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Newsletter, year 2, number 1

## INTRODUCTION

This is the latest edition of the *Newsletter* of Judges for Judges. The foundation's national and international contacts grow steadily, as does the number of judges and legal staff that have become actively involved. Staff of several courts have formed groups which focus on the judiciary in a particular country: e.g. the court in Alkmaar focuses on Tunisia and the court in Utrecht pays specific attention to Suriname. Staff of the Supreme Court will specifically focus on Morocco. Some trainee judges and trainee prosecutors have offered hands-on support.

We are now actively involved in 14 countries world-wide. JJ also profiles itself internationally: we participated in conferences in Slovakia (where 30 percent of the judges have been subjected to disciplinary courts) and Serbia (where 30 percent of the judges have been sacked). We also gave a presentation at a side event of the Human Rights Council in Geneva.

To summarise, our activities are on the increase.

Our budget remains very modest (approximately € 10.000, – for 2011). As we prefer not to depend on donations from organizations, we continue to rely on your willingness to donate as individuals.

Esther van der Laan who gave administrative and secretarial support from December 2009 left on April 1<sup>st</sup>. 2011 to work for a (new) organization called the Children's Ombudsman. We thank her for her tireless efforts and wish her every success in her new job. Vera Willemsen has taken over from her.

As the number of activities has increased the board cannot deal with them alone any longer. We need more active members and we must strengthen the organization. We are proud of the website [www.rechtersvoorrechters.nl](http://www.rechtersvoorrechters.nl) and its web master Ilan Vré.

As previously this *Newsletter* will also be

translated into Spanish.

I hope you enjoy reading it.

Gerritjan van Oven, Chairman

## ACTIONS/COUNTRIES

**This section gives an overview of the countries about which JJ was able to collect new information and of any actions that JJ has recently taken or is planning to take with respect to these countries.**

### **Colombia**

For the first time, JJ addressed Colombia. Amnesty International writes about this country: For decades Colombia has been plagued by an armed conflict between leftist guerilla movements like the FARC and ELN on the one hand and Government forces and illegal right paramilitaries on the other. The entire population has become victimised. It is one of the most dangerous places in the world for trade unionists, journalists, lawyers, *judges* and human rights defenders. It is therefore no coincidence that the German Judges Organisation (Deutsche Richterbund) together with development organization Misereor provides (financial) support to the Colombian organization FASOL. FASOL specifically dedicates itself to provide (humanitarian) aid to (family/next of kin of) judges and prosecutors who have been murdered, kidnapped, threatened or intimidated because of their work.

[Further information: [www.drb.de](http://www.drb.de) -> wir über uns -> Kolumbienhilfe and the article "Das Richteramt in Kolumbien - eine wahrlich schwierige Aufgabe", written by the Colombian judge Maria Stella Jara Gutierrez.]

### ***Gloria Gaona Constanza Rodriguez***

In March JJ drew the attention of, amongst others, the Dutch Human Rights Ambassador

to the murder of criminal court judge Gloria Gaona Constanza Rodriguez. JJ has

underlined the importance of a thorough, independent and impartial criminal investigation into this murder.

Judge Gloria Gaona was shot in the morning of March 22<sup>nd</sup>, 2011 on the street in Saravena, in the north-western department of Arauca, on the border with Venezuela. She had been responsible for the prosecution of the high-profile murder of the three children Torres Jaimes, two brothers and their (raped) sister. The suspects in this case are soldiers. Shortly before her death, the court criticized the delaying tactics of the lawyers (members of the Defensoria Militar Integral (DEMIL)) defending the main suspect Lieutenant Raul Munoz.

At the end of April 2011 three suspects were arrested who according to the Colombian police were members of the Colombian guerilla group ELN. In the media it was announced that all three had confessed to having been involved in the murder of Judge Gloria Gaona. In a press statement president Santos expressed his satisfaction with the quick completion of the investigation.

Early September JJ once again drew the attention of the Human Rights Ambassador to this case and asked him for information on the progress of the trial against the three suspects. JJ also asked whether the process was monitored in any way by (international) observers.

The independent judge rather than president Santos should be satisfied with the criminal investigation results.

However, the most recent reports in the Colombian news media seem to suggest that a key witness had been paid to present incriminating evidence against the three arrested suspects.

