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SUMMARY REPORT OF THE MEETING HELD BY  
THE EUROPEAN ASSOCIATION OF JUDGES - REGIONAL GROUP OF THE I.A.J.

GDANSK (POLAND), 15-16 May 2015

Session of Friday 15<sup>th</sup> May 2015

In attendance were the IAJ President, Ms. Cristina Crespo, the Vice Presidents Mr. José Manuel Igreja Matos and Mr. Duro Sessa, the Honorary Presidents Mr. José Maria Bento Company, Mr. Ernst Markel, Mr. Gerhard Reissner and Mr. Günter Woratsch, the Deputy Secretaries-General Mr. Lucio Aschettino, Mr. Galileo D'Agostino and Mr. Raffaele Gargiulo as well as the following delegates, representing their respective association, which are members of the International Association of Judges and of the European Association of Judges:

ALBANIA	Mr. Hoxha
ARMENIA	Mr. Sargsyan, Mr. Yengibaryan
AUSTRIA	Ms. Matejka
AZERBAIJAN	Mr. Jafarov
BELGIUM	Mr. Van Iseghem, Ms. Lebe-Dessard
BOSNIA AND HERZEGOWINA	Ms. Dević, Mr. Dimitrijević
BULGARIA	Mr. Georgiev
CROATIA	Mr. Kontrec
DENMARK	Mr. Sjoberg
ESTONIA	Mr. Meelis, Ms. Saarmets
FINLAND	Mr. Vanne
FRANCE	Ms. Duval, Ms. Parisot
GEORGIA	Mr. Meishvili, Mr. Nutsubidze
GERMANY	Mr. Juenemann, Mr. Schneiderhan
GREECE	Mr. Almpouras, Mr. Mauridis
HUNGARY	Ms. Halasz
ICELAND	Mr. Magnusson
IRELAND	Mr. Edwards
ISRAEL	Ms. Zfat
ITALY	Mr. Zuccarelli, Ms. Marzagalli
LATVIA	Ms. Ruke
LIECHTENSTEIN	Mr. Nagel
LITHUANIA	Ms. Jocuviene, Mr. Gadliauskas
LUXEMBOURG	Mr. Everling
MOLDOVA	Mr. Turcanu, Mr. Druta, Ms. Pite
MONTENEGRO	proxy to Croatia
NETHERLANDS	Ms. Kaptein, Ms. Van de Schepop
NORWAY	Mr. Storhaug Larssen, Ms. Thune
POLAND	Mr. Kvolikowski, Mr. Piebiek

PORTUGAL	Mr. Latas, Ms. Costeira
SERBIA	Ms. Prjelić, Mr. Hadziomerović
SLOVAKIA	proxy to Hungary
SLOVENIA	Ms. Roblek
SPAIN	Mr. Llarena Conde, Mr. Regadera Saenz
SWEDEN	Mr. Kjellsson
SWITZERLAND	Mr. Stadelmann
TURKEY	Mr. Durmaz
UKRAINE	Ms. Yevtushenko, Mr. Przyaniuk
UNITED KINGDOM	Mr. Blake, Mr. Mackay

At 9.50 Mr. Igreja Matos, being the senior IAJ Vice President, greeted the assembly and gave the floor to the IAJ President, Ms. Cristina Crespo, who announced the absence for health reasons of the EAJ President, Mr. Christophe Regnard, and proposed the assembly to charge Mr. Igreja Matos to preside over the works of the meeting.

Mr. Igreja Matos then gave the floor to Ms. Marszalkowska, who greeted the delegates on behalf of the President of the Polish Association, who could not attend the meeting for health reasons. The Chairperson of the Hotel Gdansk then welcomed the delegates.

Mr. Igreja Matos thanked the Polish Association for its hospitality and organization.

After a roll call, he announced that 40 associations out of a total number of 44 were attending the meeting, directly or by proxy. He then added some words on the structure and functioning of the EAJ for the delegates attending the meeting for the first time.

### **1. Approval of the minutes of the Foz de Iguacu Meeting**

Mr. Igreja Matos asked whether there were any remarks on the minutes of the meeting held in Foz de Iguacu and, having received negative answer, established it as approved.

