distance is maintained from the parties to the proceedings

and their respective interests with regard to the subject matter of those proceedings. That aspect requires objectivity and the absence of any interest in the outcome of the proceedings apart from the strict application of the rule of law (judgment of 25 July 2018, *Minister for Justice and Equality (Deficiencies in the system of justice)*, C-216/18 PPU, EU:C:2018:586, paragraph 65 and the case-law cited).

Those guarantees of independence and impartiality require rules, particularly as regards the composition of the body and the appointment, length of service and grounds for abstention, rejection and dismissal of its members, that are such as to dispel any reasonable doubt in the minds of individuals as to the imperviousness of that body to external factors and its neutrality with respect to the interests before it (judgments of 19 September 2006, *Wilson*, C-506/04, EU:C:2006:587, paragraph 53 and the case-law cited, and of 25 July 2018, *Minister for Justice and Equality (Deficiencies in the system of justice)*, C-216/18 PPU, EU:C:2018:586, paragraph 66 and the case-law cited)."

3.2 Decisions of the Luxembourg Court are binding on the Member State to whom there are directed and establish the *acquis* of European Law that will be applied throughout the European Union. Decisions of the Strasbourg Court are, depending on the constitutional arrangements of the States party to the Council of Europe, not necessarily of direct effect in the national legal system. They nevertheless contribute to the case law of principles that will be applied in litigation before the court.

3.3 There are no special rules about judicial independence in the European Convention and its Protocols. Case law about independence has evolved when either a litigant complains there has been bias or some other infringement if a right to a fair trial protected by Article 6 or when a judge or other public official alleges that disciplinary proceedings against them have been defective.

3.4 In its decision in *Ramos Nunes de Carvalho e Sá v. Portugal*, 9 March 2021(https://hudoc.echr.coe.int/eng?i=001-187507) , the Strasbourg Court reiterated its jurisprudence on the general approach at [144] to [149]:

"In order to establish whether a tribunal can be considered to be "independent" within the meaning of Article 6 § 1, regard must be had, *inter alia* , to the manner of appointment of its members and their term of office, the existence of guarantees against outside pressures and the question whether the body presents an appearance of independence (see *Findlay v. the United Kingdom* , 25 February 1997, § 73, *Reports of Judgments and Decisions* 1997-I, and *Tsanova-Gecheva* , cited above, § 106, 15 September 2015). The Court observes that the notion of the separation of powers between the executive and the judiciary has assumed growing importance in its case-law (see *Stafford v. the United Kingdom* [GC], no. 46295/99, § 78, ECHR 2002-IV). However, neither Article 6 nor any other provision of the Convention requires States to comply with any theoretical constitutional concepts regarding the permissible limits of the powers' interaction (see *Kleyn and Others v. the Netherlands* [GC], nos. 39343/98 and 3 others, § 193, ECHR 2003-VI).

The Court reiterates that impartiality normally denotes the absence of prejudice or bias and its existence or otherwise can be tested in various ways. According to the Court's settled case-law, the existence of impartiality for the purposes of Article 6 § 1 must be determined according to a subjective test where regard must be had to the personal conviction and behaviour of a particular judge, that is, whether the judge held any personal prejudice or bias in a given case; and also according to an objective test, that is to say by ascertaining whether the tribunal itself and, among other aspects, its

composition, offered sufficient guarantees to exclude any legitimate doubt in respect of its impartiality (see, for example, *Kyprianou v. Cyprus* [GC], no. 73797/01, § 118, ECHR 2005-XIII, and *Micallef v. Malta* [GC], no. 17056/06, § 93, ECHR 2009).

In the vast majority of cases raising impartiality issues the Court has focused on the objective test (see *Micallef* , cited above, § 95, and *Morice v. France* [GC], no. 29369/10 , § 75, 2 3 April 2015). However, there is no watertight division between subjective and objective impartiality since the conduct of a judge may not only prompt objectively held misgivings as to impartiality from the point of view of the external observer (objective test) but may also go to the issue of his or her personal conviction (subjective test) (see *Kyprianou* , cited above, § 119). Thus, in some cases where it may be difficult to procure evidence with which to rebut the presumption of the judge's subjective impartiality, the requirement of objective impartiality provides a further important guarantee (see *Pullar v. the United Kingdom* , 10 June 1996, § 32, *Reports* 1996-III).

As to the objective test, it must be determined whether, quite apart from the judge's conduct, there are ascertainable facts which may raise doubts as to his or her impartiality. This implies that, in deciding whether in a given case there is a legitimate reason to fear that a particular judge or a body sitting as a bench lacks impartiality, the standpoint of the person concerned is important but not decisive. What is decisive is whether this fear can be held to be objectively justified (see *Micallef* , cited above, § 96, and *Morice* , cited above, § 76).

The objective test mostly concerns hierarchical or other links between the judge and other protagonists in the proceedings (see *Micallef* , cited above, § 97). It must therefore be decided in each individual case whether the relationship in question is of such a nature and degree as to indicate a lack of impartiality on the part of the tribunal (see *Pullar* , cited above, § 38).

