



TOWARDS THE 60th ANNUAL MEETING IN SANTIAGO DE CHILE



Dear colleagues,

In this issue of our newsletter we focus on the main events which have taken place within the IAJ since last year's general assembly meeting in Mexico City as we look ahead to the general assembly meeting which is going to be held in Santiago de Chile on 12-16 November 2017. In particular, this newsletter provides a brief summary of the most relevant discussions and decisions adopted during the springtime meetings of our Regional Groups and of the Presidency Committee and highlights the main topics which will be dealt with in Santiago de Chile. Although this will not be an electoral occasion, many significant subjects will be discussed, including those I set out here.

Firstly, the Central Council will have to consider the approval of the new and updated "International Charter on the Statute of Judges," which will replace the existing one, which dates back to 1999. After the preparatory works done by the *ad hoc* Commission during 2016, the Regional Groups expressed their approval at their springtime meetings this year and the Presidency Committee has just given the green light to the final draft. This document now needs the formal approval by our general assembly in Santiago de Chile.

Secondly, the applications of two African countries and one Asian country will have to be discussed and voted on: I am referring to Guinea Bissau, Liberia and East Timor. The reports have been distributed among all National Associations, which will mean that hopefully you will be able to arrive well prepared for the debate and the voting procedures.

Finally, in Santiago de Chile the Study Commissions will discuss the following subjects: 1st SC: "The threats to the Independence of the judiciary and the Quality of Justice: workload, resources and budget"; 2nd SC: "The use of technology in civil litigation matters"; 3rd SC: "The Sentencing of Criminal Offenders, part II"; 4th SC: "Flexible employment and other emerging types of labour relationship."

The 2017 national reports (received so far) are already available on our web site (<http://www.iaj-uim.org/study-commissions/>): please log in the private area with the password provided to your Association. Reports of previous years are located in the "open" area on the same page. The conclusions to be drafted in Santiago will be distributed among the various National Associations after the November meeting and will be published online (accessible by clicking on "conclusions", of each respective Study Commission).

In anticipation of our next meeting, I wish you all a wonderful summer.

Giacomo Oberto
Secretary-General of the IAJ

INDEX

• MEETING OF THE PRESIDENCY COMMITTEE – PARIS.....	2
• MEETING OF THE EUROPEAN ASSOCIATION OF JUDGES – CHISINAU.....	4
• MEETING OF THE IBERO-AMERICAN GROUP IN TOLUCA.....	6
• MEETING OF THE AFRICAN GROUP IN MAPUTO.....	8
• WEB BASED MEETING OF THE ANA GROUP.....	10
• ANNEX I.....	11
• ANNEX II.....	12
• ANNEX III.....	13

MEETING OF THE PRESIDENCY COMMITTEE – PARIS



The Presidency Committee of the IAJ met in Paris on June 23-24 under the chairmanship of President Christophe Régnard. The sessions were held in the premises of the High Council for the Judiciary (*Conseil Supérieur de la Magistrature*) of France and a visit of the *Cour de Cassation* was as well organised.

Discussions on written reports – The issue of the Monitoring Procedure

After the approval of the minutes of the last meeting (in Mexico City), the Committee discussed the written reports of the President, the Secretary-General and the Vice-Presidents responsible of the Regional Groups. Special attention was devoted to the situation in Turkey and the activities set up by the European Association of Judges in relation to this situation.

As far as the Monitoring Procedure (envisaged by Article 13, § 9 of IAJ Regulations) is concerned, the Presidency Committee took note that, whilst some more countries had sent their reports, some others did not. 6 Countries still had to send their replies to the monitoring questionnaire. The Presidents of the African and of the Ibero-American Regional Groups will make further contact with the Associations concerned in order to try to convince them to comply with this requirement before the meeting in Santiago de Chile. Non-compliance with this rule will expose concerned Associations to the risk of expulsion from IAJ.