### **2. Report of the President**

Mr. Igreja Matos referred to the written report of President Regnard, underlining that many of the topics will be discussed under other items of the agenda. He stressed the relevance of the paragraphs concerning the CEPEJ, the situation in Turkey and Ukraine and the budget, announcing that a proposal of modification of the budget was prepared by the IAJ General Secretariat and will be discussed by the Presidency Committee in its forthcoming meeting in Rome, in mid-June.

### **3. Working Group “Ways to Brussels”**

#### **- Report of the President**

Mr. Igreja Matos underlined the four principal topics dealt with by the WG: the reform of the European Court of Justice; the presumption of innocence; the Judicial Scoreboard 2015; the European Prosecutor. He then gave the floor to Mr. Schneiderhan, President of the WG.

Mr. Schneiderhan pointed out that since the installation, in autumn 2014, of the new Commission there had been no news on the legislative side and, therefore, there had been no need for an intervention by the WG and the EAJ.

As to the Judicial Scoreboard, Mr. Schneiderhan noted that it was the base for the EAJ intervention in the *Assise de la Justice*.

As regards the presumption of innocence, the directive under discussion now is not a very well structured document and he proposed to formulate a statement pointing EAJ’s major concerns and possible solutions.

Concerning the European Prosecutor, Mr. Schneiderhan underlined that the main focus of the present debate is on the structure of the office; at the moment EU Member States seem to favor a national approach and the idea that each country should designate its prosecutor on the basis of its own rules.

Mr. Igreja Matos asked whether there were comments, questions or remarks.

Honorary President Reissner noted that the 2014 EAJ declaration on the European Prosecutor stressed the aspect of the independence which now seems threatened by the Member States claim to have their own representatives in the Office.

Mr. Schneiderhan noted that if the members of the Office will be appointed according to national rules, the degree of their effective independence would depend on the level of independence in their respective country.

Mr. Juenemann (Germany) endorsed the position of the Group on the EU Court of Justice.

Mr. Magnusson (Iceland) pointed out that not all EAJ members belong to the EU. He noted that the reform of the Court is controversial and that the EAJ obviously endorses effectiveness but he stressed that due attention must be paid to the way chosen by the EAJ to take part in the debate.

Mrs. Latas (Portugal) underlined that the Court has unacceptable delays, to which the community of judges must react.

Mr. Sessa pointed out that in the debate concerning the reform of the court one aspect deals with the efficiency and the other with how judges are seen by the EU authorities when the members of the Court are elected. The EAJ should stress that judges must be taken into consideration as candidates to the membership in the Court.

As to the judicial scoreboard, Mr. Sessa underlined that it is misleading and misinterpreted in the countries.

Mrs. Roblek (Slovenia) pointed out that not all EAJ members belong to the EU and that the EAJ will interfere in the jurisdiction of the EU and the Member States; therefore it is necessary to make clear that the EAJ is interested in the efficient functioning of the ECJ but does not interfere with European institutions.

Mr. Zuccarelli (Italy) agreed with Mrs. Roblek and stressed also that, since the debate on the reform of the ECJ is taking part mostly behind closed doors, nobody knows exactly all the profiles nor has a comprehensive knowledge.

Mr. Stadelmann (Switzerland) proposed that the WG prepares a document to be adopted in Barcelona.

Mr. Schneiderhan agreed and added that the WG can prepare also a document on the scoreboard to be adopted in autumn.

The Assembly approved both proposals.

As to the directive on the presumption of innocence, being the text really objectionable and the matter urgent, the Assembly decided to deal with it in the present meeting in Gdansk.

#### **4. Working Group on the Situation of the EAJ's Member Associations**

##### **- Report of the President**

##### **- Information about the situation in different countries (Ukraine, Montenegro ...)**

Mr. Erik Meelis took the floor on behalf of the Chairman of the WG, Mr. Stephan Gass.