In this connection even appearances may be of a certain importance or, in other words, "justice must not only be done, it must also be seen to be done" (see *De Cubber v. Belgium* , 26 October 1984, § 26, Series A no. 86). What is at stake is the confidence which the courts in a democratic society must inspire in the public. Thus, any judge in respect of whom there is a legitimate reason to fear a lack of impartiality must withdraw (see *Castillo Algar v. Spain,* 28 October 1998, § 45, *Reports* 1998-VIII, and *Micallef* , cited above, § 98).

The concepts of independence and objective impartiality are closely linked and, depending on the circumstances, may require joint examination (see *Sacilor-Lormines v. France* , no. 65411/01, § 62, ECHR 2006-XIII).

3.5 In *Advance Pharma sp. z o.o.v Poland* 3 February 2022 (https://hudoc.echr.coe.int/eng?i=001-215388) the Strasbourg Court reviewed the plethora of challenges, European case law and statements of concern with respect to the interference by the Polish executive and legislature with judicial independence . This was not a challenge bought on behalf of a judge but a private actor. The applicant company complained that its hearing in the Polish Supreme Court was not a hearing before an independent court. The Court agreed and concluded at paragraphs [349-350]:

"The Court has established that, on two counts, there was a manifest breach of the domestic law which adversely affected the fundamental rules of procedure for the appointment of

judges to the Civil Chamber of the Supreme Court. First, the appointment was made upon a recommendation of the NCJ, as established under the 2017 Amending Act, a body which no longer offered sufficient guarantees of independence from the legislative or executive powers. Second, the Polish legislature intervened in the process of appointments by extinguishing the effects of the pending judicial review of NCJ resolution no. 330/2018, and the President of Poland, despite the fact that the implementation of that resolution – whereby seven judges of the Civil Chamber had been recommended for appointment, including those who had dealt with the applicant company's case – had been stayed by the Supreme Administrative Court and that the legal validity of that resolution was yet to be determined by that court, appointed them to judicial office in manifest disregard for the rule of law. These irregularities in the appointment process compromised the legitimacy of the formation of the Civil Chamber of the Supreme Court which examined the applicant company's case to the extent that, following an inherently deficient procedure for judicial appointments, it did lack the attributes of a "tribunal" which is "lawful" for the purposes of Article 6 § 1. The very essence of the right at issue has therefore been affected.

In the light of the foregoing, and having regard to its overall assessment under the three-step test set out above, the Court concludes that the formation of the Civil Chamber of the Supreme Court, which examined the applicant company's case, was not a "tribunal established by law".

4 Judicial Terms and Conditions

a) Change of retirement age for serving judges

4.1 The approach adopted by the executive in both Hungary and Poland was to seek to get rid of senior judges in the constitutional or supreme courts whose views were discordant with that of the government of the day, by reducing retirement age and applying the new age limit to serving judges without transitional provisions excluding them.

4.2 The CJEU had no difficulty in finding this approach unlawful without prejudice to the general proposition that a state has discretion in fixing the terms of appointment and retirement. In *Case 619/18 (Commission v Poland*) noted at 3.1 above, the Court concluded at [76]

> "The principle of irremovability requires, in particular, that judges may remain in post provided that they have not reached the obligatory retirement age or until the expiry of their mandate, where that mandate is for a fixed term. While it is not wholly absolute, there can be no exceptions to that principle unless they are warranted by legitimate and compelling grounds, subject to the principle of proportionality. Thus it is widely accepted that judges may be dismissed if they are deemed unfit for the purposes of carrying out their duties on account of incapacity or a serious breach of their obligations, provided the appropriate procedures are followed.
>
> In that latter respect, it is apparent, more specifically, from the Court's case-law that the requirement of independence means that the rules governing the disciplinary regime and, accordingly, any dismissal of those who have the task of adjudicating in a dispute must provide the necessary guarantees in order to prevent any risk of that disciplinary regime being used as a system of political control of the content of judicial decisions. Thus, rules which define, in particular, both conduct amounting to disciplinary offences and the penalties actually applicable, which provide for the involvement of an independent body in accordance with a procedure which fully safeguards the rights enshrined in Articles 47 and 48 of the Charter, in particular the rights of the defence,

and which lay down the possibility of bringing legal proceedings challenging the disciplinary bodies' decisions constitute a set of guarantees that are essential for safeguarding the independence of the judiciary (judgment of 25 July 2018, *Minister for Justice and Equality (Deficiencies in the system of justice)*, C-216/18 PPU, EU:C:2018:586, paragraph 67)."

4.3 In its decision in *Baka v Hungary* (2016) ECHR 568 23 June 2016 (noted at 2.6 above), the Grand Chamber of the Strasbourg Court found that the decision to prematurely retire the President of the Supreme Court was contrary to the fair trial provisions of Art 6 ECHR. Although there was no right to hold judicial office, disciplinary proceedings or disputes as to termination of office engaged the scope of Article 6 as it related to the determination of a civil right and obligation. *Baka* is important as a decision of the Grand Chamber of the Court as opposed to a decision a section. At [88] in a wide ranging review of materials and decisions the Court notes the IAJ's Universal Charter of the Judge

b) Reduction of judicial salaries/ changes to pension regime

4.4 On the other hand a temporary general reduction in public salaries or pension benefits, including those of judges, did not undermine judicial independence if it was not discriminatory and reflected genuine economic necessity. See the CJEU judgment of 27 February 2018, *Sindical dos Juízes Portugueses* (C-64/16, EU:C:2018:117.)

