



## GREETINGS FROM THE NEW I.A.J. PRESIDENT



Dear colleagues,

It is with a great sense of pleasure that I address you, for the first time, in this newsletter, in my capacity as President of the IAJ.

The congress of Mexico City, which was remarkably organized, is still vivid in our recollections. It enabled us to show, once more, our solidarity towards the judges and prosecutors who have been wrongfully blamed, prosecuted, transferred in their functions, and in some instances imprisoned. A thought goes out to our colleagues who perform their duties in zones which have become dangerous, risking their lives to defend the independence of the judiciary.

We must support our African colleagues working in Mali, Niger and in the Maghreb countries, who endanger their lives, fighting against globalized terrorism. The African group of the UIM is particularly concerned about this situation.

In the recent past, we also supported our Venezuelan colleague Maria Lourdes Afiuni. The IBA Group continues its actions, intervening with the Inter-American Court of Humans right. We hope that this intervention will have positive results.

The situation in Iraq, is also of concern, especially the disciplinary actions brought against the president of the association, following remarks which denounced the corruption of high level political leaders which led to his replacement as head of the association by members designated by the high council of Justice. The investigations continue within the ANAO group, and by its President, to find out the most effective way to help our colleague and to support the Iraqi association.

Of grave concern is the situation in Turkey, and the fate of our unhappy colleagues and their families. In a few days, the fund created to assist and support the judges, decided in Mexico City by the EAJ, will be set up. The ad hoc working group entrusted to set it in operation have done a terrific job. I make a point of thanking their members. I encourage each and every one of you to contribute towards this fund, which will be initially used to support our Turkish colleagues.

The creation of this fund and an article that I wrote in November, for a Turkish Internet site, announcing the creation of this fund, triggered a violent reply from the Turkish authorities, accompanied by explicit threats, from the president of the new and pro-governmental association of judges and prosecutors (YBD). These threats included criminal prosecutions against the members of the IAJ Presidency Committee for allegedly supporting terrorism. The IAJ answered firmly to these unfounded and fallacious criticisms.

Despite these concerns, the work of the IAJ continues, of which two examples are mentioned, namely, in February 2017, the IBA group will continue the reflection started in Recife and Mexico City on the topic of corruption, by co-organizing with our Peruvian colleagues an international conference in Lima.

The project pertaining to the universal charter on the statute of judges will be sent to you soon, in order to enable you to discuss it at the regional groups meetings next spring, so that it can be adopted in Santiago, Chile in November 2017. I sincerely thank the members of the working group, which I had the honour to chair, for the quality of their reflections and deliberations.

Regional meetings will thus be of importance next year. I have the pleasure of meeting you next in Toluca (Mexico) for the meeting of the IBA group, in Africa for the meeting of the African group, in Chisinau (Moldova) for the meeting of the EAJ, whereas an online meeting will take place among the members of ANAO group.

In anticipation of our next meeting, I wish you a prosperous 2017.

*Christophe Régnard*  
*President of the IAJ*

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## MEETING OF THE CENTRAL COUNCIL – MEXICO CITY



The Central Council of the I.A.J- met in Mexico City, in the framework of the 59<sup>th</sup> Annual Meeting of the I.A.J. on 17, 18 and 20 October, 2016; we give here a short summary of the main points on the agenda.

### **Opening of the meeting**

After the official opening ceremony—during which the President of Mexico, Enrique Peña Nieto, IAJ President Cristina Crespo and IAJ Secretary-General Oberto took the floor—President Crespo opened the meeting of the Central Council, by welcoming all present. She then invited the Assembly to observe a minute of silence in memory of Mr. Nsambayi Lukusa Mutenda, President of the Congolese *Syndicat National Autonome des Magistrats du Congo (SYNAMAC)*. She then congratulated Ms. Louise Mailhot, to whom the ANAO Group granted the “Louise Mailhot Medallion” for her activities. President Crespo then gave the floor to Mr. Edgar Elias Azar, President of the *Comisión Nacional de Tribunales Superiores de Justicia de los Estados Unidos Mexicanos (CONATRIIB)*, who delivered a welcome speech to the Assembly.

### **Preliminary activities and information**

After the usual activity of checking votes and proxies, three delegates were appointed to count the votes and two auditors were chosen to examine the accounts and the financial report and to report. The Secretariat-General then gathered and announced to the Assembly all candidatures for President, six Vice-Presidents, Secretary-General and Deputy Secretaries-General. President Crespo informed the Assembly that delegates could make their speeches of endorsement in this session or the following day.