### ***María Cristina Salazar Trejos***

In May this year, Amnesty International released a press statement on the Colombian judge María Cristina Salazar Trejos. ([http://www.rechtersvoorrechters.nl/media/colombia/AI\\_PR\\_03052011\\_Trejos\\_Salazar.pdf](http://www.rechtersvoorrechters.nl/media/colombia/AI_PR_03052011_Trejos_Salazar.pdf))

On April 28<sup>th</sup>. 2011 this judge sentenced General Jesús Armando Arias Cabrales to a 35 year prison sentence for his involvement in the forced disappearance of 11 people in November 1985 after the military assault on the Palace of Justice in Bogota.

Subsequently President Santos publicly stated that there was no evidence of any involvement of Cabrales.

Amnesty International is deeply concerned about the safety of Judge Salazar who is also involved in other politically sensitive cases. Especially since a fellow judge who convicted an ex army officer in a related case, had to flee the country for fear of her life.

### ***Jenny Rosania Jimenez***

JJ recently received a so called Accion Urgente via the Colombian organization FASOL relating to the threatened criminal court judge Jenny Rosania Jimenez.

([http://www.rechtersvoorrechters.nl/media/colombia/AU\\_Fasol\\_13072011.pdf](http://www.rechtersvoorrechters.nl/media/colombia/AU_Fasol_13072011.pdf)).

When in May 2010 this judge ordered the arrest of Mario Aranguren, former director of the Financial Intelligence Service (UIAF), the then President Uribe publicly expressed his displeasure over her decision.

Since then she has repeatedly been threatened and intimidated. Despite her requests she is hardly protected by the government.

Furthermore, numerous (FASOL says 19 or more) disciplinary actions have been started against her.

Obviously this state of affairs causes us serious concern.

JJ has not only drawn these two latter cases to the attention of the Dutch Human Rights ambassador and to the UN Special Rapporteur for the Independence of Judges and Lawyers. For the independence of the judiciary must be guaranteed by the state.

The Executive Power should refrain from *'Inappropriate or unwarranted interference'* (see e.g. Art. 4 of the Basic Principles on the Independence of the Judiciary). Moreover, judges involved in politically sensitive cases should be adequately protected by the government.

### **Call: Participants wanted for a JJ Colombia working group**

Anyone who is interested in becoming more involved with Colombia and who preferably has (at least passive) knowledge of the Spanish language, is asked to volunteer ([info@rechtersvoorrechters.nl](mailto:info@rechtersvoorrechters.nl)).

Amnesty International Netherlands together with JJ will organize a workshop on effective campaigning on Colombia.

### **Ecuador**

The South American country Ecuador has a turbulent political history.

In recent decades the political instability has also affected the judiciary directly. The confidence of people in the judiciary is nil, partly due to widespread corruption and the very low quality of the judiciary.

Rafael Correa has been the country's president since 2006. He aims at a thorough reform of the state including the judiciary. However a new Law on the RO (COFJ) from 2009 was not implemented, and therefore Correa held a referendum in May 2011. Upon approval of this referendum, the Council for the Judiciary (CJ) has been replaced by a Transitional Council (CJT) consisting of three members, representing the President, the Parliament and the Council for Social Participation.

This triumvirate, which took office in July 26<sup>th</sup>. this year, has been given the task to thoroughly reform the judiciary over a period of 18 months. It possesses all the powers of the former Council for the Judiciary, including the appointment and dismissal of judges, disciplinary punishments, and determining the judicial map of the country.

The CJT did not procrastinate as shown by the fact that already on August 4<sup>th</sup>. this year

it had dismissed 48 judges. The CJT did not give any reason for these dismissals, but only referred to its mission and authority. Incidentally it concerned judges on temporary contracts - which applies to one third of all judges in Ecuador.

Additionally a law dated February 24<sup>th</sup>. 2010 ordered an audit of all criminal courts. Consequently auditors from the University of Taca (Chile) will audit all courts and randomly check dossiers on lawful and effective action by these courts. It has been announced that the results of this extensive audit will be ready by early September.