4.5 The position would be different if judges generally a fortiori a particular judge were targeted for salary reduction. Discrimination on one of the prohibited grounds including age may found the basis of a challenge. In the United Kingdom, in 2018 the Court of Appeal upheld the decision of the Employment Appeal Tribunal that applying fiscally disadvantageous changes to the scheme for judicial pensions to serving judges was discriminatory on the grounds of age: (The Lord Chancellor & Anor v McCloud & Ors [2018] EWCA Civ 2844 (20 December 2018) . The Government decided not to appeal further and in 2022 introduced a new judicial; pension scheme that removed the contentious tax provisions for all judges. However, discrimination challenges may result in an equality of misery for all, if this is considered politically acceptable.

5 Judicial Disciplinary Bodies

5.1 The CJEU developed its case law on judicial independence when considering the new disciplinary chambers adopted in Poland in Commission v Poland (Regime disciplinaire des juges) (Disciplinary regime applicable to judges - Effective legal protection in the fields covered by Union law - Judgment) [2021] EUECJ C-791/19 (15 July 2021) (bailii.org) [61] (available in English, French Spanish and Portuguese on the Curia website.

"As regards specifically the rules governing the disciplinary regime applicable to judges, the requirement of independence derived from EU law, and, in particular, from the second subparagraph of Article 19(1) TEU, means that, in accordance with settled case-law, that regime must provide the necessary guarantees in order to prevent any risk of its being used as a system of political control of the content of judicial decisions. Rules which define, in particular, both forms of conduct amounting to disciplinary

offences and the penalties actually applicable, provide for the involvement of an independent body in accordance with a procedure which fully safeguards the rights enshrined in Articles 47 and 48 of the Charter, in particular the rights of the defence, and lay down the possibility of bringing legal proceedings challenging the disciplinary bodies' decisions constitute a set of guarantees that are essential for safeguarding the independence of the judiciary (judgment in *Asociaţia 'Forumul Judecătorilor din România' and Others*, paragraph 198 and the case-law cited)."

5.2 After a lengthy review of the manifest defects of the Polish system enabling the executive and legislature undue influence over the composition of a new disciplinary chamber the Court found violations of the core principles of independence concluding

"Having regard to all the foregoing considerations, it must be held that:

- by failing to guarantee the independence and impartiality of the Disciplinary Chamber, which is responsible for reviewing decisions issued in disciplinary proceedings against judges (Article 3(5), Article 27 and Article 73 § 1 of the new Law on the Supreme Court, read in conjunction with Article 9a of the Law on the KRS);

- by allowing the content of judicial decisions to be classified as a disciplinary offence involving judges of the ordinary courts (Article 107 § 1 of the Law on the ordinary courts and Article 97 §§ 1 and 3 of the new Law on the Supreme Court);

- by conferring on the President of the Disciplinary Chamber the discretionary power to designate the disciplinary tribunal with jurisdiction at first instance in cases concerning judges of the ordinary courts (Article 110 § 3 and Article 114 § 7 of the Law on the ordinary courts) and, therefore, by failing to guarantee that disciplinary cases are examined by a tribunal 'established by law'; and

- by failing to guarantee that disciplinary cases against judges of the ordinary courts are examined within a reasonable time (second sentence of Article 112b § 5 of the Law on the ordinary courts), and by providing that actions relating to the appointment of defence counsel and the taking up of the defence by that counsel do not have a suspensory effect on the course of the disciplinary proceedings (Article 113a of that law) and that the disciplinary tribunal is to conduct the proceedings despite the justified absence of the notified accused judge or his or her defence counsel (Article 115a § 3 of the same law) and, therefore, by failing to guarantee respect for the rights of defence of accused judges of the ordinary courts,

the Republic of Poland has failed to fulfil its obligations under the second subparagraph of Article 19(1) TEU."

5.3 The Polish rules were particularly gross violations of judicial independence as they exposed the judge to a risk of disciplinary proceedings for:

i) the bona fide exercise of the judicial discretion to make a reference to the CJEU for clarification of the meaning of EU law, and

ii) ordering disclosure of documents as to how the legislature selected certain judges to serve on the disciplinary bodies.

The mere fact that judges could be investigated for such matters whether or not any sanctions were imposed was enough to constitute an interference with the exercise of judicial discretion.

5.4 Securing the effective implementation of this decision and ensuring that Polish judges who have been suspended on half pay by disciplinary bodies that did not comply with EU rules are properly compensated is still the subject of ongoing litigation and disputes.

5.5 The decision of the First Section of the Strasbourg Court in *Juszczyszyn v Poland* (https://hudoc.echr.coe.int/eng?i=001-219563) 8 October 2022 is informative as to the approach taken in international human rights law where the Court found disciplinary proceedings against a judge and reduction of salary were a violation of fair trial rights as not being in accordance with the established law. It also found the suspension and salary reduction a violation of private life protected under Article 8 .At paragraphs 276 to 277 it stated