After the Approval of the minutes of the meeting held in Barcelona, the Assembly discussed the written reports which had been previously submitted by the President, the Secretary-General and the Vice-Presidents responsible of the Regional Groups.

Ms. Crespo also underlined that the Italian association (ANM) gives an important support to the functioning of the General Secretariat, crediting each year an extra amount of € 12,395. The IAJ is extremely grateful to the ANM and congratulates it on its tight relationship with the IAJ.



### **Decisions concerning membership: Guatemala, Mauritania, Sao Tomé e Príncipe**

Secretary-General Oberto informed the Assembly that, according to article 5.2 of the Constitution and the decision taken by the Central Council in 2015, since the Association of Guatemala did not settle its arrears, it should be considered as expelled from the IAJ. President Crespo added that the IBA Group attempted several times to contact the Guatemalan Association, with no result. Therefore, there was no argument to preserve the membership. At the end of a debate, the Central Council took note that the Guatemalan association was no more member of the IAJ.

President Crespo invited the rapporteurs on the application of the Mauritanian association to take the floor. Ms. Viviane Lèbe Dessard explained that the first rapporteur, Mr. Aziz Seck (Senegal), was not included in his national delegation, and then summarized the content of the report (distributed to the IAJ members on July 9, 2016), concluding with the recommendation to admit the association. After a debate the Association of Judges of Mauritania was admitted by the Central Council as an IAJ member. The delegates of Mauritania were invited to join again the meeting and they delivered a speech, thanking the Central Council.

President Crespo then gave the floor to Vice-President De Menezes, first rapporteur on the application submitted by the association of Sao Tome (the second was Mr. Mombélé Messey, Ivory Coast). He summarized the content of the report (distributed to the IAJ members on July 12, 2016), concluding with the recommendation to admit the association. After a debate President Crespo opened the vote and the Association of Judges of Sao Tome was unanimously admitted by the Central Council as an IAJ member. The delegates of Sao Tome were invited to join again the meeting and they delivered a speech, thanking the Central Council (further information on this topic is provided below).





### **Election of the President, First Vice-President and other Vice-Presidents, Secretary-General and Deputy Secretaries-General**

The Secretary-General, upon delegation by the President, introduced this item by recalling the statutory provisions on elections. He added that there was only one candidate for the post of President of the IAJ, i.e. First Vice-President Christophe Régnard. Mr. Régnard was elected President by acclamation. Mr. Régnard took the floor to thank the assembly. Mr. Régnard took on the chair of the session and called for an open vote on the candidatures for the posts of Secretary-General and Deputy Secretaries-General. Mr. Oberto was re-elected by acclamation Secretary-General of the IAJ. Mr. D'Agostino, Mr. Gargiulo and Mr. Aschettino were unanimously re-elected Deputy Secretaries-General.

Secretary-General Oberto then recalled the rules for the election of the IAJ Vice-Presidents and, in particular, the obligation to include in every vote at least one candidate of each Regional Group. He then listed the names of candidates for the posts of Vice-President. Elections followed by secret ballot. After that, the commission of delegates elected to count the votes performed its task. President Régnard asked the assembly to designate the former President, Mrs. Cristina Crespo, as Honorary President of the IAJ. The assembly approved by acclamation. Following the results of the elections by secret ballot, Mr. De Menezes (69 votes), Mr. Musi (69 votes), Mr. Pagone (69 votes), Mr. Igreja Matos (67 votes), Mr. Sessa (67 votes) and Mr. Sjöberg (44 votes) were elected IAJ Vice-Presidents. President Régnard then asked whether there were candidatures for the post of First Vice-President. The Canadian delegation proposed the candidature of Vice-President Pagone and the delegates of the associations of Portugal, USA, Brazil and Bermuda took the floor to endorse the proposal. President Régnard took note that there were no other candidates and called for an open vote. Mr. Pagone was elected by acclamation First Vice-President of the IAJ.

The delegation of the Panamanian Association took the floor to give a recognition to Honorary President Crespo, to Mr. Elias Azar and to the Mexican Association.



### **Priorities for the work of the Presidency Committee and I.A.J. for the triennium 2015-2017**

President Régnard informed the Central Council about the works for the updating of the Universal Charter of the Judge. He explained the main structure of the revised Universal Charter, where there are some new articles, an introduction and references to international instruments. The new articles concern irremovability, the High Councils for the Judiciary, the resources for justice and administration of courts, the security of judges, the respect of decisions by politicians, the workload. The idea of the working group is to finalize the text before the springtime meetings of the Regional Groups and to adopt the new Charter during the Central Council in 2017.