Ukraine: Mr. Meelis paid a visit to the country together with President Regnard and Mr. Gass. The problem was the *lustration* law, whose scope is to remove from their position judges who for their past behavior could constitute a threat for the new government. The legal framework is not clear and the law has a clear political matrix. As to the procedures, the decision to lustrate a judge is taken by the Ministry of Justice and based on advisory public counsels, which are not independent bodies. Also, the names of the people undergoing a lustration procedure are made public.

Ms. Yevtushenko, President of the Ukrainian association, told the Assembly that nothing changed after the visit of the EAJ representatives.

Honorary President Reissner added that the situation seems pretty confused and many are the stakeholders involved. The Parliament examined the law on the judiciary in an afternoon even though there were 2000 amendments to consider: it is probable that several aspects were not deeply considered. The lustration law is a law on the "cleaning" of the government, whereas the word government has a broad meaning, including minister, judges and public directors. Also,

there are currently three draft laws on lustration: one makes reference to the content of the sentences, another considers also the political background of judges; the third, which takes into consideration the remarks made by the Venice Commission, confers a role to the Supreme Court and adds disciplinary and evaluation aspects, consisting of practical and theoretical examination to be faced not only at the moment of the first appointment but also in the following steps of the career. The crucial aspects are the transitional dispositions: all judges must undergo the evaluation process, by a commission where judges are a minority and the others are exponents of the civil society.

Mr. Hoxha (Albania) took the floor and said that in his country judges faced similar problems in the past, as other former communist countries: there were a lustration law and series of exams. Judges appealed twice to the Constitutional Court and won. The present lustration law, recently approved, is well balanced and is compatible with the will of the people not to have secret services involved with institutional life. Mr. Hoxha therefore offered the experience and cooperation of his association.

Mr. Przyaniuk (Ukraine) added that the government does not dialogue with the judges. The attempts of judges to file an appeal before the Constitutional Court ended in their incrimination before the Supreme Court. The Ukrainian association needs the support of the EAJ against this threat to the independence of judges and would appreciate its intervention before the Council of Europe to make pressures on the Ukrainian government.

Mr. Igreja Matos announced that the WG will prepare an opinion to be approved the following day by the Assembly. Mr. Sessa proposed to add in the text an exhortation to international institutions dealing with the Ukrainian situation to involve the local association of judges.

Mr. Igreja Matos thanked the Assembly and then announced the editing, by the Norwegian association, of a book entitled “The Independence of Judges”, published by “Eleven International Publishing” and meant to celebrate the hundredth anniversary of the Norwegian association.

Belgium: Mr. Van Iseghem (Belgium) took the floor and illustrated the current under-financing of the justice budget in his country. On April 2014 the Belgian government approved a Masterplan to modernise Belgian Justice mainly based on the reduction of judicial districts from 27 to 12, mobility of judges and administrative staff and management, through the establishment of two new bodies, the College of Public Prosecutors and the College of Courts. A new Government took office in October 2014 and announced linear cuts in the budget that let the Colleges with the responsibility of guaranteeing the performing of increased tasks with fewer resources, which seemed unfair to the Belgian Judiciary. The Belgian association therefore asked the EAJ to address a letter to the Belgian Prime Minister and the Minister of Justice, asking an increase of the budget so that the judiciary can perform its duty in a proper, independent and efficient way.

Mr. Almpouras (Greece) noted that also in his country were proposed similar reforms: conspiracy might be a strong word but if one notes the general attitude towards mobility of judges, disguised as imposed by budgetary constraints, the suspect that the true reason is to reduce judicial independence arises.

Mr. Van Iseghem (Belgium) said that the general purpose of the reform is to control the judiciary more than it was done before. When salaries are not touched but the number of judges is reduced, the executive gains control over the judiciary. At present, there is no more a budget to manage but poverty to distribute among courts.

Honorary President Reissner noted that the intention is less important than the consequences: courts cannot work properly and the responsibility is laid on judges, with obvious detrimental effects on the reputation of judges. The CCJE affirmed in several occasions that judges should be given resources to work and the EAJ can recall these principles without stating exactly which is the correct amount to be devoted to justice in each country.