2017 IAJ Annual Meeting in Santiago de Chile – Preparation of future meetings

Coming to the preparation of the November meeting in Santiago de Chile, the Presidency Committee took note of the difficulties of the Chilean Association of Judges in finding a proper location for the meetings and a hotel to host all delegates. It was expected that this issue would shortly be addressed.

The Committee also discussed the preparation of the International Conference to be held in Santiago in the framework of the 60th IAJ Annual Meeting on “Judicial Independence and Judicial Self-Government.” The Conference will be held on Wednesday, November 15th, 2017.

The Presidency Committee went on to discuss a proposal by First Vice President Tony Pagone on the organisation of future annual meetings. The President of the African Group, Mr. Musi, informed the Committee that the Association of Morocco would possibly indicate its availability to host the 2018 annual meeting, but that a final decision had yet to be adopted and transmitted to the IAJ Secretariat-General. The Presidency Committee decided to send a letter to all National Associations, inviting them to forward their availability to host an IAJ general annual meeting in the upcoming years.

Financial Issues

The Presidency Committee addressed several financial issues. This ranged from regular IAJ budgeting matters to the questions raised by the Provident Fund created by the Central Council’s decision made in Mexico City in 2016.

The Committee expressed concern in relation to the Associations which are not paying regularly their dues, in particular Cameroon which is going to lose its membership in Santiago, unless they pay their fees for the years 2014-2017 in full before the start of the first session of the Central Council in Chile.

The Presidency Committee decided to propose to the Central Council to excuse the Turkish Association from its obligation to pay their annual fees for the years 2016 and 2017, taking into account the exceptionally harsh situation of the judiciary and of the Association in that country.

Applications for membership in the IAJ

The Committee considered with favour the applications for membership from the following countries: East Timor, Guinea Bissau and Liberia. Reports dealing with these applications will be distributed among Member Associations before the meeting of the Central Council in Chile.

Taking into account the longlasting lack of contact with the Palestine Association, the Committee decided to treat the application made by Palestine as withdrawn.

Priorities for the work of the Presidency Committee and IAJ for the triennium 2015-2017

One of the main decisions taken by the Presidency Committee in Paris concerned the issue of the priorities for the work of the Presidency Committee and IAJ for the triennium 2015-2017.

It was decided to extend two of the three current themes also for the triennium 2018-2020: namely the issue of the fight against corruption in the Judiciary and the issue of the setting up of guidelines and criteria for creating Judges Associations in Countries where appropriate measures do not yet exist.

A third theme was added, namely Environmental Law.

Universal Charter of the Judge

The third subject for the current triennium will be completed in Santiago. This is the updating of the Universal Charter of the Judge, the current version of which dates back to 1999.

President Régnard introduced the discussion by recapping the work done by the *ad hoc* commission, which was operational during the years 2016 and 2017 on the draft updated Charter of the Judge. As he explained:

- During the meeting in Foz do Iguacu in 2014, the Central Council of the IAJ approved the proposal of the Presidency Committee to update the Charter adopted in Taiwan in 1999.
- During the Barcelona meeting (2015) a working group was set up, with the task to prepare a draft for a new Charter.
- It was composed of - Christophe Régnard, President of the IAJ (France), President of the working group - Giacomo Oberto, Secretary-General of the IAJ (Italy) - Janja Roblek (Slovenia) - Julie Dutil (Canada) - Alyson Duncan (USA) - Walter Barone (Brazil) - Mario Morales (Puerto Rico) - Marie Odile Thiakane (Senegal) - Scheik Kone (Mali). To this work was also associated Günter Woratsch, Honorary President of the IAJ (Austria), in his quality of President of the Council of Honorary Presidents.
- The draft Charter was discussed within the working group during the meeting in Mexico City in October 2016, in order to allow debate within the Regional Groups, at the occasion of their 2017 springtime meetings.
- The draft elaborated by the Commission was submitted to all National Associations early this year and debated during the springtime meetings of the Regional Groups. A final version has been revised by the working group after such meetings and was submitted to the Presidency Committee for the meeting in Paris.
- The Committee decided that an issue of our newsletter will be devoted to the Charter after the meeting in Chile. In addition, a printed version of it will be produced in order to ensure its widest possible distribution.