Vice-President Igreja Matos took then the floor to illustrate the projects on corruption: the Associations of Argentina and Chile are interested in organizing events after the conference that will take place in February in Lima, Peru. He explained also the structure of the conference, which will have two panels, one for Latin America and one for the rest of the world. One of the guests of the conference will be Mr. David Rivkin, President of the International Bar Association.

President Régnard finally mentioned the efforts made by the members of the Presidency Committee to encourage the adhesion of new members to the IAJ and to foster the establishment of associations of judges in countries where they do not exist at all. The Presidency Committee is considering the drafting of a model constitution to be proposed as an example to judges in these countries.

**Budget of the International Association of Judges. Report by the auditors**

The IAJ Treasurer, Mr. Galileo D'Agostino, took the floor to inform the Central Council about the balance sheet and the budget for next year. He underlined that there were no excesses of items at the date of the meeting. As to the new budget, the Presidency Committee decided to grant a bonus of 10,000 Euro to finance translations for the Study Commissions. Therefore, there is a new item in the budget for these translations and only for them: the bonus will be given only if the translation service for the Study Commissions is organized.

Finally Mr. D'Agostino illustrated the general trend in the payment of annual contributions. President Régnard thanked Mr. D'Agostino for the excellent work done. No remarks were made by the Central Council on the report and, upon proposal of the IAJ President, the Assembly unanimously approved it as well as the draft budget for the year 2016-2017 (enclosure).

Upon recommendation of Justice Barone and Justice Marzagalli, who were appointed by the Central Council to audit the accounts, the Assembly unanimously approved the financial report and the closed budget for the year 2015-2016 and discharged the General Secretariat of any responsibility in this respect. President Régnard expressed a special thanks to the Treasurer and the Assistants to the General Secretariat for the accurate keeping of the accounts.

**Monitoring procedure (Article 13, § 9 of I.A.J. Regulations)**

Vice-President Igreja Matos summarized the content of his report and underlined that the compilation of the periodical report is mandatory for IAJ members. Secretary-General Oberto explained where to find the report in the IAJ website. Upon request of Mr. Freiburghaus (Switzerland) who asked what the consequences would be for the associations that did not fill in the report, Mr. Igreja Matos said that the EAJ decided to notify the interested associations a deadline of three months, after which the EAJ will charge a rapporteur. President Régnard added that the Presidency Committee decided that the Regional Groups should deal with the matter first.

**Reports by the Presidents of the Study-Commissions. Selection of the new subjects**

President Régnard called on the Presidents of the four Study Commissions to report on the conclusions of the Commissions on their respective subjects: "The best practices within the judicial system for ensuring transparency and integrity and preventing corruption" (1<sup>st</sup> Study Commission: Ms. Roslyn Atkinson); "Class action" (2<sup>nd</sup> Study Commission: Mr. Thomas Cyr); "Sentencing of criminal offenders" (3<sup>rd</sup> Study Commission: Mr. Chuck Simpson); "Social networks and labour relations" (4<sup>th</sup> Study Commission: Mr. Philippe Bron).

The Presidents also proposed the subjects to be dealt with by the Study Commissions in 2017: "The threats to the Independence of the judiciary and the Quality of Justice: workload, resources and budget" (1<sup>st</sup> Study Commission); "The use of technology in civil litigation matters" (2<sup>nd</sup> Study Commission); "The Sentencing of Criminal Offenders, part II" (3<sup>rd</sup> Study Commission); "Flexible and emerging labour relationship" (4<sup>th</sup> Study Commission).

The Central Council approved the conclusions as well as the proposed topics for 2017.

All materials concerning the Study Commissions and their organisational charts are available in our web site.

**Meetings of the IAJ in the next years**

President Régnard recalled the rules for the presentation of candidatures to host the annual IAJ meeting and informed the Assembly that the Association of Chile applied to organize the 2017 Central Council meeting.

Mr. Delgado (Chile) took the floor to present the candidature. Upon request of President Régnard, Mr. Delgado added that the meeting will take place in Santiago on 12<sup>th</sup> – 16<sup>th</sup> November.

**Situation in Turkey**

President Régnard took the floor to inform the assembly about the situation in Turkey and the news received from the lawyer of Mr. Arslan. He added that the EAJ prepared a draft resolution, translated also in French and Spanish, for the approval by the Central Council. He then gave the floor to Mr. Gass, who illustrated the text to the assembly. After a debate, the Central Council unanimously approved the document (see ANNEX I) and decided to address it specifically to each of the international organizations here mentioned: the UN, the EU and the Council of Europe.