> "In the Court's view, the imposition of disciplinary liability in connection with the giving of a judicial decision must be seen as an exceptional measure and be subject to restrictive interpretation, having regard to the principle of judicial independence (see, *mutatis mutandis* , *Oleksandr Volkov* , cited above, § 180; see also paragraphs 137 and 138 of the CJEU's judgment in *Commission v. Poland (Disciplinary regime for judges)* , paragraph 128 above). It further refers to the recommendation made by the Committee of Ministers of the Council of Europe to member States that the interpretation of the law by judges should not give rise to civil or disciplinary liability, except in cases of malice and gross negligence (see paragraph 109 above; similar view was expressed by the CCJE, see paragraphs 114-115 above).
>
> Moreover, the Court has discerned a common thread running through the institutional requirements of Article 6 § 1, that is, of "independence", "impartiality" and "tribunal established by law", in that they are guided by the aim of upholding the fundamental principles of the rule of law and the separation of powers (see *Guðmundur Andri Ástráðsson* , § 231 and *Reczkowicz* , § 260, both cited above). It has further noted that the need to maintain public confidence in the judiciary and to safeguard its independence *vis-à-vis* the other powers underlay each of those requirements (see *Guðmundur Andri Ástráðsson* , cited above, § 233). Analysed in this context, there is no indication that the applicant's order of 20 November 2019 was motivated by any reason other than the need to assess compliance with the above-mentioned institutional requirements of Article 6 § 1 of the Convention. Furthermore, the Court considers that the applicant's action did not amount to malice or gross negligence (see also paragraph 327 below).

5.6 The Court also found a violation of Article 18 of the Convention taken with Article 8 (namely that the Poland was not acted in good faith). It cited the decision of the Luxembourg Court of 15 July 2021 in *Commission v. Poland (Disciplinary*

regime for judges) (C-791/19, EU:C:2021:596), in which it held that Poland had failed to fulfil its obligations under Article 19(1) TEU by, *inter alia* ,

> "allowing the content of judicial decisions to be classified as a disciplinary offence involving judges of the ordinary courts, referring to section 107(1) of the 2001 Act" (see paragraphs 126 and 128 above).

5.7 It concluded first that the requisite procedural safeguards were not put in place to prevent arbitrary application of the relevant substantive law. As stated above, the decision on the applicant's suspension in connection with the disciplinary charges against him was taken by the Disciplinary Chamber, which failed to meet the requirements of an "independent and impartial tribunal established by law" (see paragraphs 210 and 214-215 above). Second, it found that the disciplinary chamber was motivated by a desire to punish judges who questioned the status of colleagues appointed under a procedure that had been ruled to be unlawful by both national courts and the CJEU. Finally at para 330 and following it noted the subsequent developments in Europe to require Poland to remove laws that threatened the independence of the judiciary:-

> "It observes that in the joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe those bodies concluded in relation to the relevant provisions of the 2019 Amending Act that "these provisions, taken together, significantly curtail[ed] the possibility to examine the question of institutional independence of Polish courts by those courts themselves." Furthermore, the opinion stated that "the above provisions, taken together, aim at nullifying the effects of the CJEU ruling [of 19 November 2019]" (see paragraph 113 above).
>
> In March 2021 the European Commission commenced infringement proceedings in respect of the 2019 Amending Act, considering that the law undermined the independence of Polish judges and was incompatible with the primacy of EU law. The Commission also decided to ask the CJEU to order interim measures until it had given a judgment in the case. On 14 July 2021 the Vice-President of the CJEU issued an interim order in the case (C - 204/21 R, EU:C:2021:593). Poland was required to suspend, *inter alia* , the application of subsections 2 and 3 of section 107(1) of the 2001 Act, as amended by the 2019 Amending Act, which allowed the disciplinary liability of judges to be engaged for having examined compliance with the requirements of independence and impartiality of a tribunal previously established by law, within the meaning of Article 19(1) TEU in conjunction with Article 47 of the Charter of Fundamental Rights of the European Union. Poland was also required to suspend, *inter alia* , the application of section 42a(1) and (2) of the 2001 Act, as amended by the 2019 Amending Act, in so far as they prohibited national courts from verifying compliance with the requirements of the European Union relating to an independent and impartial tribunal previously established by law, within the meaning of Article 19(1) TEU in conjunction with Article 47 of the Charter of Fundamental Rights.
>
> A similar intention of the authorities can be discerned from the Constitutional Court's judgment of 20 April 2020 (no. U 2/20), which excluded the possibility that the courts could review a judge's right to adjudicate solely on the basis of the fact of his or her appointment by the President of the Republic on a motion of the recomposed NCJ (see *Reczkowicz* , cited above, §§ 116 and 261). The Constitutional Court gave two other judgments in 2020 reaching the same conclusion (on 4 March 2020, no. P 22/19and 2 June 2020, no. P 13/19; see paragraph 101 above).