MEETING OF THE EUROPEAN ASSOCIATION OF JUDGES - CHISINAU



The European Association of Judges – European Regional Group of the IAJ held its regular springtime meeting in Chisinau (Republic of Moldova) on 19-21 May, 2017; a short summary of the main points on the agenda is set out below.

Opening of the meeting and President's report

After the official opening ceremony, President Igreja Matos opened the meeting of EAJ, by welcoming all present and thanking the Moldovan colleagues for the perfect organisation of the meeting. The President reported that one of the main issues in the past months has been dealing with the situation of Turkish judges and prosecutors. The efforts to help Turkish colleagues have been based on three pillars. The first was raising international awareness, and the President's written report lists several examples of this kind of initiative. The second was the implementation of the Provident Fund, about which there is a specific item in the agenda. The third one was the relation with CEPEJ.

President Igreja Matos then mentioned the activities carried out in the context of the project "Judges against corruption" approved by the Central Council in Foz do Iguacu, and noted that the IAJ has organized several seminars, mostly in Latin America.

Situation of the judiciary in Turkey and actions undertaken by EAJ

The Swiss delegate Mr. Stadelmann informed the Assembly of the situation of the judiciary in Turkey and about the activities carried out by the Committee of the Fund and by the ONG established in Switzerland to execute the payments (power point presentation enclosed with meeting's minutes). He explained the main provisions concerning the aims of the Fund: covering costs for legal assistance and for the maintenance of the families of arrested judges and prosecutors.

The main challenge was the huge quantity of demands from Turkey, amounting to more than 670 emails. An intense discussion followed among the participants. President Igreja Matos said that the Committee was aware of the difficulties (?), but underlined that at present only the EAJ was trying to give some kind of support to the Turkish arrested colleagues. He said that while the Committee must use the utmost attention in choosing the beneficiaries, the members of the EAJ should improve their efforts and increase the amount of donations.

Universal Charter of Judges - Debate about Final Drafting

The IAJ President Christophe Régnard, in his capacity as Chairman of the working group in charge of the updating of the Charter, summarized the work done and briefly presented the project. The draft will be discussed and voted on by the IAJ Central Council in its meeting in Santiago de Chile, in November this year.

Cooperation with Council of Europe (CEPEJ)

President Igreja Matos stressed the conclusions of Ms Duval's written report, where she underlined the importance of participating in and coordinating with the work of the members of CEPEJ who are also involved in the IAJ. President Igreja Matos then encouraged other delegates to get involved in the work of CEPEJ.

Participation of EAJ Delegates in European Institutions

Vice-President Sessa said that even if CEPEJ discusses mostly technical arguments there is still space to examine principle questions, but its work misused by European and national authorities [(?) *unclear what is meant here*]. Many persons are involved in

other international institutions dealing with the judiciary and it is important to share information. Mr. Schneiderhan took the floor, saying that the CEPEJ report titled “quality of justice”, is based on lots of statistics but that quality of justice has nothing to do with statistics. Mr. Simon Picken (UK) took the floor in his capacity as UK representative in ENCJ to emphasize that the Network does not consider statistical data but establishes standards and principles in relation to the performance and role of judges, with a judge-led approach. He also offered to represent the EAJ in the Network.

Mr. Sessa then informed the Assembly about the fact that the Secretary-General of the Council of Europe was finalizing his report on the state of justice in the European countries. He suggested the national associations prepare a short report on their respective countries, so that the EAJ could compile a document for the Council.

Working Group “Ways to Brussels” - Report of the President

Mr. Schneiderhan pointed out that, some of the major issues, were the future legal relationships with the UK, after Brexit, and the ongoing discussion on the quality of justice. Honorary President Reissner added that it was difficult to be updated (?) on the latest version of the documents under discussion in Brussels. He then focused on the development of the jurisdiction of the EU with respect to that of Member States and proposed this as a topic for debate in the next sessions of the EAJ. After the lunch break, Secretary-General Mr. Oberto joined the meeting and President Igreja Matos introduced the representative of UNODC, Mr. Oliver Stolpe, to the Assembly.