President Régnard then added that the Presidency Committee decided to send a letter to the Turkish authorities concerning the arrest and detention of the President of Yarsav, to protest against the arrest. The Central Council unanimously endorsed the decision.

**Establishment of a special "provident fund" for Turkish to help European judges, and their families, in difficulty**

President Régnard informed the Central Council about the debate that took place within the EAJ on the establishment of a special "provident fund" to help European judges, and their families, in difficulty because of the fulfilment of their institutional duties. Into the special fund would flow money coming from the EAJ budget, from donations by member associations or third parties, and it would be used to cover costs for the legal counsel or for the assistance to the families of dismissed and imprisoned judges. The EAJ Working Group on the situation of member associations prepared a draft regulation of the fund, which foresees the creation of a Committee charged to decide who will benefit in concrete of the resources of the fund. The requirement to accede to the fund is that the judge is unfairly dismissed because of the legitimate exercise of his/her judicial functions.

Mr. Régnard explained that it was necessary to obtain the approval of the fund by the Central Council, because the IAJ Constitution does not allow requesting money from national associations without the consent of the Council and because the fund can be created only within the general budget of the IAJ, since Regional Groups do not have individual budgets.

He then asked whether there was any contrary vote or abstention and, having received a negative answer, stated the motion on the establishment of a special provident fund as unanimously approved.

President Régnard concluded the session thanking the Mexican association for the perfect organization of the meeting, the simultaneous translations for the Central Council, the Regional Groups and the Study Commissions, the visit to Teotihuacán.

## TWO NEW MEMBERS JOINED I.A.J. IN MEXICO CITY

During the session of the Central Council on 18<sup>th</sup> October 2016 in Mexico City two new members joined I.A.J.

### Mauritania



The *Club des Magistrats Mauritaniens* submitted on 7<sup>th</sup> July 2014 an application for membership. By decision of the Presidency Committee in June 2015, Mr. El Hadji Abdou Aziz Seck, a Senegalese Judge and Viviane Lèbe Dessard, honorary judge in Belgium, were appointed rapporteurs. Given the geographical proximity and the common language, the Senegalese rapporteur visited Nouakchott, capital of the Islamic Republic of Mauritania from 20 to 23 December 2015.

The *Club des Magistrats Mauritaniens* (CMM or the Club) was established under an agreement signed on 5<sup>th</sup> February 2014, concerning the merger of the two entities that existed previously. After the adoption of the statutes by the General Meeting of 22<sup>nd</sup> February 2014, the Club's governing bodies were elected on March 2<sup>nd</sup>, 2014.

Under Article 1 of the Club's statutes, the entity is "a non-political association of unlimited duration, autonomous in its operations," whose objectives are, among others, the strengthening of respect and instead of judicial authority; the defence of autonomy and respect for the judiciary; the realization of the rule of law and the preservation of the rights and freedoms (Article 4 of the statutes). The bodies of the CMM are the General Meeting, the Board of the Club and the Executive Board. The General Assembly, which includes all active members of the Club, meets in ordinary session every three years, and in extraordinary session convened by the president of the Club Board, the Executive Board or on the initiative of a third (1/3) of the members of the Club of the Council (Article 13 of the bylaws).

The *Club des Magistrats Mauritaniens* is the only judicial association in the country. It includes judges and prosecutors of the ordinary jurisdiction and those of the Court of Auditors. It has currently 253 members out of 293 judges and prosecutors that account Mauritania.



### Sao Tomé e Príncipe



In 2015 the International Association of Judges received an application from the Association of judges of São Tomé and Príncipe for its admission. In Barcelona in October 2015, the Presidency Committee decided to appoint Vice President Rafael de Menezes, from Brazil, and Mr. Momblé Messey, from Ivory Coast, as rapporteurs. The applicant association, named Assimajus, receives its funds from the contribution of its members.

A total of 23 members are registered out of the 27 judges of São Tomé and Príncipe (including judges, counsellors and retired judges). They also come from donations of public institutions (Supreme Court of Justice, Ministry of Justice and the government) and from a private financial institution (BISTP – International Bank of São Tomé and Príncipe) to bear travel expenses of the members for their participation in seminars, professional association activities and academic activities.

As for the initiatives of the association, debates and round tables have been organized to discuss current issues of São Tomé, such as domestic violence and civil partnerships. Similarly, the Assimajus promotes the defence of judges targeted by disciplinary procedures of the CSMJ, through hired lawyers. The association also communicates with the government and the National Assembly to improve and change work conditions and in legislative proposals. Lastly, Assimajus organizes social meetings and events for judges.