It has been widely accepted that judicial reform is urgently required in this South American country. However, based on the above JJ is concerned with respect to the way the reform takes place. The audit goes very much against the independence of the judiciary from the Executive Power. Even if this audit were justified by the dire situation the judiciary is in, the results must be handled extremely carefully. A country with a large number of highly political processes should be very careful and ensure that a major reform is not used to get rid of unwelcome judges. Judicial decisions and effective judicial action need to be justified on better grounds than at present. Additionally, the entire judiciary is at present under direct political control as a consequence of the composition of the CJT, who de facto is in charge of the judiciary.

JJ is following the situation in Ecuador closely, and through local contacts tries to determine what further actions may be needed.

## Philippines

In July 2011 a meeting took place between a JJ board member and the threatened Philippine judge on whom we recently briefly reported. It transpired that fortunately he has not of late received any further threats. During this visit to Manila contact was also made with the widow of a judge murdered on December 31<sup>st</sup>. 2005. Our board member investigated the murder of this judge earlier in 2006 and 2008. At the time it transpired that several suspects had been arrested in January 2006. However no

forensic examination had taken place neither had witnesses been formally questioned. One of the suspects transpired to have died in custody in 2011. The other three had been released by lack of evidence. The case had been closed by the Philippine authorities. On request of Judges for Judges, a Philippine law firm will examine the dossier concerned. Any subsequent actions will be discussed with the next of kin.

## Honduras

In our last newsletter we extensively wrote about the visit of two dismissed Honduran judges Tirza Lanza del Carmen Flores and Guillermo Lopez Adan Lone to the Netherlands on November 2<sup>nd</sup>. 2010. JJ has been in regular contact with them since.

The *Asociación de Jueces por la Democracia (AJD)* and *Center for Justice and International Law (CEJIL)* filed a petition On July 6<sup>th</sup>. 2010 in which Honduras is held liable for violations of the American Convention on Human Rights because of the arbitrary, unlawful and political dismissal of these and two other judges.

The petition was discussed at a hearing of the Inter-American Commission on Human Rights (IACHR) of the Organization of American States (OAS) on March 25<sup>th</sup>. 2011, and accepted on March 31<sup>st</sup>. 2011 [see for this decision:

[http://www.rechtersvoorrechters.nl/media/honduras/IAHRC\\_case\\_70\\_11adm\\_EN.pdf](http://www.rechtersvoorrechters.nl/media/honduras/IAHRC_case_70_11adm_EN.pdf)].

Tirza Flores, also chairman of AJD, considers the possibility of an interim settlement with the Honduran government extremely small and expects that their cases will have be dealt with by the IACHR within one-and-a-half to two years.

A delegation of the International Commission of Jurists (ICJ), visited Honduras both in December 2010 and in March 2011. The press release stated the following on the dismissed judges (see [http://www.rechtersvoorrechters.nl/media/honduras/ICJ\\_PR\\_Venezuela\\_120511-1.pdf](http://www.rechtersvoorrechters.nl/media/honduras/ICJ_PR_Venezuela_120511-1.pdf));

*The unjustified dismissal of three judges Ramón Barrios, Guillermo López and Luis*

*Chevez and of the magistrate Tirza Flores has still negative consequences for both the judicial independence and for the rights of each one of them. Despite the many recommendations of various national and international organizations, ICJ comes to the conclusion that the Honduran authorities do not have the political will to reinstate them in their function. The dismissals still stand and the persons concerned had to appear in court. This only indicates that the authorities are not willing to admit and acknowledge that they had been wrongly dismissed. Even if these trials end in acquittal, the damage has already been done. ICJ again emphasizes that judges in a democratic state have the constitutional duty to defend democracy and the rule of law; this obligation should never be interpreted as partiality nor should it lead to sanctions. ICJ cannot accept the crimes of which they are accused, all of which were supposed to have been committed during or after the days that the constitutional order broke down on July 28<sup>th</sup>, 2009, because those very judges did want to defend the Constitution. Again ICJ calls upon the Government of Honduras to solve this case as soon as possible by reinstating these judges in their function immediately .*

At the request of AJD, JJ co-signed an international petition on May 20<sup>th</sup>, 2011 which asks the OAS not to re-admit Honduras to the OAS until Honduras meets minimum judicial requirements and the 2010 recommendations of the IACHR (which includes stopping the harassment of judges who participated in actions against the coup).