> In its assessment of the applicant's complaint under Article 18 the Court must have regard to judicial independence, which is a prerequisite to the rule of law (see *Guðmundur Andri Ástráðsson* , cited above, § 239, and *Grzęda* , cited above, § 298). It reiterates that it must be particularly attentive to the protection of members of the judiciary against measures that can threaten their judicial independence and autonomy, given the prominent place that the judiciary occupies among State organs in a democratic society and the importance attached to the separation of powers and to the necessity of safeguarding the independence of the judiciary (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13and 2 others, § 196, 6 November 2018, with further references; *Bilgen v. Turkey* , no. 1571/07, § 58, 9 March 2021; and *Grzęda* , cited above, § 302). The Court has emphasised that the Convention system cannot function properly without independent judges and that the Contracting Parties' task of ensuring judicial independence is thus of crucial importance (see *Grzęda* , cited above, § 324).
>
> In the present case, the applicant was suspended for issuing a judicial decision whereby he intended to verify whether a first-instance judge was lawfully appointed and fulfilled the requirement of independence, in other words, whether the institutional requirements of Article 6 § 1 of the Convention were complied with. The Court finds that to hold, as the Disciplinary Chamber did in its decision of 4 February 2020, that such a judicial decision amounted to a disciplinary offence which justified suspension from judicial duties should be regarded as contrary to the fundamental principles of judicial independence and the rule of law (see paragraphs 269 and 280 above regarding the Court's findings in respect of the lawfulness of the suspension). In its view, the recourse to disciplinary proceedings and ultimate suspension of the applicant for issuing a judicial order that was aimed at safeguarding the right of a party to an "independent and impartial tribunal established by law" as enshrined in Article 6 § 1 of the Convention, and equally in Article 45 § 1 of the Polish Constitution and Article 47 of the Charter of Fundamental Rights, is incompatible with the above-mentioned principles."

5.8 Despite this damning verdict of the European Courts, the Polish government still refuses to bring its laws into compliance and promptly reinstate and compensate the judges it dismissed. On 5th June 2023 the CJEU upheld the decision of the European Commission to impose a fine of €1,000,000 a day on Poland for failing to brings its laws into conformity with EU law as well as denying it access to Covid recovery funds.

6 Inter American Court of Human Rights

6.1 The European approach is reflected in decisions of the Inter-American Court of Human Rights, in its case-law concerning the removal of judges, has referred to the UN Basic Principles on the Independence of the Judiciary and to General Comment No. 32 of the UN Human Rights Committee. The case of *Supreme Court of Justice (Quintana Coello et al.) v. Ecuador* (preliminary objection, merits, reparations and costs), judgment of 23 August 2013, Series C No. 266, concerned the removal of twenty-seven judges of the Supreme Court of Justice of Ecuador through a parliamentary resolution.

6.2 The Inter-American Court found that the State had violated Article 8 § 1 (right to a fair trial), in conjunction with Article 1 § 1 (obligation to respect rights) of the American Convention on Human Rights, to the detriment of the victims, because they had been dismissed from office by a body without jurisdiction, which moreover had not granted them an opportunity to be heard. Furthermore, the Court found a violation of Article 8 § 1 in conjunction with Article 23 § 1 (c) (right to have access, under general conditions of equality, to the public service of his country) and Article 1 § 1 of the American Convention, given the arbitrary effects on the tenure in office of the judiciary and the consequent effects on judicial independence, to the detriment of the twenty-seven victims.

6.3 At paragraph 144 and following it noted as follows as regards the general standards on judicial independence (footnotes omitted).

"In its case law, the Court has indicated that the scope of judicial guarantees and effective judicial protection for judges must be examined in relation to the standards on judicial independence. In the case of *Reverón Trujillo v. Venezuela*, the Court emphasized that judges, unlike other public officials, enjoy specific guarantees due to the independence required of the judiciary, which the Court has understood as 'essential for the exercise of the judiciary.' The Court has reiterated that one of the main objectives of the separation of public powers is to guarantee the independence of judges. The purpose of protection is to ensure that the judicial system in general, and its members in particular, are not subject to possible undue restrictions in the exercise their duties by bodies outside the Judiciary, or even by judges who exercise functions of review or appeal. In line with the case law of this Court and of the European Court of Human Rights, and in accordance with the United Nations Basic Principles on the Independence of the Judiciary (hereinafter 'Basic Principles'), the following guarantees are derived from judicial independence: an appropriate process of appointment, guaranteed tenure and guarantees against external pressures.

Regarding the scope of security of tenure relevant to this case, the Basic Principles establish that '[t]he term of office of judges [...] shall be adequately secured by law' and that '[j]udges, whether appointed or elected, shall have guaranteed tenure until the mandatory retirement age or the expiry of the term of office, where such exists.' Moreover, the Human Rights Committee has stated that judges may be dismissed only on grounds of serious misconduct or incompetence, in accordance with fair procedures ensuring objectivity and impartiality set out in the Constitution or the law. This Court has accepted these principles and has stated that the authority responsible for the process of removing a judge must act independently and impartially in the procedure established for that purpose and must allow for the exercise of the right to defense. This is so because the free removal of judges raises the objective doubt of the observer regarding the judges' real possibilities of ruling on specific disputes without fear of reprisals.

...

147. Nevertheless, judges do not have absolute guarantees of tenure in their positions. International human rights law accepts that judges may be dismissed for conduct that is clearly unacceptable. In General Comment No. 32, the Human

Rights Committee has established that judges may be dismissed only for reasons of serious misconduct or incompetence. ...

148. In addition, other standards draw a distinction between the sanctions applicable, emphasizing that the guarantee of immovability implies that dismissal is the result of serious misconduct, while other sanctions may be considered in the event of negligence or incompetence. ...

