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INTRODUCTION

This is the first Newsletter of the foundation Judges for Judges. In this newsletter, we will inform you about the aim of the foundation, the activities of the foundation and what you can do for this foundation.

The foundation Judges for Judges was founded in 1999 by Mr. Bert van Delden, until recently president of the foundation. The aim of the foundation is to support (mostly non-financially) judges abroad, who – in the exercise of their profession – have encountered difficulties or are at risk to do so. These difficulties might be a violation of their independency or a restriction of their freedom of speech.

The foundation's main concern is the position of the individual judge.

The foundation has taken action several times in past years, for instance for a Tunisian judge.

In November 2009, under the guidance of Mr. Bert van Delden, a brainstorm

session has been held regarding the future of the foundation in the presence of a number of Dutch judges. Those present were enthusiastic to re-activate the foundation and to extend its activities.

As a result, a new board was formed, which took up its function in December 2009.

This board consists of:

Gerritjan van Oven, president
Tamara Trotman, vice-president
Jolien Schukking, secretary
Gerrard Boot, treasurer.

Further on, Esther van der Laan works on the administration and different other issues.

The board is responsible for this Newsletter. In the meanwhile, a number of contacts have been made and actions have been undertaken in favour of judges in need (see further on in this newsletter).

ACTIONS/COUNTRIES

In this column, you will find information on countries and cases in which actions have already been undertaken by Judges for Judges or will be undertaken shortly.

Philippines

Judges for Judges was informed that a specifically mentioned judge in the Philippines had become the target of very serious threats by the military. We have contacted him. In close dialogue with this judge, we will decide what actions are possible to help him.

Georgia

Ms. Tamara Laliashvili was a member of the Criminal Chamber of the Supreme Court in Tbilisi, Georgia. In 2004, she had, together with four other judges, to consider an appeal in cassation of a suspect, convicted of murder on a journalist. The unwedded partner of the journalist had joined the proceedings as a victim, whereas according to Georgian law, only wedded husbands can do so. The Criminal Chamber of the Supreme Court decided to allow the partner a similar status within the criminal proceedings. This judicial decision led to a disciplinary procedure against four members of the Chamber, the fifth already having resigned. These four judges were disciplinarily punished as follows: one received a reprimand, the other three were dismissed. The appeal against these measures was rejected in August 2006 by a Disciplinary Chamber of the Supreme Court. The three dismissed judges lodged a complaint against Georgia with the European Court of Human Rights in Strasbourg. This case is still pending.

Meanwhile, Ms. Tamara Laliashvili is working on her PhD in Bremen with a grant from the German government. Around spring 2010, upon the invitation of Judges for Judges, she will hold a lecture on her

experiences as a judge in Georgia at the Court of Appeal in Arnhem (the Netherlands).

Russia

Ms. Olga Kudeshkina was a judge in Russia and was dismissed by the Russian government in 2004, mainly because of her criticisms in relation to the way a number of proceedings were dealt with. Olga lodged an appeal, but without success. Finally she lodged a complaint with the European Court of Human Rights in Strasbourg. In February 2009, the ECHR upheld her complaint: it considered that the penalty at issue (disciplinary proceedings resulting in her dismissal) was disproportionately severe and was, moreover, capable of having a "chilling effect" on judges wishing to participate in the public debate on the effectiveness of the judicial institutions. The ECHR found a violation of her right to freedom of expression (29492/05). In December 2009, it appeared that Russia had not yet the intention to execute the judgment of the Strasbourg Court.

Judges for Judges contacted

Ms. Kudeshkina. She indicated that she expected publicity to help her case. Judges for Judges is currently organising one or more interviews with her in renowned (Dutch) media. Possible further action will be undertaken in close dialogue with Ms. Olga Kudeshkina.

Slovakia

The situation of the Slovakian judiciary has been uneasy for some time. It seems that opposing movements are involved in extremely polarised battles. In June 2009, the then sitting Minister of Justice, Mr. Harabin, was appointed President of the Supreme Court, and ex officio President of the Slovakian Council for the Judiciary. Mr. Harabin had previously been President of the Supreme Court (1998-2003) and had at the time been criticised because of his transfer decisions. In 2006, he revoked – now as a Minister of Justice – all

appointments of the presidents of the district and regional courts. In August 2009, four members of the Supreme Court protested against his appointment as a

president of the same Court. In September 2009, an open letter written by 15 judges was followed by a petition by 105 Slovakian judges. (Slovakia now counts 1174 judges.) On 18 January 2010, four members of the Supreme Court launched a complaint with the European Court of Human Rights regarding the appointment of Mr. Harabin as a President of the Supreme Court.

Judges for Judges keeps a close eye on the situation and evaluates what actions could

be undertaken. The foundation is in contact with Slovakian judges on these issues.

Turkey

In Turkey, there are tensions between the government and - at least - some judges. The mistrust by the government is such, that the telephones of 56 magistrates who are accused of being involved in planning a coup, have been or are currently being tapped in the so-called Ergenekon-scandal. At least one of the two trade unions for the Judiciary feels under pressure.

Judges for Judges keeps contact – albeit not without difficulty – with various informants, and evaluates actions.

IN CLOSING

Anyone who would like to receive the forthcoming Newsletters, can apply by sending an email to rr@rechtspraak.nl. If your emailaddress changes or if you would like to receive the Newsletter through an other emailaddress, please inform us by sending an email to the mentioned emailaddress of Judges for Judges. If you

know someone else who would be interested in this Newsletter, do not hesitate to forward it. Financial support is welcome on the following bankaccount of 'Stichting Rechters voor Rechters': **8071562**, ING Bank, The Netherlands, IBAN/SEPAnumber: NL12INGB0008071562, BIC/Swiftcode INGBNL2.