Cooperation with UNODC: Global Judicial Integrity Network

Mr. Stolpe expressed his deep gratitude to Mr. Druta for hosting the meeting and to President Régnard and President Igreja Matos for inviting him. He then delivered a speech about the “Judicial integrity” project (power point presentation enclosed with the meeting’s minutes). President Igreja Matos thanked Mr. Stolpe for his valuable intervention.

Working Group on the Situation of the EAJ’s Member Associations

The main points dealt with were:

- Report of the President;
- Situation of the judiciary in different countries;
- Debates on the draft ECHR-Protocol on judicial independence;
- Criticism against Judicial Decisions: the “Hate Speech.”

Slovenia: President Igreja Matos read the draft letter addressed to the Prime Minister of Slovenia. The letter will only be sent to the authorities in Slovenia and will not be published on the website.

Greece: President Igreja Matos then gave the floor to Mr. Kasimis (Greece), who explained to the Assembly that the Greek Supreme Court had turned down a Turkish demand to extradite eight military officers who fled in the aftermath of the coup attempt of July 2016. The court ruled against the extradition of any of them, because of possible violations of human rights if they were sent home. The Turkish Government protested the decision, saying that it weakened the fight against terrorism and had been taken with a political motive. Mr. Kasimis added that the Turkish statement explicitly mentioned the consequences for Greece as regards the issue of refugees. President Igreja Matos then read the draft of the resolution on this case, which described the facts, quoted the wording of the Turkish Government and alluded to the risks of political retaliations from Turkey towards Greece. A debate ensued within the Assembly. Mr. Kasimis explained that there were no internal criticisms of the Supreme Court’s judgements. President Igreja Matos called for an open vote: there were five contrary votes (Azerbaijan, Czech Republic, Ireland, Netherlands, UK) and two abstentions: Slovenia and Switzerland. Majority approved the resolution (enclosed with the meeting’s minutes).

Future meetings: EAJ 2018 (Berlin – Germany)

Mr. Schneiderhan (Germany) took the floor to briefly explain to the Assembly the preparation for the 2018 springtime meeting of the EAJ, which will take place in Berlin from 24 to 27 May 2018.

MEETING OF THE IBERO-AMERICAN GROUP IN TOLUCA



The Ibero-American Group of the IAJ held its regular springtime meeting in Toluca (Mexico) on 3rd April, 2017; a short summary of the main points on the agenda is set out below.

Reports

Delegates of almost all the countries of the IBA group were in attendance, and in the assembly they discussed the following matters:

- a) The draft of the International charter of Judges was distributed. It will be approved at the next meeting of the central council in November in Chile, following a term of thirty days to give the countries of the Group the opportunity to make suggestions to and comment on the text.
- b) The Fund created by the European group to help the Turkish judges and other colleagues who are undergoing financial problems as a result of the violation of their prerogatives by the government, is operational and can receive donations. Brazil arranged to adapt this European Fund initiative to the IBA group in order to also take care of colleagues within the IBA's region who face similar problems of unjust detention.
- c) Lawyer doctor Carlos Hernandez of the United Nations presented a project of a Global Judicial Integrity Network, which is intended to offer judges more tools against corruption.

Corruption

A second seminar on corruption took place in February in Lima (Peru). The seminar was organized by the Latin American Federation of Judges (FLAM) with the cooperation of the International Association of Judges (IAJ) and with other organizations, such as the Judicial Power of Peru, Public Ministry, National Council of Judiciary, National Association of Judges of Peru, School of Lawyers and School of Notaries of Lima and the Association of Judges of Portuguese Language. After the inaugural session, where IAJ Honorary President Ms Cristina Crespo took the floor, many interventions followed. At international level we can mention Mr. Rocio Paniagua, of the IBA (International Bar Association), D^a. Sanz-Leva of the Group of States against corruption (GRECO), Ms Roberta Solis, of the Crime Prevention Office of the UN, who made special reference (?) to the creation of a Global Judicial Integrity Network, Mr. Diego Garcia-Sayán Larrabure, special speaker of the UN and D. Federico Andreu Guzmán, of the International Commission of Jurists.