150. Furthermore, regarding the protection afforded by Article 23(1) (c) of the American Convention in the cases of *Apitz Barbera et al.*, and *Reverón Trujillo*, this Court specified that Article 23(1) (c) does not establish the right to participate in government, but to do so 'under general conditions of equality.' This means that respect for and guarantee of this right are fulfilled when there are 'clear procedures and objective criteria for appointment, promotion, suspension and dismissal' and that 'persons are not subject to discrimination' in the exercise of this right. In this respect, the Court has pointed out that equality of opportunities in access to and tenure in office guarantee freedom from all interference or political pressure.

151. Likewise, the Court has stated that a judge's guarantee of tenure is related to the right to remain in public office, under general conditions of equality. Indeed, in the case of *Reverón Trujillo* it established that 'access in equal conditions would constitute an insufficient guarantee if it were not accompanied by the effective protection of the continuance in what is accessed.'

152. For its part, in cases of arbitrary dismissal of Judges the Human Rights Committee has considered that failure to observe the basic requirements of due process violates the right to due process enshrined in Article 14 of the International Covenant on Civil and Political Rights (the counterpart of Article 8 of the American Convention), in conjunction with the right to have access under general conditions of equality to public office in the country, as provided for under Article 25(c) International Covenant on Civil and Political Rights (the counterpart of Article 23(1)(c) of the American Convention).

153. The foregoing serves to clarify some aspects of the Court's jurisprudence. Indeed, in the case of *Reverón Trujillo v. Venezuela*, the Court concluded that the right to be heard by an independent tribunal, enshrined in Article 8(1) of the Convention, only implied that a citizen has a right to be judged by an independent judge. However, it is important to point out that judicial independence should not only be analyzed in relation to justiciable matters, given that the judge must have a series of guarantees that allow for judicial independence. The Court considers it pertinent to specify that the violation of the guarantee of judicial independence, as it relates to a judge's tenure and stability in his position, must be examined in light of the conventional rights of a judge who is affected by a State decision that arbitrarily affects the term of his appointment. In that sense, the institutional guarantee of judicial independence is directly related to a judge's right to remain in his post, as a consequence of the guarantee of tenure in office.

154. Finally, the Court has emphasized that the State must guarantee the independent exercise of the judiciary, both in its institutional aspect, that is, in terms of the judicial branch as a system, and in its individual aspect, that is, in relation to a particular individual judge. The Court deems it pertinent to point out that the objective dimension is related to essential aspects for the Rule of Law, such as the principle of separation of powers, and the important role played by the judiciary in

a democracy. Consequently, this objective dimension transcends the figure of the judge and collectively affects society as a whole. Likewise, there is a direct connection between the objective dimension of judicial independence and the right of judges to have access to and remain in public service, under general conditions of equality, as an expression of their guaranteed tenure.

155. Bearing in mind the aforementioned standards, the Court considers that: i) respect for judicial guarantees implies respect for judicial independence; ii) the scope of judicial independence translates into a judge's subjective right to be dismissed from his position exclusively for the reasons permitted, either by means of a process that complies with judicial guarantees or because the term or period of his mandate has expired, and iii) when a judge's tenure is affected in an arbitrary manner, the right to judicial independence enshrined in Article 8(1) of the American Convention is violated, in conjunction with the right to access and remain in public office, on general terms of equality, established in Article 23(1)(c) of the American Convention."

6.4 The Inter-American Court reiterated the same principles and reached a similar conclusion in the cases of *Constitutional Tribunal (Camba Campos et al.) v. Ecuador* (preliminary objections, merits, reparations and costs), judgment of 28 August 2013, §§ 188-99, Series C No. 268, and *López Lone et al. v. Honduras* (preliminary objection, merits, reparations and costs), 5 October 2015, §§ 190-202 and 239-40, Series C No. 302.

6.5 In the case of *Martinez Esquivia v Columbia* a decision of the IACHR 6 October 2020 (Spanish text https://www.corteidh.or.cr/docs/casos/articulos/seriec_412_esp.pdf the Court that found that Columbia violated the rights of a prosecutor whose appointment was terminated before the end of her term for what the Court considered were arbitrary reasons. It considered UN, European and African principles in extending the principle of judicial security of tenure to prosecutors

6.6 The French commentary on this decision is as follows:

« La Cour commence par rappeler les garanties dont bénéficient les juges au titre de l'indépendance de la justice, à savoir le droit de bénéficier d'une procédure objective de nomination, l'inamovibilité et la protection contre d'éventuelles pressions extérieures. Au regard des fonctions qu'ils exercent, la Cour estime que cette indépendance est fondamentale et constitue une exigence de la séparation des pouvoirs qui doit être pleinement garantie. Une telle protection doit être octroyée non seulement aux juges, mais également aux Procureurs puisqu'à défaut des mêmes garanties, leur indépendance et leur objectivité seraient mises en danger. Dans cet arrêt, la Cour insiste notamment sur l'exigence d'inamovibilité qui permet de protéger les Procureurs, comme les juges, de potentielles représailles dont ils pourraient faire l'objet en raison des décisions qu'ils rendent. Cela implique plusieurs conséquences : tout d'abord, seules des raisons précises doivent permettre de mettre un terme à leurs fonctions, au moyen d'une procédure

conforme aux garanties judiciaires ou parce que leur contrat arrive à échéance ; ensuite, une révocation n'est possible qu'en cas de faute disciplinaire grave ou d'incompétence ; enfin, toute procédure engagée à l'encontre d'un Procureur doit être juste, objective et impartiale. »

7 Decisions of the UN Human Rights Committee

7.1 General Comment No. 32 on Article 14 of the International Covenant on Civil and Political Rights (Right to equality before courts and tribunals and to a fair trial) published on 23 August 2007, the UN Human Rights Committee stated as follows (footnotes omitted).

