



MEETING OF THE EUROPEAN ASSOCIATION OF JUDGES
(Santiago de Chile – November 2017)

Sessions: Sunday 12th November 2017
(09.00 - 16.00h)

The meeting started at 9.15 a.m.

In attendance were:

- the IAJ President, Mr. Christophe Régnard;
- the EAJ President, Mr. José Manuel Igreja Matos;
- the Vice Presidents Mr. Đuro Sessa and Mr. Mikael Sjöberg;
- the Honorary Presidents Mr. Gerhard Reissner, Mrs. Maja Tratnik and Mr. Günter Woratsch;
- the Secretary General, Mr. Giacomo Oberto;
- the Deputy Secretary General, Mr. Lucio Aschettino;
- the delegates of the following associations, which are members of the International Association of Judges and of the European Association of Judges (enclosure n. 1):

AUSTRIA	LITHUANIA
BULGARIA	LUXEMBOURG
CROATIA	MOLDOVA
CYPRUS	MONTENEGRO – Proxy to Croatia
CZECH REPUBLIC - Proxy to Austria	NETHERLANDS
DENMARK	NORWAY
ESTONIA	POLAND
FINLAND	PORTUGAL
FRANCE	SERBIA - Proxy to Portugal
GERMANY	SLOVAKIA - Proxy to Hungary
GREECE	SLOVENIA
HUNGARY	SPAIN
ICELAND	SWEDEN
IRELAND	SWITZERLAND
ISRAEL	UKRAINE
ITALY	UNITED KINGDOM

The session started at 9.15.

President Igreja Matos gave the floor to Ms. Gabriela Varela Lederman, in charge of the organization of the meeting, to let her greet the delegates and thanked her for the work done.

1. Approval of the minutes of the Chisinau Meeting.

The assembly unanimously approved the minutes of the Chisinau meeting.

2. Report of the President.

President Igreja Matos referred to his written report. He underlined that it was a very busy and difficult year: judicial independence was jeopardized in many countries and institutions like the Council of Europe, the European Union, and the United Nations were concerned about several judiciaries in Europe. The EAJ must cope with these challenges in several domains and managed to be engaged in numerous activities, lobbying in several institutions. One of the most important

results was the Vaclav Havel Prize awarded to Mr. Murat Arslan: the prize came after an intense work and it was a great victory and an important sign of awareness from the European community. President Igreja Matos then informed the assembly about some recent events, not included in his report. He attended a meeting in Strasbourg of the CCJE, where he delivered a speech about judicial integrity that caused a strong reaction from the Turkish delegation attending the meeting. He added that Vice-President Sessa was elected CCJE's President. President Igreja Matos received also an invitation by GRECO and he attended a conference in Prague to deliver a speech that caused again a particular reaction by Turkish delegates.

3. Situation of the judiciary in Turkey and actions undertaken by EAJ; Provident Fund of the European Association of Judges.

President Igreja Matos informed the assembly that the Swiss delegate Mr. Stadelmann and all members of the Fund Committee were present and could share some considerations with the assembly.

Mr. Stadelmann then took the floor to summarize the activities of the Fund: in these first ten months, the Fund received 395 applications, 65 of which were approved by the Committee, for a total amount donated of approximately 40.000 euro.

President Igreja Matos said that the beneficiaries of the Fund sent very touching letters to the Committee, in most cases promising the restitution of the sum.

Honorary President Reissner thanked Mr. Stadelmann for the work done and asked whether he received sufficient personal support from European colleagues and whether did it make sense to try to solicit more donations. Mr. Stadelmann replied that a Turkish-speaking assistant, hired by the EAJ, helped him. He added that the Fund needed money because the requests coming from Turkey were all important and people needed money to travel to the jails where their relatives were imprisoned, to pay doctors' invoices, to cover very urgent needs even for their daily survival.