At the end of May 2011 the ousted President Zelaya returned to Honduras and on June 1<sup>st</sup>, this year Honduras again joined the OAS. When asked, Tirza Flores told us that it had not changed the position of the dismissed judges.

We are awaiting the publication of a report by the ICJ on the independence of judiciary in Honduras. Once finished and if possible we will share it with you on our site.

## **Morocco**

The position of the dismissed judge Hassoun

has been brought to the attention of the Moroccan government by both a board member of JJ and through the NVVR.

On August 19<sup>th</sup>, this year the chairman of JJ discussed it with a group of colleagues working for the HR. They will address this issue.

JJ will keep you informed on developments.

## **Russia**

We brought the following to the attention of representatives of the Committee of Ministers at the ECHR: although the dismissed judge Kudeshkina has been vindicated by the ECHR with regard to the violation of her right to free speech, her dismissal by the Russian authorities has not been reversed.

## **Serbia**

After our second newsletter we did not publish any further news about the situation of the 837 dismissed judges in Serbia in subsequent newsletters.

That could give the impression that JJ has done nothing with this dossier since the summer of 2010. However that is not true, as you can see under "Recente berichten" on our website. There is intensive contact with various authorities in Serbia, and, where it proves effective, we work together with MEDEL (Magistrats Européens pour la Démocratie et les Libertés). Additionally we keep Gabriela Knaul, the UN Special Rapporteur on the Independence of Judges and Lawyers, regularly informed.

On February 19<sup>th</sup>, 2011, the chairman of JJ participated in a conference organized in Belgrade by, amongst others, the Serbian Judges Society (JAS). The conference discussed the need for regional cooperation between professional associations of magistrates in the Balkan. This newsletter will address the situation since March 2011.

Serbia is a potential candidate for EU membership. Later this year a decision will be taken on whether Serbia will be granted candidate EU membership. A reform of the judiciary will play an important role in this

decision.

The recent report published by the Helsinki Committee for Human Rights in Serbia even calls this<sup>1</sup>

*"The biggest Obstacle on the road to the EU"*

*In 2010, the authorities' resort to legal and political jugglery and manoeuvring in addressing the controversy concerning the re-election of judges and prosecutors and the incompatibility of domestic judiciary legislation with EU standards drew sharp criticism and warnings from headquarters or officials of relevant international bodies. For all the promises of the Serbian authorities and the Ministry of Justice to comply with the suggestions of the European Commission, the judicial controversy is blocking the required reforms, with domestic judges and prosecutors continuing to exchange correspondence with European officials and with both sides voicing objections to new amendments to the relevant legislation with which, it appears, no one is completely satisfied.*

On May 23<sup>rd</sup>. this year, the HJC determined the criteria for the review procedure. Using these criteria, all previous decisions on dismissals should be reviewed. The more or less identical recommendations and modifications with regard to these criteria proposed by the JAS and the OSCE have in the main not been adopted.

That is remarkable given that the OSCE at the request of the High Judicial Council, JAS, the Ministry of Justice and the EU has proposed a procedure. Both the JAS and the OSCE are of the opinion that the present criteria provide too much leeway for the HJC to use its discretion.

On May 28<sup>th</sup>. this year the JAS distanced itself publicly from the HJC Rules for the Enforcement of the Decision on Criteria and Standards in a declaration

([http://www.rechtersvoorrechters.nl/media/servie/Verklaring\\_JAS\\_26052011.pdf](http://www.rechtersvoorrechters.nl/media/servie/Verklaring_JAS_26052011.pdf) ).

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<sup>1</sup> <sup>1</sup> EC SERBIA 2010 PROGRESS REPORT (SEC (2010) 1330) 2 Human Rights reflect institutional impotence, Belgrade 2011, p. 103, down te loaden via: [www.helsinki.org.rs](http://www.helsinki.org.rs)

JJ considers it very important that this issue of dismissal and appointment of judges in Serbia is closely monitored by the EU Member States under the Serbian EU accession process .