"19. The requirement of competence, independence and impartiality of a tribunal in the sense of Article 14, paragraph 1, is an absolute right that is not subject to any exception. The requirement of independence refers, in particular, to the procedure and qualifications for the appointment of judges, and guarantees relating to their security of tenure until a mandatory retirement age or the expiry of their term of office, where such exist, the conditions governing promotion, transfer, suspension and cessation of their functions, and the actual independence of the judiciary from political interference by the executive branch and legislature. States should take specific measures guaranteeing the independence of the judiciary, protecting judges from any form of political influence in their decision-making through the constitution or adoption of laws establishing clear procedures and objective criteria for the appointment, remuneration, tenure, promotion, suspension and dismissal of the members of the judiciary and disciplinary sanctions taken against them. A situation where the functions and competencies of the judiciary and the executive are not clearly distinguishable or where the latter is able to control or direct the former is incompatible with the notion of an independent tribunal. It is necessary to protect judges against conflicts of interest and intimidation. In order to safeguard their independence, the status of judges, including their term of office, their independence, security, adequate remuneration, conditions of service, pensions and the age of retirement shall be adequately secured by law.

20. Judges may be dismissed only on serious grounds of misconduct or incompetence, in accordance with fair procedures ensuring objectivity and impartiality set out in the constitution or the law. The dismissal of judges by the executive, e.g. before the expiry of the term for which they have been appointed, without any specific reasons given to them and without effective judicial protection being available to contest the dismissal is incompatible with the independence of the judiciary. The same is true, for instance, for the dismissal by the executive of judges alleged to be corrupt, without following any of the procedures provided for by the law."

7.2 In *Pastukhov v. Belarus*, Communication No. 814/1998, UN Doc. CCPR/C/78/D/814/1998 (2003), the Committee stated as follows.

"The Committee takes note of the author's claim that he could not be removed from the bench since he had, in accordance with the law in force at the time, been elected a judge on 28 April 1994 for a term of office of 11 years. The Committee also notes that presidential decree of 24 January 1997 No. 106 was not based on the

replacement of the Constitutional Court with a new court but that the decree referred to the author in person and the sole reason given in the presidential decree for the dismissal of the author was stated as the expiry of his term as Constitutional Court judge, which was manifestly not the case. Furthermore, no effective judicial protections were available to the author to contest his dismissal by the executive. In these circumstances, the Committee considers that the author's dismissal from his position as a judge of the Constitutional Court, several years before the expiry of the term for which he had been appointed, constituted an attack on the independence of the judiciary and failed to respect the author's right of access, on general terms of equality, to public service in his country. Consequently, there has been a violation of Article 25 (c) of the Covenant, read in conjunction with Article 14, paragraph 1, on the independence of the judiciary and the provisions of Article 2."

7.3 *Mundyo Busyo et al. v. Democratic Republic of the Congo*, Communication No. 933/2000, UN Doc. CCPR/C/78/D/933/2000 (2003), the Committee held as follows (footnotes omitted).

"5.2 The Committee notes that the authors have made specific and detailed allegations relating to their dismissal, which was not in conformity with the established legal procedures and safeguards. The Committee notes in this regard that the Minister of Justice, in his statement of June 1999 ..., and the Attorney-General of the Republic, in the report by the Public Prosecutor's Office of 19 September 2000 ... recognize that the established procedures and safeguards for dismissal were not respected. Furthermore, the Committee considers that the circumstances referred to in Presidential Decree No. 144 could not be accepted by it in this specific case as grounds justifying the fact that the dismissal measures were in conformity with the law and, in particular, with Article 4 of the Covenant. The Presidential Decree merely refers to specific circumstances without, however, specifying the nature and extent of derogations from the rights provided for in domestic legislation and in the Covenant and without demonstrating that these derogations are strictly required and how long they are to last. Moreover, the Committee notes that the Democratic Republic of the Congo failed to inform the international community that it had availed itself of the right of derogation, as stipulated in Article 4, paragraph 3, of the Covenant. In accordance with its jurisprudence, the Committee recalls, moreover, that the principle of access to public service on general terms of equality implies that the State has a duty to ensure that it does not discriminate against anyone. This principle is all the more applicable to persons employed in the public service and to those who have been dismissed. With regard to Article 14, paragraph 1, of the Covenant, the Committee notes the absence of any reply from the State party and also notes, on the one hand, that the authors did not benefit from the guarantees to which they were entitled in their capacity as judges and by virtue of which they should have been brought before the Supreme Council of the Judiciary in accordance with the law, and on the other hand, that the President of the Supreme Court had publicly, before the case had been heard, supported the dismissals that had taken place ... thus damaging the equitable hearing of the case. Consequently, the Committee considers that those dismissals constitute an attack on the independence of the judiciary protected by Article 14, paragraph 1, of the Covenant. The dismissal of the authors was ordered on grounds that cannot be accepted by the Committee as a justification of the failure to respect the established procedures and guarantees that all citizens must be able to enjoy on general terms of equality. In the absence of a reply from the State party, and

inasmuch as the Supreme Court, by its ruling of 26 September 2001, has deprived the authors of all remedies by declaring their appeals inadmissible on the grounds that Presidential Decree No. 144 constituted an act of Government, the Committee considers that, in this specific case, the facts show that there has been a violation of Article 25, paragraph (c), read in conjunction with Article 14, paragraph 1, on the independence of the judiciary, and of Article 2, paragraph 1, of the Covenant."