Honorary President Reissner talked about the many initiatives taken in Europe. One of them was the Platform established by the Associations of judges at European level: he stressed the importance of a better coordination of all the activities to avoid duplication of a common work. Since Murat Arslan was arrested there was an increase in the list of people suspected to be a terrorist because of contacts with YARSAV. Mr. Reissner encouraged EAJ Members to show solidarity to Turkish colleagues and to keep alive the interest of European institutions. The EAJ should address the indictments and concrete accusations to show their absurdity, and this implies translations, which cost money. The EAJ could act as *amicus curiae* in front of the European Court for Human Rights, but this activity also requests for money.

Ms. Duval (France) informed the assembly about an initiative taken by the *Union Syndicale des Magistrats* and by MEDEL. Representatives of these Associations met the staff of President Macron, who is the only European leader maintaining regular contacts with the Turkish President Erdogan. MEDEL had the Vaclav Havel Prize and asked help to deliver it to the family of Mr. Arslan. The USM and MEDEL explained that the ground for accusation was the alleged participation in a terrorist organization and asked to follow the proceedings. The answer of the Presidential staff was not so encouraging as USM and MEDEL had hoped.

Mr. Blake (UK) said that the EAJ should give evidence at the trials about its nature and goals and should send observing mission at the trials. He added that the EAJ should also go to Strasbourg to present evidence of how international standards were violated. Soft law could become an instrument to ascertain violation of human rights standards. He underlined that the people receiving money from the Fund risked calling the attention of Turkish authorities and that the EAJ should reflect on the purpose of the donations. Finally, he encouraged the EAJ Board to connect EAJ's activities on Turkey with those done in other parts of the world.

President Igreja Matos answered that the EAJ already took contacts with the lawyer of Mehmet Tank sending him relevant documents to state EAJ's identity and work.

Mr. Stadelmann said that, so far, there was no evidence of negative consequences for people receiving money from the EAJ.

4. Situation of the judiciary in Poland.

Mr. Bogdan Jedrys (Polish Association) took the floor to explain the situation in his country, where the government was trying to decrease the independence of judges. He prepared a report (enclosed to these minutes).

President Igreja Matos said that the EAJ sent a letter to the European Union and Mr. Junker, President of the Commission, replied that, if these violations do not stop, the EU could start the procedure for infringement of the Treaty of the Union.

Mr. Picken (UK) underlined that President Duda decided not to sign the first reform and, maybe, this meant that he understood the meaning of the international protests.

Honorary President Reissner stressed that the first project was the worst because it granted too much power to the Ministry of Justice and it was certainly easier to modify a draft law than an approved law. Also, in Poland there was a very harsh media campaign against judges.

5. Situation of the judiciary in Bulgaria.

Mr. Atanasov (Bulgarian Association) took the floor to report on the situation in his country, asking for a resolution by the EAJ. The Association was established in 1997 and was very active in defending judicial independence. Problems with the Government started in 2010: the Premier and Vice-Premier were former police officers who blame the judiciary for the problems of criminality in the country. As a result, the Parliament passed an amendment to the Judiciary System Act that provided for the duty to declare before the Supreme Judicial Council whether a judge was a member of a judges' organization. Mr. Gass, Chairman of the Working Group on Member Associations, summarized the actions taken by the EAJ to cope with this issue. He then presented the resolution drafted by the WG and, after a slight language revision, the assembly approved it unanimously.

Mr. Sefastidis (Greek Association) took the floor to illustrate the situation in his country, where Government members and other politicians attacked all levels and types of jurisdiction (Supreme Court, Council of State).

President Igreja Matos informed the assembly about the situation in Catalonia and added that the Spanish Association did not ask for an intervention by the EAJ for the time being.

7. Working Group on the Situation of the EAJ's Member Associations

7.1 - Report of the President

7.2 - Debates on the draft ECHR-Protocol on judicial independence

Mr. Gass, Chairman of the Working Group, summarized the content of his written report.