## MEETING OF THE PRESIDENCY COMMITTEE – MEXICO CITY



The Presidency Committee of the IAJ met in Mexico City, in the framework of the 59<sup>th</sup> Annual Meeting of the I.A.J. in three different occasions, dealing with the usual business concerning the management of our organization (reports by the President, the Secretary-General, the Vice Presidents in charge of the four Regional Groups; the budget; organization of the sessions of the Central Council; organization of the election process, etc.). Beside this, the Presidency Committee had some meetings with representatives of other organisations; we give here a short summary of some of these activities.

### **Meeting with the International Association of Prosecutors (IAP)**

Vice President for Latin America of the International Association of Prosecutors (IAP), Mr. Manuel Pinheiro Freitas, was invited to a meeting with the Presidency Committee during the session of this body. He introduced himself and said few words about IAP, underlining the similarity of the goals of his association

and of the IAJ.

Honorary President Reissner stressed the importance of Mr. Freitas' presence, because it was the first time that IAP was invited to an IAJ meeting and this happened because of the relevance of the topic dealt with by the international conference (corruption within the judiciary). Mr. Reissner mentioned possible occasions of cooperation, such as those offered by the Vienna based International Anti-Corruption Academy, which is working on the idea of accountability of public servants and judges and is planning some events for next year (2017), when Austria will exercise the function of the OSCE Chairmanship.

President Crespo informed the Presidency Committee and Mr. Freitas about her contacts with the OAS Department of Legal Cooperation, which is in charge of controlling the accomplishment of international treaties on anti-corruption.

Vice President Igreja Matos told Mr. Freitas that "judges against corruption" was one of the focuses of the current triennium (2015-2017) and the IAJ organized several conferences and seminars around the world. The next event will take place in Lima, Peru, on 22-24 February 2017. The program is almost ready and will be disclosed in a short while. The attendance of representatives of IAP would be greatly appreciated, as there already ongoing contacts with other professionals of justice, such as the International Bar Association.

### **Meeting with Ms. Adriana Orocu (Costa Rica)**

The Presidency Committee had a meeting with Ms. Adriana Orocu (Costa Rica), who is quite expert of the hearings procedure in front of the Inter-American Commission for Human Rights, called to give some information useful to address the theme of the right to form judges associations in Venezuela. Ms. Orocu underlined that when an organization participates to a thematic hearing in front of the Commission, it is important to have a strategy and to be ready to explain the issue to the Commissioners in a very short time (about 20 minutes). The Commissioners do not necessarily know the context of a case and the language used by the speaker and only two are familiar with justice issues.

President Crespo explained that the objective of the IAJ was to obtain a consultative opinion of the Inter-American Court on the right of judges to form associations. Ms. Orocu stressed that Venezuela is one of the countries less compliant with the decisions of the Court. Nevertheless, a consultative opinion would be useful to soften up the attitude of the Government of Venezuela. Also, the Commission drafts every year a report on the situation of justice in the OAS countries and it would be a great result to have a paragraph in it dedicated to the right to form associations in Venezuela. Ms. Orocu added that she has contacts with the *Centro por la Justicia y el Derecho Internacional* which could sustain the IAJ hearing.

President Crespo thanked Ms. Orocu for her informative report.

### **Meeting with the President of the International Bar Association**

The Presidency Committee decided to have a meeting with Mr. David Rivkin, President of the International Bar Association (IBA). During this event, Vice President Mr. Igreja Matos summarized the activities carried out by the IAJ on the issue of corruption and underlined the importance of the experience of lawyers and the symbolic meaning of their cooperation with an association of judges. This is why IBA was invited to the forthcoming conference in Lima (22-24 February 2017). Mr. Rivkin replied that IBA would send a qualified, Spanish speaking, representative. Mr. Igreja Matos then mentioned projects in Argentina and in Europe. Honorary President Reissner added some words on the IAJ relationships with the International Anti-Corruption Academy and on the idea of a common conference for judges, prosecutors and maybe lawyers.

Mr. Rivkin then took the floor to illustrate IBA's activities on corruption, among which a project concerning the collection of case studies of investigations on judicial corruption run by the London office of the IBA, with the cooperation of the International Association of Prosecutors and UNODC.

He added that several countries are not even conscious of having a corruption problem and that in some other cases the bars feel uncomfortable in approaching the judges to discuss the issue of corruption. He asked the IAJ to send a note to the judges of Korea to introduce the activities of IBA. Ms. Crespo said that, even if Korea is not an IAJ member, the IAJ Presidency Committee might try to establish some contacts with the local judiciary.