7.4 *Bandaranayake v. Sri Lanka*, Communication No. 1376/2005, UN Doc. CCPR/C/93/D/1376/2005 (2008), the Committee noted as follows (footnotes omitted):

"The Committee observes that Article 25 (c) of the Covenant confers a right to access, on general terms of equality, to public service, and recalls its jurisprudence that, to ensure access on general terms of equality, not only the criteria but also the 'procedures for appointment, promotion, suspension and dismissal must be objective and reasonable'. A procedure is not objective or reasonable if it does not respect the requirements of basic procedural fairness. The Committee also considers that the right of equal access to public service includes the right not to be arbitrarily dismissed from public service. The Committee notes the author's claim that the procedure leading to his dismissal was neither objective nor reasonable. Despite numerous requests, he did not receive a copy of the proceedings from his first hearing before the JSC [Judicial Service Commission] on 18 November 1998; this is confirmed in the Supreme Court decision of 6 September 2004, and is not contested by the State party. Nor did he receive the findings of the Committee of Inquiry, on the basis of which he was dismissed by the JSC. The decision of the Court of Appeal confirms that these documents were never provided to him, in accordance with the express provision of Rule 18 of the JSC rules.

7.2 ... The Committee finds that the JSC's failure to provide the author with all of the documentation necessary to ensure that he had a fair hearing, in particular its failure to inform him of the reasoning behind the Committee of Inquiry's guilty verdict, on the basis of which he was ultimately dismissed, in their combination, amounts to a dismissal procedure which did not respect the requirements of basic procedural fairness and thus was unreasonable and arbitrary. For these reasons, the Committee finds that the conduct of the dismissal procedure was conducted neither objectively nor reasonably and it failed to respect the author's right of access, on general terms of equality, to public service in his country. Consequently, there has been a violation of Article 25 (c) of the Covenant.

7.3 The Committee recalls its general comment [no. 32] on Article 14, that a dismissal of a judge in violation of Article 25 (c) of the Covenant, may amount to a violation of this guarantee, read in conjunction with Article 14, paragraph 1 providing for the independence of the judiciary. As set out in the same general comment, the Committee recalls that 'judges may be dismissed only on serious grounds of misconduct or incompetence, in accordance with fair procedures ensuring objectivity and impartiality set out in the constitution or the law.' For the reasons set out in paragraph 7.2 above, the dismissal procedure did not respect the requirements of basic procedural fairness and failed to ensure that the author benefited from the necessary guarantees to which he was entitled in his capacity as a judge, thus constituting an attack on the independence of the judiciary. For this

reason the Committee concludes that the author's rights under Article 25 (c) in conjunction with Article 14, paragraph 1, have been violated."

Nicholas Blake
12 June 2023

Appendix 2

International Bar Association's Human Rights Institute

International Bar Association's Human Rights Institute | International Bar Association (ibanet.org)

The International Bar Association's Human Rights Institute (IBAHRI) works with the global legal community to promote and protect human rights and the independence of the legal profession worldwide.

About us | Council resolutions | Contact us

The High Level Panel of Legal Experts on Media Freedom

The IBAHRI is the Secretariat to the High Level Panel of Legal Experts on Media Freedom, the independent advisory body of the Media Freedom Coalition. The High Level Panel comprises a diverse group of leading international lawyers tasked with providing legal advice for the purposes of promoting and protecting a vibrant, free, and independent media. The Chair of the High Level Panel is the Lord Neuberger of Abbotsbury and its Deputy Chairs are Can Yeginsu and Catherine Amirfar.

Contact the IBA

All routine enquiries should be sent to **iba@int-bar.org**; all membership enquiries should be sent to **member@int-bar.org**

The IBA can be contacted at the following addresses:

London office:

International Bar Association
5 Chancery Lane
London
WC2A 1LG
United Kingdom

Tel: +44 (0)20 7842 0090

Office hours: 09:00–17:30 GMT, Monday to Friday
Visitors by appointment only

Asia office

International Bar Association
Trade Tower, Suite 4306
511 Yeongdong-daero (Samseong-dong)
Gangnam-gu, Seoul, South Korea 06164

Tel: +82-2-6279-8100
Fax: +82-2-6279-8101

Office hours: 09:00–18:00 KST, Monday to Friday

Latin America office

International Bar Association
Rua Helena 170, 14° andar
04552-050 São Paulo/SP
Brazil

Tel: +55 (11) 3046 3321
Fax: +55 (11) 3046 3324

Office hours: 09:00–17:00 BRT, Monday to Friday

North America office

International Bar Association
1667 K Street, NW, Suite 1230
Washington DC, 20006
USA

Tel: +1 (202) 827 3250
Fax: +1 (202) 733 5657

The Hague office

International Bar Association
Nassaulaan 19
2514 JT The Hague
The Netherlands

Tel: +31 (0) 70 737 068