United Nations' Activities in the Fight against Corruption

IBA President Rafael de Menezes informed the Group about the activities of the Crime Prevention Office of the United Nations and in particular on the **Global Network of Judicial Integrity**: <http://www.unodc.org/unodc/es/index>.

Article 11 of the Convention of the Nations United Against Corruption (UNCAC) emphasizes the role of judges in the fight against corruption. It also recognizes that in order to fulfil this role, judges must act with integrity and be free of corruption. The Convention requires the State Parties to adopt measures that strengthen judicial integrity and prevent opportunities for corruption among the members of the judiciary.

In 2015, the States Members adopted the Declaration of Doha during the XIII Congress of the Nations United for the Crime

Prevention and Criminal Justice. They reaffirmed the commitment “to promote all the efforts to prevent and to fight corruption and to implement the measures aimed at improving the transparency in the public administration ...” UNODC launched in 2016, with the support of the State of Qatar, a Program for the Promotion of the Culture of Legality. The four-year program covers specific areas of the Declaration of Doha, including the strengthening of judicial integrity and the prevention of corruption in the justice system. One of the key objectives for the global program is to establish a Global Network of Judicial Integrity. Taking advantage of the knowledge and experience of judges, the national and regional associations of judges and other actors around the world, the Network of Global of Judicial Integrity will become a platform of support in the following areas:

- exchange of better practices and learned lessons. This interchange would occur through the personal and virtual meetings that the global network maintains;
- the creation of a data base with excellent sources;
- development of tools, practical guides and programs of qualification for the different legal systems, different professional cultures and national challenges;
- advisory services, qualification and other activities to promote integrity and professionalism of judges;
- evaluation of the risks to integrity in criminal justice systems and development of effective responses to the identified risks;
- elaboration and application of codes of conduct and establishment of supervision mechanisms for the judges and support personnel.

In preparation for the launch of the Network, UNODC is holding a series of regional meetings of high representatives of Judicial Power and making a call to the judicial institutions and associations, as well as to other interested parties, to inform the initiative, to collect recent developments and examples of good practice and to ask for the opinions and expectations of judges with respect to the design of the Network. UNODC will support the Global Network of Judicial Integrity through secretarial services, including the development of a Web site, data base of resources and developing an information strategy that will culminate with the launch of a high level Network of Judicial Integrity in an opening conference at the beginning of 2018.

Request for Co-operation with UNODC

With the aim of ensuring that the Global Network of Judicial Integrity fulfils the expectations and requirements of judges anywhere in the world, UNODC asks for collaboration in relation to:

1. Providing information on any international, regional or national event that gathers judicial officers in 2017, particularly those events at which UNODC could present the Global Network, or at which the UNODC could obtain feedback from the participant judges to orient the establishment of the Network;
2. Providing UNODC with appropriate material for the strengthening and defense of judicial integrity and prevention of corruption in the sector of justice. Such material could be made available on the Web site of the World-wide Network;
3. Providing UNODC with contact details for the future development of the Global Network. For more information on the Global Network of Judicial Integrity and how to participate, please contact: Ms. Roberta Solis, Crime Prevention and Criminal Justice Officer, Judicial Integrity Corruption and Economic Crime Branch, United Nations Office on Drugs and Crime T: +43-1-26060-83245/M: +43-699-1458-3245 roberta.solis@unodc.org and Mr. Oliver Stolpe, Senior Programme Global Officer for Programme the Implementation of the Doha Declaration Corruption and Economic Crime Branch United Nations Office on Drugs and Crime T: +43-1-26060-4372/M: +43-699-1459-4372 oliver.stolpe@unodc.org; www.unodc.org/dohadeclaration.