Mr. Schneiderhan illustrated the outcomes of his talks with the bodies of the Council of Europe: they suggested not to draft a Protocol to the European Convention on human rights but a Convention on judicial independence.

Vice-President Sessa underlined that the EAJ's position as observer at the CCJE, CEPEJ and other bodies might be an instrument to foster the project of a Convention.

6. Universal Charter of judges.

The IAJ President, Mr. Christophe Régnard illustrated the project for the updating of the Universal Charter of the Judge and announced that the Charter will be approved on Tuesday with a special ceremony.

8. Working Group "Ways to Brussels" - Report of the President

Mr. Schneiderhan, President of the WG, took the floor and informed the assembly that there was no significant news, since the group did not gather in the last months. A meeting was scheduled at the end of the EAJ session and it should discuss future perspectives.

Mr. Edwards (Ireland) took the floor saying that an issue for Ireland was Brexit and the concerns about how the judicial system will accommodate in a post Brexit EU. Ireland will be the only remaining country of common law in the Union and Irish judges fear that without the UK constituency the common law perspective will be reduced.

Mr. Zuccarelli (Italy) asked for details about the European Public Prosecutor and about the UK position with respect to judicial cooperation.

Mr. Picken (UK) answered that the UK position was that nothing was going to change for British judges after Brexit.

Honorary President Reissner said that the EAJ could grant Irish Association a permanent seat in the WG Ways to Brussels.

Mr. Schneiderhan said that the EU Prosecutor will start on 2022 and added that judges are not threatened by the establishment of this instrument.

9. Cooperation with UNODC: Global Judicial Integrity Network

President Igreja Matos underlined that the EAJ contributed in an impressive manner on UN's project "Judicial Integrity", bringing a concrete contribution to its substance and implementation.

10. Cooperation with Council of Europe (CCJE; CEPEJ)

President Igreja Matos recalled that the EAJ presented a written report on the situation of the judiciary in Europe and announced that the new President of the CCJE was the IAJ Vice-President Sessa. As to CEPEJ, President Igreja Matos told the assembly that Ms. Virginie Duval (France) was in charge of representing the EAJ, with the help of Ms. Cristina Marzagalli (Italy).

President Igreja Matos informed the assembly about the situation in Turkey and the EAJ budget. The EAJ is having huge expenses on Turkish issue, while its annual budget amounts only to 3.000 euro. When EAJ representatives are invited, the Association tries to have the expenses covered by the organizing body. Nevertheless, this year the EAJ spent more than 7.000 euro, 4.300 of which were only for the Turkish issue. For the future, the assistant hired to help Mr. Stadelmann manage the Fund will be paid by the Fund. President Igreja Matos added that the Fund Committee would gather after the end of the EAJ meeting.

Another problem connected to the Turkish situation was the accusation of being a terrorist organization. The EAJ President was considering presenting a complaint for libel. Honorary President Reissner underlined that the main problem was to ascertain the author of defamation and he wondered whether he was the prosecutor who signed the indictment. Mr. Reissner said that in his opinion the decision should be taken by the Presidency Committee after consultation of the IAJ Central Council.

11. Future meetings. EAJ 2018 (Berlin – Germany)

Mr. Schneiderhan took the floor to announce that the meeting will start on Thursday 24 May at 3.00 p.m. and will follow on Friday 25 May. On Saturday 26 there will be a touristic event.

As to the 2019 meeting, President Igreja Matos gave the floor to Vice-President Sjøberg, who announced that the Association of Denmark would host the meeting in May or June.

12. Miscellaneous

The Swiss delegate Mr. Thomas Stadelmann will prepare a short report on how the procedure for selecting Turkish families in need works; this report will be available for any persons interested in this topic.

President Igreja Matos closed the meeting at 13.20.



The EAJ President
José Manuel Igreja Matos



The IAJ Secretary-General
Giacomo Oberto