Mr. Storhaug Larssen (Norway) agreed and said that the EAJ can underline that it is important to have a proper financing at general level.

Mrs. Roblek (Slovenia) proposed to add a reference to the fact that the constant reduction of the justice budget jeopardizes not only the quantity but also the quality of settled affaires.

Mr. Igreja Matos asked the WG on the associations to prepare a draft letter to be approved the following day by the Assembly.

Mr. Stadelmann asked, on behalf of the WG, that for the future similar requests are made before the meeting, so to let the WG enough time to elaborate the documents.

Mr. Igreja Matos asked Mr. Van Iseghem to join the group and help with the drafting.

Luxembourg: Mr. Everling took then the floor to inform the Assembly about the approval of a law requesting the consent of a judge before his transfer becomes effective. This happened also thank to the efforts of President Regnard, who addressed the Minister and the President of the Chamber of Deputies to accelerate the reform of the 2012 law granting the President of the Supreme Court the possibility of transferring peace judges in case of impediment of another judge for any reason.

Poland: Mr. Piebiek took the floor to ask the EAJ to take the position of Amicus Curiae in front of the Constitutional Court of Poland. Over the last four years several amendments to the law on the judiciary provided the Minister of Justice with the right to a very broad oversight, which has been called “administrative oversight”, over different bodies of the judiciary. A recent reform approved in February this year grants the Minister of Justice also the authority to access court files and this right can be delegated also to the administrative offices within the Ministry. In the opinion of the Polish association, controlling the course of legal proceedings by a representative of the executive constitutes a serious violation of the rule of law. There is no doubt that asking access to files of a particular case cannot be considered an element of administrative oversight and that it represents a threat to privacy of people, security of information and author law.

Honorary President Reissner noted that in Austria the informatization of judicial files was accompanied by the traceability of the person opening the files.

Mr. Juenemann (Germany) expressed a kind of reluctance in taking position in a running trial before the Constitutional Court.

Mr. McKay (UK) also expressed his concern about the EAJ becoming a party to a litigation.

Mr. Blake (UK) added that the EAJ could intervene if the critical issue at stake was a matter of judicial independence, while in the present case the theme is data protection and the privacy of people. Even though interesting, this issue does not fall within EAJ’s sphere of interest nor could the Association make any relevant statement in an International perspective.

After a debate, Mr. Igreja Matos noted that the only precedent was represented by the IBA Group acting as *amicus curiae* in front of the Inter-American Court for Human Rights, which is an international body and not a national court. To help the Polish colleagues anyway, he proposed to draft a statement on the topic.

Mr. Piebiek thanked the Assembly and said that a statement of support will be useful and can be used in the proceeding too.

Montenegro: Mr. Igreja Matos took note that no delegates of the association were present to the meeting and Mr. Sessa had only a proxy to vote and not to deal with the topic. Mr. Meelis reported on the conclusions of the WG: the association asks an opinion of the EAJ on a new law on salaries in public sector according to which salaries will depend on budget incomes. At this stage this is a draft law and nobody knows how salaries will change concretely. The idea is to write a letter recalling the general principles on independence, burden of work, dignity of the judicial function and then reacts in a stronger way if the law will be approved.

Turkey: Mr. Durmaz informed the Assembly that almost one year and a half ago a trial started in Turkey concerning corruption of several members of the government, Iranian money laundering and arms supply to Syrian rebels. As a consequence, several policemen and judges were transferred in other parts of the country, two judges were arrested for having released policemen involved in the investigations, four prosecutors were arrested for investigating arms smuggling. Other prosecutors and judges had already been removed from their positions but will now be barred from their profession. Moreover, the Government controls the High Council for the Judiciary.

Mr. Stadelmann proposed that the WG on associations studies possible new strategies to be adopted when a country does not react to the usual initiatives of the EAJ.