MEETING OF THE AFRICAN GROUP IN MAPUTO



The African Group of the IAJ held its regular springtime meeting in Maputo (Mozambique) on 8th-10th May, 2017; a short summary of the main points on the agenda is set out below.

Opening and Welcome

The opening ceremony took place on 8th May, 2017, with the attendance of the Minister of Justice of the Republic of Mozambique. Speeches were delivered by the President of the Mozambican Judges Association, by the President of the African Group of the IAJ, by the President of the IAJ and by the Minister of Justice, Human Rights and Religious Affairs of the Republic of Mozambique.

Over the course of the day, as well as during the following day, 9th May, 2017, the African Group debated the following issues: “Law, justice and citizenship: confronting challenges to judicial independence in Africa” (presentations by Mr. Luis Mondlane and Mr. Flavio Prazeres Lopes Menete); “The role of judicial management and disciplinary bodies in Africa: Powers and limitations”; “The role of the Executive in ensuring judicial independence”; “Judicial independence, human rights and access to justice”; “Judicial integrity: modern approaches to judicial ethics.” On 9th May, 2017, a final resolution was unanimously adopted.

President’s Report

President Musi gave the floor first of all to the IAJ President, Mr. Christophe Régnard. Mr. Régnard made reference to the main problems affecting the judiciary worldwide, as had emerged during the meeting of the Ibero-American Group, and surely would be evoked in the next EAJ meeting in Chisinau. He added that all general issues will again be debated during the meeting of the Presidency Committee in Paris at the end of June and during the meeting of the Central Council in Santiago de Chile in November this year.

President Musi took the floor and mentioned the situation of Turkey, on which the IAJ had been working very hard since the summer of 2016. He pointed out that many colleagues are still languishing in jail there only because they may have been suspected of having different views to those of the government. The Presidency Committee had decided to launch several initiatives in order to support judges in Turkey.

President Musi added that one of the members of the Presidency Committee had brought to the attention of that body that colleagues in Cameroon were submitted to persecutions similar to those endured by judges in Turkey. He recalled that, during the conference in Maputo, many colleagues had made a constant reference to IAJ’s African Group becoming a NGO at the African Union and that the Presidency Committee members have managed to start a co-operation with the UN office on Drugs and Crimes, as was shown by the attendance of Mr. Francis Burak in the conference of Maputo.(?) That office will also send a full list of possible initiatives of interest for the IAJ and its African Group.

The President underlined that currently two African countries are in the process of being scrutinised for a possible admission in the IAJ: Liberia and Guinea Bissau. A short debate among delegates followed the President’s report. Delegates from Morocco, the Democratic Republic of the Congo, Senegal and Niger took the floor in order to underline the need for the Associations to contribute more in the Group’s works.

ARG member associations’ reports

President Musi welcomed first of all colleagues from Angola attending the meeting, and requested them to contact the IAJ’s Secretariat-General, for further information about the procedures for possible admission to the IAJ. The President then invited the Associations, and especially those which were attending the meeting for the first time, to explain the developments in their

country, their challenges and problems and also what kind of assistance they needed from the IAJ. After this, the delegates from all National Associations in attendance orally submitted a report on the situation of the judiciary in their respective Countries. Such reports are recorded in the minutes of the meeting.

The situation of Lesotho and Cameroon

President Musi took the floor to illustrate the situation of Lesotho. He explained the Association had attended our meetings only two times. Following elections, the board had changed and this had brought about some problems among the members of the judiciary. It was also difficult to establish contacts among colleagues, even though he himself belonged to that judiciary. The current Secretary-General was not established in Maseru, the capital, and was therefore not within easy reach. In any case, Mr. Musi said he would travel to Lesotho in the end of June and would try to contact the President of the Secretary-General of the Association.

President Musi then moved on to illustrate the situation of Cameroon, referring to what he had already explained in his report. He proposed therefore that the delegate of Ivory Coast, Mr. Ndri Nguesson Mathurin, should travel to Cameroon and report on what is happening in that country, concerning the situation of the judiciary. He should report to President Musi within the next fourteen days, so that President Musi can refer the situation to the IAJ Presidency Committee.