The afore mentioned Helsinki Committee for Human Rights in Serbia (p.130) summed up the worrying situation as follows:

*'The international community expects this 'third pillar' of power to become independent and stable as soon as possible in order to quicken the EU accession process irrespective of possible political changes in the future. The Serbian judiciary cannot at present be said to be independent and autonomous because there has been no lustration of judges and prosecutors to speak of, both among re-elected and non-re-elected holders of judicial office.'*

Therefore June 21<sup>st</sup>. this year JJ presented a petition to the Standing Committee for European Affairs of the Dutch Parliament. The petition requests that in the context of Serbia's admission to the EU attention is also paid to an assessment to which extent the current Serbian approach to the review of the dismissal procedure of the judges actually meets European standards. (see our site for the text of the petition).

On August 10<sup>th</sup>. this year, JJ sent a letter to Barroso (copied to various stakeholders) with the following final paragraph (see

[http://www.rechtersvoorrechters.nl/media/servie/BriefRR\\_Barosso\\_10082011.pdf](http://www.rechtersvoorrechters.nl/media/servie/BriefRR_Barosso_10082011.pdf)):

*It is beyond dispute that the extradition by Serbia of the war crime suspects Mladic and Hadžić to the International Criminal Tribunal for Former Yugoslavia should be considered – in terms of the Rule of Law – as a step in the right direction.*

*Nevertheless it seems unacceptable that a country where the independence of the judiciary is under such high pressure, would be granted the status of candidate country. We therefore urge your Commission to evaluate these developments concerning the Serbian judiciary in the coming months with the utmost care.*

The intention was to bring in, on behalf of JJ,

an observer to attend the HJC hearing of the (also dismissed) association chairperson of the Judges Association JAS. Initially the hearing was scheduled to be held on September 1<sup>st</sup>. this year. At the last moment the trip to Belgrade had to be cancelled, as half a day prior to the hearing, the hearing had been adjourned for an indefinite period.

JJ will continue to monitor developments closely over the coming months.

## Spain

On April 15<sup>th</sup>. JJ organized a meeting in Amsterdam between judge Garzon and a senior representative of the UN, in order to focus the UN's attention on his situation and the proceedings against him.

## Suriname

A contact group for Suriname has meanwhile been formed.

## Venezuela

In previous newsletters we already informed you on the (then imprisoned) Venezuelan Judge Mary Afiuni.

In recent months JJ has again drawn the attention of various agencies to her case.

Several contacts in Venezuela keep us informed of her ever continuing worrying situation. We also discuss with these contacts how best to conduct effective action to support her.

On February 2<sup>nd</sup>. 2011 her poor medical condition led her to be admitted to an oncology hospital for surgery. She was subsequently put under strict house arrest.

The Human Rights Institute of the International Bar Association (IBAHRI) paid a visit to Venezuela and last April published the report *Distrust of Justice: the Case Afiuni & the Independence of the Judiciary in Venezuela*.

The IBAHRI press release (see [http://www.rechtersvoorrechters.nl/media/venezuela/IBAHRI\\_PR\\_04202011\\_Afiuni.pdf](http://www.rechtersvoorrechters.nl/media/venezuela/IBAHRI_PR_04202011_Afiuni.pdf)), quotes the co-chair as saying: '(...)given

*that President Chávez has publicly stated her case to be an "example" to other judges, we consider hers to be a paradigmatic case demonstrating the lack of judicial independence in Venezuela. Previously judges were worried that they would lose their jobs for returning decisions not in line with the Government – now they are worried that they will lose their liberty.'*

Afiuni's lawyers have repeatedly requested the court for:

- a. a jury trial;
- b. media access to public hearings;
- c. access of international observers.

So far this has always been rejected.

In EU context it has been agreed that employees of several embassies in Venezuela (Netherlands, United Kingdom, Germany and EU representatives) attend the trial in turn.

On May 12<sup>th</sup>. 2011 several international human rights organizations issued a joint press release on Judge Afiuni situation (see [http://www.rechtersvoorrechters.nl/media/venezuela/ICJ\\_OMCT\\_FIDH\\_PR\\_Venezuela\\_1\\_20511-1.pdf](http://www.rechtersvoorrechters.nl/media/venezuela/ICJ_OMCT_FIDH_PR_Venezuela_1_20511-1.pdf)):