Germany: Mr. Juenemann informed the Assembly that for the first time the Constitutional Court passed a sentence on the remuneration of judges. In Germany the law fixes the salary of judges and there is no right to strike; therefore, to protest against the level of remuneration it is only possible file a case in front of the administrative court, which, nevertheless, cannot annul a federal law, like the law on salaries. On May 5th, 2015, the Constitutional Court declared the law on salaries unconstitutional and set a framework on how to compose the salary of judges: five parameters shall be analyzed that have indicative value; if at least three of them are fulfilled, the salary is presumed to be below the constitutional requirements. The parameters are: a clear discrepancy between the development of salaries of judges and prosecutors on the one hand and the developments of standard wages in public service, the money wage index as well as the consumer price index on the other, furthermore an internal comparison of salaries as well as a cross-comparison with salaries paid by the Federation or, respectively, by other Laender.

Slovenia: Mrs. Roblek took the floor and informed the Assembly about judicial inspections recently made in the courts and about the modification of the law on courts. Also, a new code Code of Ethics was adopted, contrary to Opinion n.3 of the CCJE.

Mr. Igreja Matos informed the Assembly that the WG “Ways to Brussels” will meet at 15.30 and the WG on National associations at 15.45. The EAJ Assembly will gather again at 16.30.

After lunch, the meeting started at 16.50.

## **5. Monitoring procedure of the members associations**

Vice-President Igreja Matos recalled the history of the amendment of the IAJ Constitution and the abolition of the double membership. The consequence was the introduction of the monitoring procedure that in 2015 will involve all the 83 members of the IAJ. A Commission was established to examine the national reports, presided over Mr. Igreja Matos himself and whose European representatives are M. Almpouras (Greece) and Mr. Zuccarelli (Italy). At the date of April 30<sup>th</sup>, the Commission had received only few reports but it must be noted that undergoing the monitoring procedure, and cooperate to that end, is mandatory under the IAJ Constitution and Regulations. Only 19 European national associations out of 44 answered the questionnaire: Greece, Finland, Norway, Turkey, Portugal, Luxembourg, Israel, Italy, France, United Kingdom, Croatia, Germany, Austria, Switzerland, Slovenia, Lithuania, Georgia, Spain, Netherlands. Until the present day, the ANAO associations practically did not answer and Ibero-American and African associations also sent few reports. It will be hard to have a complete general report by October, for the Central Council meeting.

President Crespo underlined that the monitoring is also an opportunity to better focus the IAJ works towards the real needs of member associations.

The Italian delegate, Mrs. Marzagalli, took the floor to ask the support of the EAJ to the request of the European Association of Registrars and Clerks to review the recommendation R (86) 12 “about certain measures to prevent and reduce the overload of work in the Court Houses”: the updating of this recommendation will allow the transfer to other bodies of some task currently performed by judges. As a matter of fact, according to the European Commission for the Efficiency of Justice, Italian judges are among the most productive in Europe; nevertheless, the number of pending case is the largest in Europe. The government accused judges to be the cause of such a slow pace and of not working enough and, therefore, reduced their holidays. Italian judges, on the contrary, think that the deregulation of simplest issues will reduce the workload and this is why they support registrars and clerks in their efforts towards a revision of recommendation R (86) 12.

Mr. Zuccarelli (Italy) added that the main problem is the lack of a clear definition of sustainable workload: in Italy, the *Associazione Nazionale Magistrati* and the High Council for the Judiciary set

technical commissions to fix the workload and the High Council adopted several statements on this topic. It must be noted with concern the current tendency in the international community to attribute to judges the malfunctioning of justice and to intervene on salaries and number of courts to reduce their independence, described as undeserved.

Mr. Almpouras (Greece) suggested adding a reference to the management of workload in the charter of rights of judges.

#### **7. Discussion on the CEPEJ 2014 report**

Mr. Igreja Matos underlined the need for the EAJ to be more present and involved, as the CEPEJ is a body of increasing importance.

#### **8. EAJ works relating to the IAJ pluriannual programm 2015-2018**

##### **Procedure to update the universal charter of judges (IAJ 1999) and the judges' charter in Europe (EAJ 1993)**

Mr. Igreja Matos informed the Assembly that President Regnard is coordinating the initiative, which will be discussed also in the next PC meeting in Rome, mid-June.