The Presidency Committee decided to send to IBA the conclusions of the 1<sup>st</sup> Study Commission of the I.A.J.

## MORE SOLIDARITY INITIATIVES ABOUT YARSAV FROM ALL AROUND THE WORLD



Since the publication of last issue of our Newsletter (2/2016) the number of solidarity initiatives concerning YARSAV has been increasing in the last weeks:

- ENCJ suspends the HSYK because this council “is no longer an institution which is independent of the executive”
- Letter of the Platform on Turkey to the ENCJ President
- Resolution of the Polish Judges’ Association IUSTITIA
- Answer of Mr. Régnard to the YBD President
- Turkish translation of Mr Régnard’s answer to the YBD President
- Public Platform of the YBD President, published on the website of the association
- Article of Mr Régnard (in English and French) , published on the website “Research Turkey”
- French Ministry of Justice press release on Turkey
- Resolution of the IAJ on Turkey\_Oct.2016
- Letter of the IAJ President, Mr. Régnard to the President of the Turkish Republic, Mr. Erdogan
- Letter of the IAJ President, Mr. Régnard to the Turkish Ministry of Justice Bekir Bozdag
- USM motion on Turkey (in French)
- Statement to the CoE from the “Platform for an independent judiciary in Turkey”
- Mr. Régnard intervention on Turkey\_Oct 2016
- JCA : Concerns in regard to infringements on the Independence of the judiciary
- Answer of the German Federal Chancellery to the open letter of the President of the German Judges Association (DRB) Jens Gnisa
- Letter sent by the Italian “Scuola Superiore della Magistratura” to a request coming from the Judicial Academy of Turkey.

All these documents are available in our web site (<http://www.iaj-uim.org/solidarity-news-and-documents-about-yarsav/>).



## MEETING OF THE I.A.J. REGIONAL GROUPS IN MEXICO CITY

On Sunday, 16<sup>th</sup> October 2016, the four Regional Groups met in Mexico City.

The European Association of Judges (E.A.J.), European Regional Group of the I.A.J. met under the Presidency of First Vice President Christophe Régnard, approved the minutes of the meeting held in Jerusalem, discussed the report of the President, the situation in Turkey (and the setting up of a provident fund for helping Turkish colleagues in need: see on this point the report about the meeting of the Central Council). The Presidents of the working group on the situation of national associations and of the “Ways to Brussels” working party submitted their reports and the subject of co-operation with the Council of Europe (CDCJ, CEPEJ, Venice Commission, CCJE, CCPE) was widely discussed. The Assembly discussed the 2015 monitoring report drafted by the Group presided over by Vice President Igreja Matos and decided to meet on 18-21 May in Kishinev (Moldova) and accepted an invitation from the German Judges Association for 2018. On 20<sup>th</sup> October, 2016, the Assembly elected by acclamation Vice President José Manuel Igreja Matos new President of the E.A.J., as the former President Mr. Christophe Régnard had been elected President of the I.A.J.

The African Regional Group met under the Presidency of Vice President Cagney Musi, approved the minutes of the meeting held in Kinshasa and discussed the President’s report. After this all representatives of the delegations in attendance took the floor to report about the situation of the judiciary in their respective countries. The Group discussed as well a possible name change to “Union of African Judges,” as well as the setting up of a committee to assist the A.R.G. President. The President evoked as well the 2015 monitoring report drafted by the Group presided over by Vice President Igreja Matos. As for the venue of next meeting, the Group accepted an invitation by the association of Senegal (however, two months later, this association informed the Group about some facts which made it impossible to keep this commitment; therefore the Secretariat-General spread a request to all member associations inviting them to volunteer for the organisation of 2017 African springtime meeting).

As for the Ibero-American Group, this organ met under the presidency of Vice President Mr. Rafael de Menezes, approving the minutes of the meeting held in Lima, discussing the President’s report and deepening the questions raised by the 2015 monitoring report drafted by the Group presided over by Vice President Igreja Matos. Further topics addressed by the IBA Group were the Universal Charter of the Judge, the situation of the judiciary in Guatemala, Colombia, Honduras and Bolivia, the resignation of the U.N. special rapporteur Ms. Monica Pinto and the preparation of the conference on corruption to be held in 2017 in Lima. As for the venue of next year, the Group decided to convene again in Mexico, in the city of Toluca.