*The International Commission of Jurists (ICJ) and the Observatory for the Protection of Human Rights Defenders, a joint programme of the World Organization Against Torture (OMCT) and the International Federation for Human Rights (FIDH), today expressed their concern at the ongoing prosecution of Judge Maria Lourdes Afiuni. The organizations called on the Venezuelan authorities to ensure that the trial against the Venezuelan tenured criminal judge comply with all fair trial guarantees provided under international law and Venezuelan Constitution, and hearings be held in public, with access provided to national and international observers.*

JJ sent this message to several parties including the Dutch members of the Parliamentary Assembly of the Council of Europe and the Permanent Committee on Foreign Affairs of the Dutch parliament. On June 16<sup>th</sup>. this led to questions in parliament addressed to the Minister of Foreign Affairs, minister Rosenthal. He responded on July 26<sup>th</sup>. (see [http://www.rechtersvoorrechters.nl/media/venezuela/BriefMinBuZa\\_TK\\_JJ\\_26072011](http://www.rechtersvoorrechters.nl/media/venezuela/BriefMinBuZa_TK_JJ_26072011)).

[pdf](#) ). He writes amongst others:

*The Netherlands will continue to monitor court procedures and detention conditions, in particular hearings being public will be an issue. Further steps will require careful consideration to avoid negative consequences for the person involved.*

On May 31<sup>st</sup>. at the meeting of the Human Rights Council in Geneva, the ICJ organized a side event on *The Role of Judges and Lawyers in Times of Crisis*. Our chairman Gerritjan van Oven who was a panel member also drew attention to the cause of Afiuni.

It should also be mentioned that the renowned scholar Noam Chomsky wrote an open letter to President Chavez on July 3<sup>th</sup>. 2011:

*I am convinced that she must be set free, not only due to her physical and psychological health conditions, but in conformance with the human dignity the Bolivian Revolution presents as a goal. In times of worldwide cries for freedom, the detention of María Lourdes Afiuni stands out as a glaring exception that should be remedied quickly, for the sake of justice and human rights generally, and for affirming an honourable role for Venezuela in these struggles.* (zie <http://www.rechtersvoorrechters.nl/media/venezuela/NoamChomskyPublicLetterAfiuni07032011.pdf> ).

Despite all international pressure, little has changed in the situation of our Venezuelan colleague.

Since she questioned the independence of the trial judge assigned to her case Judge Afiuni has so far only once - on May 13<sup>th</sup>. 2011 - appeared in court. Subsequent sessions have not addressed the content of her case. At 5 o'clock in the morning of August 1<sup>st</sup>. this year Mary Afiuni was collected by 40 members of the National Guard for a hearing later that day. Having arrived at the courthouse the hearing transpired to have been postponed.

On August 1<sup>th</sup>. 2011 a complaint was lodged with the UN special rapporteur on torture on behalf of Mary Afiuni, since she has no access to direct sunlight, adequate medical treatment, and her own medical record. (see [http://www.rechtersvoorrechters.nl/media/venezuela/UCAB\\_072011\\_Afiuni.pdf](http://www.rechtersvoorrechters.nl/media/venezuela/UCAB_072011_Afiuni.pdf) )

JJ will continue to closely monitor Judge Afiuni's situation, and has asked the Dutch government if it is possible to use the Universal Periodical Review of Venezuela on Oct. 7<sup>th</sup>. by the UN Human Rights Council as an opportunity to re-focus international attention on Afiuni's distressing situation.

## ACTIVITIES

### **Angela Kaptein visits Zambia**

Zambia - April 2011.

Zambia, the land of explorer Livingstone and the Victoria Falls.

At the end of April 2011, a three-day conference of the Africa Division of the International Association of Women Judges took place right next to the Victoria Falls. The subject of the conference was "Judicial Integrity, Women and Children's Rights - a judicial perspective".

The conference opened with a speech by Zambia's president and by singing the national anthem. The president said that he had already appointed 15 female judges, and he promised to appoint even more female judges. Big applause.

The mood at the beginning of the conference was appropriately marked by dark suits and formal hats. At sunset the conference came to a lively conclusion on the Zambezi river, with judges in colourful patterned traditional dress topped by extravagant headgear.



Over a three day period very intense and remarkably lively discussions took place about the contribution of the judiciary and of women in the judiciary, on strengthening the rule of law and on the translation of human rights into the practice of people's daily life in Kenya, South Africa, Zambia, Zimbabwe, Nigeria, Tanzania, Ghana, Uganda and Botswana. Some of the more-than-hundred participants had travelled for longer than 24 hrs. across their own continent - Africa is really vast - .