##### **Environmental law: proposition from IBA president of an international conference in Rio April 2016**

IAJ President Mrs. Crespo took the floor and informed the Assembly that after the conference held in Foz de Iguacu last year, Vice-President De Menezes was appointed by the PC to follow the activity. The organization led by Justice Benjamin is organizing a conference in Rio in 2016 and wishes the participation of at least one delegate from each association belonging to the IAJ.

The PC is evaluating possible institutional forms of cooperation: since the establishment of a fifth Study Commission does not seem a feasible project, any suggestion by the IAJ members would be welcomed.

Mr. Juenemann (Germany) wondered whether the IAJ needs to dig deeply in environmental law, since the association as such is not specifically interested in pollution issues. Mr. Stadelmann (Switzerland) warned on the risk of establishing study groups for any possible sector of law. Mr. Magnusson (Iceland) recalled that there is an invitation to the conference in Rio, which means that every association is free to decide whether to participate or not and he added that, in any case, there isn't any problem with the mandate of the IAJ.

President Crespo underlined that what is expected from the IAJ is the specific experience and perspective of the judges charged to deal with environmental issues.

##### **Judges against corruption**

Mr. Igreja Matos told the Assembly that he was charged by the PC to manage the realization of this point of the pluriennial program. The IAJ must have a positive approach and focus on transparency and integrity. In some parts of the world and, therefore, in some regional areas corruption is a major topic, there is the perception of corruption among judges and the associations must fight against this perception. It is not easy to tackle the question, also because there are no financial resources available. The International Bar Association, in partnership with the OECD, the UN Office on Drugs and Crime and other international institutions, has a project on fight against corruption, has resources and is organizing conferences and meetings. IBA contacted the IAJ to share views and experiences and cooperation with it could be a good start. The contacts happened between the Presidents of the two organizations and the idea is that any intervention in any country must be accepted by the local association. The IAJ could only approach local situations in a technical manner (training, definition of best standards or good practices, for instance) encouraging transparency and integrity.

The main regions concerned are South America, Asia, Africa, French-speaking countries. Is there interest and need of possible initiative in Europe?

Honorary President Markel welcomed the renewed interest for anti-corruption, after the establishment, fifteen years ago, of a special committee within the IAJ, presided over by him and never activated by any association.

President Crespo suggested to work on the definition of the typical conducts and to draft a manual and added that in the Ibero-American Group there is a specific interest on this issue by Peru and Nicaragua.

Mr. Hoxha (Albania) took the floor and said that the topic of corruption is a serious one in his country and that the association needs help on how to tackle with this widespread perception of the corruption within the local judiciary.

Vice-President Sessa encouraged every interested association to identify exactly its problems in order to help the EAJ offering a concrete support.

Mr. Hoxha thanked and said that the Albanian association will identify properly the problem and will then discuss with the EAJ the efficacy of possible responses.

## **9. Future meetings: IAJ Spain 2015; EAJ – Israel 2015**

Mr. Igreja Matos proposed to deal with this topic the following day. The Assembly approved.

## **6. Discussion on the report “What situation for Justice in Europe ?”**

Mr. Igreja Matos gave to floor to Mrs. Parisot (France) who summarized the main aspects of the report. The authors were herself, Mrs. Valton (France), Mr. Juenemann (Germany) and Mr. Blake (UK). 19 national associations answered the questionnaire, made of three parts: independence, finances and budget, composition and activities of the national associations. Mr. Blake added that it is possible to find several convergences as to the insufficiency of salaries and budgets and that there is a clear and obvious link between the salary issue and corruption, although it is really difficult to set an initial parameter to measure what is a fair remuneration. Mrs. Parisot informed the Assembly that President Regnard suggests forwarding the report to European institutions and to local authorities through national associations.

Mr. Igreja Matos thanked the rapporteurs and closed the meeting at 18.10.

Session of 16 may 2015

The meeting was opened by Vice-President Igreja Matos at 10.15.