Monitoring

President Musi pointed out that during the last meeting of the Group he had invited concerned associations to fill in the questionnaire and send it to the Secretariat-General, and that an association's failure to comply with this requirement will run the risk of that association being expelled from the IAJ. He also added that the Associations were not obliged to answer all the questions. At this point he informed the Group that, among the African Association, Cameroon, Niger and Tunisia had yet to fill in the monitoring questionnaire.

Committee to assist ARG President

President Musi pointed out that usually very little happens in between African Group meetings and there is still very little communication among the Associations outside the meetings; therefore the creation of such a panel would be useless, at least for the present time. He also remarked that the proposed fragmentation in linguistic groups, referring to Africa colonial traditions, was of no help, as the Group had always acted as a united body.

Statement/s and Resolution/s by the Group

President Musi explained that very often the discussions among the members of the Group do not give way to statements or resolutions. Therefore, he had put this point on the agenda in order to stimulate ideas and initiatives in this regard. It would be desirable if, before travelling to the meeting of the Group, each delegation would contact the President and/or the Secretariat-General, announcing possible initiatives of this kind.

Venue of next meeting

Mr. Aidouni Djamel informed the Assembly that the Algerian Association could be available to host next year's regional meeting. However, he will communicate the final decision before the meeting in Santiago de Chile.

Universal Charter of the Judge

The President of the IAJ Mr. Régnard took the floor in order to inform the Assembly about the works for the updating of the Universal Charter of the Judge. The draft had already been disseminated among member Associations and the Presidency Committee will finalize the text during its Paris meeting next June. He added that no remarks had been raised by African countries on the draft. After adoption, the text will be distributed and published. The Presidency Committee will also decide how and through what means it will be made public.

WEB BASED MEETING OF THE ANAO GROUP



The ANAO Group of the IAJ held a web based springtime meeting on 14th May, 2017, under the chair of the Group, IAJ First Vice President Tony Pagone. We summarise here some of the main topics dealt with during the conference. The minutes of the web conference will be submitted to the Group during the meeting in Santiago de Chile for their approval by Member Associations.

Preparation of the ANAO Group Meeting in Santiago de Chile

The topic for this year's plenary session this fall is "Ex parte communications directly with the court". Judge Allyson Duncan has agreed to prepare a principal paper which will be followed by two commentaries, one to be prepared by Justice Grace Yin-Lin, and the other by Judge Eric Ronda del Toro. It was agreed that each delegation would report on current issues and recent developments at the ANAO Meeting in Chile.

President's Report

Justice Tony Pagone reported about ANAO financial position. He informed the meeting that Justice Mailhot had provided him with an estimate of the cost pertaining to the publication of a document relating to the history of ANAO. The Group dealt with the publication of 100 exemplars of the history of ANAO prepared by Justice Louise Mailhot. Justice Tony Pagone raised the issue of judges from Turkey who remain in prison and have not yet formally been charged of an offence. He also informed the meeting that he has been in contact with the President of the Association of the Iraqi Judiciary, Haider Hanoun Zair Ahmid. Justice Tony Pagone was pleased to report that the Japanese delegation has renewed its interest in the International Judges's Association and has paid up its membership. President Pagone informed the meeting that the President of the Commonwealth and Magistrates' and Judges' Association, Chief Judge John Lowndes, has been invited to attend the next meeting of the IAJ to take place in Chile. Moreover, Chief Judge John Lowndes will be invited to attend and address the ANAO meeting in Chile this fall.

Applications for Membership of the IAJ

Justice Tony Pagone reported on the applications by East Timor and Liberia to join the IAJ. He confirmed that the rapporteur reports had been prepared by Justice Margaret Beazley of Australia and Judge David Carter of the United States of America. Moreover, he explained that these applications would be dealt with at the annual meeting in Chile.