ANAO Group held its meeting under the presidency of I.A.J. Vice President Mr. Tony Pagone. After the approval of the minutes of the previous meeting held in Barcelona and of the web based meeting held on 10 April 2016, the Group discussed the President’s report, whereas Judge Duncan circulated a draft of a brochure describing the IAJ to be used in recruiting new members. Justice Pagone raised the issue of compliance with the monitoring process put in place when the IAJ eliminated the category of extraordinary members and informed the Assembly about the works on the IAJ Universal Charter of the Judge. Justice Robert Blair moved the adoption of a resolution that the ANAO Regional Group establish the Honourable Louise Mailhot Medal in recognition of Ms. Mailhot’s vision and dedication as founder, historian and committed supporter of ANAO, and that she be awarded the first such medal. Justice Pagone seconded the motion, which passed unanimously. The medal is to be awarded to individuals who have made an outstanding contribution to the activities of ANAO. Ms. Mailhot thanked the ANAO members for the recognition, and reminded the members that the day of the meeting, October 16, 2016, was the 19th anniversary of the founding of ANAO. She also made available two copies of her work, *The History of ANAO*. After this the Assembly heard and discussed the reports by representatives of member associations. The election of ANAO officers took place. Justice Pagone was elected President, Judge Duncan was elected Senior Vice President, and Justice Dutil was elected Junior Vice President. Justice Robert Blair moderated the Plenary Session. The topic for this year’s meeting was Judicial Accountability. In June of 2016, the International Commission of Jurists published a Practitioner’s Guide on the subject which served as the basis for the discussion. Panel members Justice Lin, Justice Atkinson, and Judge Hall led the discussion.

## ANNEX I

### Resolution of the International Association of Judges (IAJ) on Turkey

**RECOGNISING** that on 15 July 2016 Turkey suffered a serious military attack on its democratic institutions in which almost three hundred of its people died and many more were seriously injured and that this event is to be strongly condemned;

**UNDERLINING** that those whose involvement in this attempted coup d'état has been properly proved should be held accountable;

**WELCOMING** the fact that all political parties and the Turkish people have voiced strong support for democracy;

**RECALLING** that a basic pillar of democracy is the rule of law and a commitment to the safeguarding of human rights, such as those enshrined in the European Convention of Human Rights (ECHR), to which Turkey is a party;

**AFFIRMING** that any emergency law and likewise any suspension of the European Convention of Human Rights, under Article 15, must be kept within proper limits, and in particular that any restrictions on the citizens' rights and liberties must be only such as are absolutely necessary to address the extraordinary situation;

**STRESSING STRONGLY** that even in extraordinary circumstances it remains necessary to observe fundamental procedural principles such as the right to access to a lawyer; or the necessity that for any criminal proceedings there be at least reasonable, concrete grounds of suspicion of an involvement in a crime; and the universally accepted fundamental principle that even those who may have committed a crime have an indispensable right to a fair trial;

#### THE INTERNATIONAL ASSOCIATION OF JUDGES

##### notes with concern

- that thousands of Turkish judges and prosecutors have been arrested and dismissed without any adequate procedure;
- that their property has been seized;
- that frequently the evidence, if any, of membership of a terrorist organization offered by the authorities is at best flimsy;
- that Turkish legislation regarding terrorist organizations is so far-reaching in its effects as to be incompatible with international standards and is therefore criticized by international institutions;
- that many complaints are made about the situation of detainees in detention centres, including complaints of torture; and

##### therefore appeals to the Turkish authorities

- to end the state of emergency; to re-establish the procedural guarantees of a fair trial; immediately to end all violations of the rights specified as non-derogable under Article 15 of the European Convention on Human Rights; and to refrain from any measures derogating disproportionately from the obligations of Turkey under the provisions of that Convention;
- to respect the independence of the judiciary and to cease influencing courts and especially the High Council of Judges and Prosecutors;
- to restore the property of judges and prosecutors and their families, which was seized under emergency decree;
- to guarantee that the European Prison Rules (CM Rec(2006)2 ) are observed in all detention centres and to hold accountable those who have violated them;
- to reverse the dissolution of YARSAV, the only independent association of Turkish judges, the dissolution of which is contrary to the internationally accepted principle that judicial office holders have the right to form, and be members of, a professional association of judges; and

##### urges the international community, including in particular the members of the United Nations, the Council of Europe and the European Union

- to persuade the Republic of Turkey of the urgent need to respond to the appeals to its authorities made in this resolution and to afford support to Turkey in meeting that need;
- to remind the government of the Republic of Turkey of its need to observe its obligations under the Turkish constitution;
- to establish a commission of independent experts to examine the current situation in Turkey regarding fundamental rights and particularly whether the measures taken pursuant to the emergency decree follow the principle of proportionality, the International Association of Judges being willing to participate in that commission, if desired; and
- to permit independent observers to follow any criminal proceedings brought against Turkish judges and prosecutors.