In attendance were the IAJ President, Ms. Cristina Crespo, the Vice President Mr. Duro Sessa, the Honorary Presidents Mr. José Maria Bento Company, Mr. Ernst Markel, Mr. Gerhard Reissner and Mr. Günter Woratsch, the Deputy Secretaries-General Mr. Lucio Aschettino, Mr. Galileo D’Agostino and Mr. Raffaele Gargiulo as well as the following delegates, representing their respective association, which are members of the International Association of Judges and of the European Association of Judges:

ALBANIA	Mr. Hoxha
ARMENIA	Mr. Sargsyan, Mr. Yengibaryan
AUSTRIA	Ms. Matejka
AZERBAIJAN	Mr. Jafarov
BELGIUM	Mr. Van Iseghem, Ms. Lebe-Dessard
BOSNIA AND HERZEGOWINA	Ms. Dević, Mr. Dimitrijević
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GERMANY	Mr. Juenemann, Mr. Schneiderhan
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HUNGARY	Ms. Halasz
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TURKEY	Mr. Durmaz
UKRAINE	Ms. Yevtushenko
UNITED KINGDOM	Mr. Blake, Mr. Mackay

Mr. Igreja Matos gave the floor to Honorary President Reissner to explain the assembly the work done by the WG on the associations. Mr. Reissner told the assembly that the WG prepared a resolution on the situation in Ukraine; a letter on the law on salaries recently approved in Montenegro; a letter to the Belgian authorities concerning the reduction of the justice budget in the country. As regards Poland, the WG prepared a statement regarding the dangers coming out from the law provision granting access to judicial files to the Minister of Justice.

Honorary President Reissner then commented the resolution on the situation in Ukraine, which was read by the Irish delegate Mr. Edwards.

Mr. Igreja Matos asked whether there were comments or remarks and, after receiving a negative answer, called for an open vote. The resolution was approved unanimously (Anx. 1).

Honorary President Reissner then commented and read the draft letter to the authorities of Montenegro.

Mr. Igreja Matos asked whether there were comments or remarks and, after receiving a negative answer, called for an open vote. The text of the letter was approved unanimously (Anx. 2).

Honorary President Reissner passed onto the situation in Turkey and underlined that the ordinary means of action of the EAJ (letters to the national authorities and to international institutions, resolutions) had all been used with no concrete impact on the situation. The WG, therefore, examined on one side what are, in general, the other possible means available to the EAJ when letters and resolutions are not successful; and on the other which further concrete steps should be taken to address the situation in Turkey.

As to the first profile, several proposals were made, including informal contacts of the EAJ member associations with their respective governments and convening an international press conference, if possible together with other NGOs concerned by the situation in the country. The WG ended up its reflection noting that the time was not enough to elaborate a comprehensive strategy and committing itself to drafting a document with a set of tools to be used in cases like this. The contribution of national associations will be greatly appreciated.

As to the concrete situation in Turkey, it is extremely difficult and serious because external pressures do not seem to influence the Turkish authorities. It was proposed to involve the Turkish Bar in Istanbul about the initiatives of the EAJ and also to ask the EAJ member associations to address their local media. A debate followed with the participation of Vice-President Sessa, Mr. Durmaz (Turkey), Ms. Matejka (Austria), Ms. Van de Schepop (Netherlands), Honorary President Reissner, Mr. Almpouras (Greece) and Mr. Hoxha (Albania). At the end, Mr. Igreja Matos summarized the proposals consisting of two possible platforms of action, one directed towards European institutions and the other internal, to each country.

Honorary President Reissner recapitulated the situation: there was enough information on what was going on in Turkey, so that the credibility of the EAJ would not be jeopardized: two judges decided to release persons accused of terrorism because of their investigations on corruption within the government and these decisions were declared void by another court. Also the two judges were accused of terrorism as well and were arrested. Among the proposals emerged in the debate there was to inform national media in European countries as well as European institutions about the fact that the EAJ strongly protests against the arrest and detention of judges for decisions taken in the accomplishment of their judicial functions. Also, concrete steps should be taken to organize a meeting with the EU Parliament to discuss what is happening in Turkey. Therefore, the initiatives in support of the Turkish colleagues will be a press release by the European Association of Judges, press releases by the member associations at national level, contacts with European institutions and activities with the European Parliament.