Draft IAJ Universal Charter

President Pagone pointed out that after a very long process, the IAJ Central Council adopted a universal charter on the status of judges in 1999 which sought to set minimum principles about judiciaries and judicial independence. A revised version was circulated last year and Judge Allyson Duncan and Justice Julie Dutil continue to play a very important role as members of the working group dealing with updating the Universal Charter of the Judges. Justice Julie Dutil gave a lengthy comprehensive and detailed report of the work done by the working group updating the Universal Charter of the Judges. Working drafts of the new proposed charter were circulated prior to the meeting. Much discussion took place regarding different aspects of the new draft.

ANNEX I**RESOLUTION ON GREECE
APPROVED BY THE EAJ IN CHISINAU ON 19TH MAY, 2017**

Association Européenne des Magistrats
*Groupe Régional de l'Union
Internationale des Magistrats*



European Association of Judges
*Regional Group of the International
Association of Judges*

Palazzo di Giustizia - Piazza Cavour - 00193 Roma - Italia

Resolution on Greece

At its meeting in Chisinau on 19 may 2017 the European Association of Judges was informed by the Greek Delegation about criticism regarding the final judgement of the Greek Supreme Court dated 26 January 2017, which rejected the application of the Turkish State for the extradition of eight military officers.

Any attempt to undermine the independence of the Greek judiciary by undue criticism should be avoided and rejected¹.

The EAJ supports the Greek judiciary to firmly remain independent in protecting human rights despite pressures and threats expressed regardless of what source they are coming from.

ANNEX II**BINGHAM CENTER PROJECT**

The Bingham Centre for Rule of Law (<http://binghamcentre.biicl.org/>) is working on non-conviction based (civil) forfeiture in developing countries.

The objective of the project is to understand how developing countries go about implementing civil forfeiture as it relates to corruption, and the challenges they face in doing so. The project will compare experience with civil forfeiture across a number of countries in Asia, Africa and Latin America (Philippines, Sri Lanka, Indonesia, South Africa, Namibia, Botswana, Colombia, and maybe Ukraine and Tunisia). Among other things, they expect the review will help identify:

i) what are the relative benefits of different practices and approaches to civil forfeiture;

ii) whether 'good practice' stands out;

and iii) how rule of law compliant civil forfeiture practices are across different countries.

The project will consider both contextual/political dimensions of civil forfeiture (e.g. lack of independence of key institutions, and poor capacity), as well as legal ones. One added value of the study will be to consider civil forfeiture practices in countries where the rule of law is sometimes fragile or faces threats and challenges, and where due process protections are not always strong.

Therefore they are conducting interviews at the moment and they need to speak with Judges who may deal or have dealt with NCB cases.

On a related note, they have been asked for a Judge that specializes in asset recovery.

The colleagues who are willing to be interviewed about this topic and to volunteer, are kindly invited to contact our Secretariat-General.

ANNEX III**INTERNATIONAL ORGANISATIONS INVITED AS OBSERVERS TO THE IAJ MEETING IN SANTIAGO DE CHILE:**

The following representatives of International organizations have been invited to the IAJ 60th Annual Meeting in Santiago de Chile:

- Observers (Guinée Bissau, Liberia, Palestine, Honduras, East Timor);
- President of the UINL (International Association of Notaries): M. José Marqueño de Llano;
- President of the International Union of Portuguese speaking judges: Judge Flavia Viana;
- Director of the Environmental judicial global institute: Justice Herman Benjamin;
- UN Special Rapporteur on the Independence of Judges and Lawyers, Mr Diego Garcia Sayan;
- International Commission of Jurists: Mr Matt Pollard;
- UNODC Representative Mr. Oliver Stolpe;
- President of FLAM (Federation of Latin American Judges), Judge Oswaldo Ordonez;
- Senior Programme Lawyer of the International bar association, Ms. Veronica Hinestroza;
- President of the Commonwealth Magistrates and Judges Association, Mr. John Lowndes;
- President of the International Association of Woman Judges, Judge Susana Medina;
- Mr. Han Moraal, Secretary-General of the International Association of Prosecutors.