**ANNEX II****CONFERENCE  
“CORRUPTION IN THE JUDICIARY”**

*Mexico City  
in the Framework of the 59<sup>th</sup> IAJ Annual Meeting  
Wednesday 19 October 2016*

\* \* \*

*Among the documents submitted to the International Conference in Mexico City we publish IBA Judicial Anti-corruption Compact, signed in Mexico City in August 2016  
by the Chief Justice of Mexico and the Presidents of the three Mexican bars  
(other documents on the subject available in our web site: <http://www.iaj-uim.org/fight-against-corruption/>)*

\* \* \*

**INTERNATIONAL BAR ASSOCIATION JUDICIAL INTEGRITY INITIATIVE:  
JUDICIAL ANTI-CORRUPTION COMPACT****PREAMBLE****Anti-Corruption Declaration**

*This Compact is premised on my solemn adherence to the maintenance and protection of the Rule of Law, and to that end I:*

- *note the need for strict observance of fundamental principles of ethics and integrity in the practice of law;*
- *recognize that any form of corruption severely undermines the effectiveness and legitimacy of the judicial process and the administration of justice;*
- *accept that the judiciary must remain independent and free from all forms of undue influence and interference;*
- *acknowledge that eradicating judicial corruption is critical to fighting corruption elsewhere in government;*
- *affirm the objectives of:*
  - *upholding public confidence in the administration of justice;*
  - *enhancing public respect for the institution of the judiciary, and*
  - *properly protecting the reputation of individual judicial officers and of the judiciary.*



**OPERATIVE**  
**Judicial Anti-Corruption Compact**

ACCORDINGLY I COMMIT to taking all necessary measures to prevent corrupt practices impacting the judiciary and to observing the following principles in the practice of law.

**General**

1. I will neither commit nor otherwise tolerate any direct or indirect corrupt practices in the judicial process, whether bribery or exercise of undue influence on the judiciary.
2. I will not directly or indirectly solicit, offer, or accept any material or immaterial benefit intended to affect the outcome of a judicial process.
3. I will not directly or indirectly commit or facilitate any acts that undermine judicial independence, including attempts at political, economic, social or any other forms of interference in a judicial process.
4. To the extent that I participate in judicial decision-making or in the administration of a judicial process, I will at all times maintain impartiality and not afford preferential treatment to any individuals, entities, or groups.
5. I will otherwise promote and abide by the applicable local rules of ethical and professional conduct in the legal profession.
6. I will promptly report all violations of these principles or other ethical breaches to the designated authorities and/or the local professional associations.

**Prohibition Against Improper Payments, Gifts and Hospitality**

7. I recognize the need to unequivocally refuse all undue advantage intended to directly or indirectly influence legal professionals in the exercise by them of any official duties, or otherwise compromise the integrity of the judicial process.
8. I will not directly or indirectly demand, accept a promise of, or accept any payments or other benefits from parties actively participating in the judicial process.
9. I will not directly or indirectly promise or provide any payments or other benefits to judges or other court personnel to affect the outcome of a judicial process.
10. I will not directly or indirectly provide or accept gifts and hospitality in my official capacity, with the exception of any *de minimis* gifts and hospitality that are explicitly permitted by local regulations or custom.

**Prohibition Against Undue Influence**

11. I recognize the need to protect the independence and impartiality of the judiciary.
12. I will combat all attempts at exercising undue political, economic, social or any other form of influence over the outcome of, or interference in, a judicial process.
13. If I am a member of the judiciary or court personnel, I will at all times maintain the appearance of and practice impartiality in my official capacity, and particularly when interacting with parties actively engaged in a judicial process.
14. I will neither directly or indirectly seek nor offer preferential treatment in a judicial process to any individuals, entities, or specific interests or political groups.
15. I will not directly or indirectly compromise my role in the judicial decision-making or other aspects of a judicial process in order to obtain or retain political support.

**Reporting Obligations**

16. Subject to any overriding duty of confidentiality to which I may be subject under the laws of [jurisdiction], I will:
- (a) report in a timely manner any breaches or suspicions of breaches of the above-mentioned principles. Such reports can be made to designated authorities and/or local professional associations that are tasked with prosecuting or disciplining acts of judicial corruption or misuse or abuse of public office.
  - (b) use my best efforts to facilitate and assist the prosecution or disciplining of corrupt conduct, including by offering and providing information, testimony, or other evidence.

**DECLARED AND AFFIRMED** by [INSERT NAME] of [JURISDICTION]

**ON** [INSERT DATE]

.....

(SIGNATURE)