The discipline at the conference was impressive, the level of discussion high. The amount of joy and humour was striking. In vast and poor Africa access to a court is already a practical problem. How does one get there? One walks for days. Meanwhile, who looks after the children, the cow and the maize? Many are also convinced that the courts and even the laws are only for the rich. Even if one does know one's rights one still has to fight prevailing local customs and social pressure. Getting one's formal right may lead to social exclusion. So what does one do?

The AIDS problem and the right to medical care has its own dynamics. The woman responsible for her children goes to the doctor earlier than the man, though he knows very well that he is also infected. The woman receives medication and takes it discreetly, e.g. while she is cooking. If she is not discrete and the man finds out, there are two dangers: he may divorce his wife or he takes the medication away for himself.

Talking about rights ...

At the end of the three days I asked if I could talk briefly about JJ, and handed out an A-4 with information. Although I was a little bit uncertain how this would go down and whether it would be understood at all, it transpired that half a word was really enough. My colleague-sisters nodded approvingly when I mentioned that we had spent three days debating very seriously the rights of others, justice for individuals, protection of victims, equality for poor and rich, men and women. We talked passionately about our specific contributions to these core values, by doing our job, by applying the law, and by doing it well now and in the future.

But we had not touched upon another important question. Who looks after the judges? Who supports the judge if the need arises, e.g. if existing institutions do not function? Who ensures that in all cases judges have the resources, the room and especially the freedom to conduct their business at their own discretion? Who fights for judges if doing their job has been made impossible in a specific situation? For we all know that if someone is not taken care of or is under pressure or in danger she/he is not able to stand up for someone else. Just as the stewardess on the plane going back home will explain that in case of an emergency mothers should put on their oxygen masks first before helping their children; read: before they **can** help their children.

Many came up to me after my short speech. I had hit the nail on the head. The Kenyan judges were especially pleased with my efforts to reach out; they all have to go through the approval mill after recent changes in the Kenyan constitution and they are fiercely critical about how this process is organized, i.e. neither objectively nor independently. JJ's contact details were very much in demand.

For a moment I was afraid that JJ would be swamped by Africa. Also with questions other than pertaining to problems of an individual judge in a concrete situation. That has not happened so far. By the way someone also reacted by saying that surely I knew of the existence of unions. In my view we should also keep in mind that JJ may well generate more expectations than it can live up to. And something else: have you ever tried to explain JJ's e-mail address to Africans? Why are we not called "Judges for Judges" rather than "Rechters voor Rechters"? You only have to say that once, wherever you are, and everyone will remember it. I support that name: "Judges for Judges".

Angela Kaptein

JJ sympathizer and Judge of the The Hague Court.

### **Participants get to work**

Over time more and more people have

expressed their willingness to be actively involved with the JJ Foundation. We very much appreciate this, as additional manpower is required to do all the work. Please contact us if you haven't had an opportunity yet to get actively involved. Maybe you feel like getting involved with one of the active dossiers. You can participate either by yourself or maybe start a new subgroup with some colleagues. If you have access to sources with information about other countries / regions, you could also start a new dossier together with one or more board members and others .

### **English, Spanish and French Translators**

JJ urgently requires people to translate documents for the website and newsletters as well as other texts from Dutch into English, Spanish and French. No formal qualifications are required. Please let us know if you are interested via [info@rechtersvoorrechters.nl](mailto:info@rechtersvoorrechters.nl) .

### **Audit Committee / Finance**

JJ depends on donations for its finances . In 2010 we received an initial grant from the Foundation Lawyers for Lawyers. That's

why we had a surplus last year. But in 2010 we conducted so many activities (with respect to judges in Serbia, Slovakia, Russia, Venezuela, the Philippines, Spain and other countries) that we need extra private donations if we wish to sustain the same level of activity. Please support us financially.

## **IN CLOSING**

Anyone who would like to receive the forthcoming Newsletters, can apply by sending an email to [rr@rechtspraak.nl](mailto: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. The foundation has undertaken many actions and continuation is only possible with enough financial support. Your help is vital!

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