After a debate, the Assembly decided that the simultaneous national press releases will take place on 29<sup>th</sup> May.

Mr. Van Iseghem (Belgium) took then the floor to read the draft letter (Anx. 3) to be sent by the EAJ President to Belgian authorities concerning the reduction of justice budget. Mr. Almpouras (Greece) proposed to add in the text a reference to the fact that the efficient functioning of the justice system is also a “civil right”. The Assembly approved and the General-Secretariat will inform the EAJ President.

Mr. Igreja Matos then came to the report of the WG “ways to Brussels” on the presumption of innocence. The text was distributed to all delegates and Mr. Igreja Matos asked whether there were comments or remarks. Having received a negative answer, he called for an open vote and the document was approved unanimously (Anx. 4).

Honorary President Reissner took the floor to illustrate the statement condemning the transfer of judicial files to the Polish Minister of Justice. Mr. Igreja Matos asked whether there were comments or remarks. Having received a negative answer, he called for an open vote and the document was approved unanimously (Anx. 5). Mr. Piebiek took the floor to thank the Assembly.

Honorary President Reissner then read the draft text of the resolution on Turkey. Mr. Igreja Matos recalled the proposal of the Serbian delegation to inform of the resolution also the European Network of Judicial Councils and asked the Assembly whether it approved this proposal. The Assembly agreed.

Mr. Juenemann (Germany) expressed the fear that the Turkish Government will react affirming that the two judges were arrested on other grounds, thus giving the EAJ the lie. Mr. Igreja Matos said that it is a calculated risk and that it should not impede the EAJ to act in support of the arrested colleagues.

Mr. Igreja Matos then proposed to pass onto the examination of another point of the agenda while Mr. Reissner will do some corrections to the draft resolution.

## **9. Future meetings:**

Mr. Llarena Conde, President of the *Asociación Profesional de la Magistratura*, and Mr. Jimenez Fernandez, Executive President of the Foundation “Justice in the World”, took the floor to inform the delegates about the ongoing preparations for the Central Council meeting of October in Barcelona. They underlined the necessity to book the rooms well in advance, since Barcelona will host in the same period other important international events. The meetings will take place in

a well organized conference centre, not far from the commercial area and the centre of the town. The conference centre will host also an exhibition of Egyptian art.

The meeting will start on Sunday and on Monday the opening ceremony will take place. There will be a dinner with the Mayor and a private tour of the *Sagrada Familia*. On Wednesday there will be the farewell party and a visit to the *Palacio Nacional* (seat of the Museum of art of Catalonia) with a special, dedicated, illumination of the Montjuic fountain.

The working sessions will take place in the morning so to let the delegates free to see the town in the afternoon (after 15.30-16).

The Royal Palace accepted the honorary presidency of the event but it did not confirm the presence of the King of Spain yet.

Tuesday will be a free day.

Mrs Zila Zfat took then the floor to illustrate the main attractions of Israel, where the spring meeting of 2016 will take place. The Israeli association did not decide yet in which city the meeting will be held, but the program will be for sure interesting and exciting.

Mr. Igreja Matos thanked the Spanish and Israeli delegations and then informed the Assembly that the final text of the resolution on Turkey was ready. After Mr. Reissner read the text, Mr. Igreja Matos called for an open vote and the Assembly approved the resolution unanimously (Anx. 6).

#### **10. Miscellaneous**

Having noted that there were no issues under miscellanea, Mr. Igreja Matos thanked again the Polish association for the perfect organization of the event and closed the meeting at 12.45.

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José Manuel Igreja Matos  
Vice-President of the IAJ

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Lucio Aschettino  
Deputy Secretary-General

Enclosures:

1. Resolution on Ukraine
2. Letter to the authorities of Montenegro
3. Letter to the authorities of Belgium
4. Statement on the presumption of innocence
5. Statement on the Polish law allowing the transfer of judicial files to the Minister of Justice
6. Resolution on the arrest of two Turkish judges