



This article is a translation of 'Rechtters in Nood' published in Mr. 8/9 2012 [<http://rechttersvoorrechtters.nl/?p=671>]

Judges in Need

Judges for Judges helps judges abroad who are in need. This foundation exposes abuse, sometimes by quiet diplomacy, sometimes by seeking media coverage. Mr. spoke with chairman [Gerritjan van Oven](#), secretary [Jolien Schukking](#) and founder [Bert van Delden](#) about the approach, the ambitions and their personal motives. "We would like to mobilise more judges in The Netherlands."

~ The Dutch article was by Alieke Bruins

As of 10th December 2009 the [Venezuelan](#) judge [Maria Afiuni](#) has been imprisoned. In accordance with Venezuelan law she had suspended the pre-trial detention of banker Eligio Cedeño after three years. Cedeño, who was accused of money-laundering, immediately fled the country. President Chavez at once publicly announced his displeasure at the decision and accused Afiuni of being corrupt. She was detained for months amidst women she had convicted. In 2011 her detention, meanwhile in a form of house-arrest, was extended by two years without a previous hearing.

Airline ticket

This case worries Judges for Judges greatly. This Dutch institution is dedicated to fellow-judges abroad who have got into trouble through their work, or are liable to become so. Their independence may be at risk or they are threatened or put under pressure by other means. Judges for Judges was established in 1999 by former judge and former president of the Council for the Judiciary, [Bert van Delden](#), when he took his leave as president of the Dutch Society for the Judiciary. He took this initiative in memory of his friend and former colleague [Ton Beljaars](#), who died in 1979. "It was his opinion that a judge should always put in just a bit more." Van Delden was inspired by the Bar Association which set up "Lawyers for Lawyers".

The first 'good cause' Judges for Judges sponsored was the airline ticket to [Surinam](#) for [Harry van de Haak](#), where the former judge and president of the Court of Appeal in Amsterdam, spoke at a conference about the independence of the judges. At a later stage Van Delden was involved in an exchange of letters with a judge in [Tunisia](#), who was under pressure from the authorities to make certain decisions. "The fact that this judges received foreign attention caused the authorities to treat him with more care. He was invited to receptions at foreign embassies and felt supported. The effect is often greater than we tend to think."

World Reformer

Judges for Judges was not very active between 2000 and 2009. This changed when a new committee took over, chaired by [Gerritjan van Oven](#), Court of Appeals judge in The Hague. [Van Delden](#) calls him "A real world reformer, an activist in the positive sense of the word. He has turned Judges for Judges into a large-scale organisation".

The regulations of the institution were changed and Judges for Judges became active in more and more countries. [Van Oven](#): "we have begun to detect situations. Where are colleagues in trouble or liable to have problems?" The institution has been in touch with a judge in [The Philippines](#) who had become the target of serious threats from the military. Close attention has been paid to the tensions in [Turkey](#) between the government and some judges.

At the invitation of Judges for Judges the Georgian judge [Tamara Laliashvili](#) spoke at a gathering in the Court of Appeals in Arnhem. Laliashvili was fired as member of the criminal chamber of the High Court of Tbilisi as a consequence of a decision she made.

[Schukking](#) has made contact with a growing number of (international) organisations Whereas originally only the members of the committee maintained contacts and assembled information, recently a second shell consisting of 20 to 30 active members has developed. Working parties focus on a certain region or a specific country. Thus a 'focus-group'

for Tunisia was established within the Alkmaar District Court . A number of judges and paralegals in the District Courts of Utrecht and The Hague founded a contact group for Surinam. Some of them regularly visit Surinam to offer professional support and coaching to Surinam judges-in-training.

Jan Krol: A Judge for Judges by himself

Jan Krol is a judge in the criminal section of the Utrecht District court. He descends from a line of teachers and loves to teach, calling himself “an old schoolmaster”. He has travelled on his own to Surinam several times to teach judges- and public prosecutors-trainees as well as paralegals/ court clerks. “Until fairly recently I knew very little about Surinam. I became hooked when I went there to teach about two years ago. I discovered that it is a very special country. The Dutch language is spoken far into the jungle. The people are fantastic , so very kind. The legal system of Surinam is based on the Dutch system, with clear differences, however. Criminal law is attributed the way it was done in The Netherlands twenty to thirty years ago. Surinam has a population of 500.000 and only 17 judges, some of which are first instance judges (kantonrechter) and others sit on the bench in the Court of Appeals. They all work in criminal, civil and administrative law. The workload is gigantic, quite incomparable to Dutch standards. New judges are being recruited, but even when they have been appointed, the workload will remain heavy. The judges are in a difficult position. The Surinam community is very transparent, everyone knows everyone else. In The Netherlands a judge can do his work in anonymity, but in Surinam that is impossible. Everything a Surinam judge does is put under a magnifying glass. The professional way in which Surinam judges deal with that situation is remarkable.

My activities in Surinam touch on the work of Judges for Judges, so I share my experience with them. It is quite possible that the Surinam judiciary will make another appeal on me in the future. It will be my pleasure to help my Surinam colleagues to the best of my ability once more.

Moral Support

Van Oven says: “It is the judge as an individual that takes centre stage, but sometimes the problem is of a more structural nature”. He mentions **Serbia** as an example. In December 2009, over 800 judges – roughly one third of the total number – were dismissed as part of a reorganization, without any reason given for their dismissal. “As a result of pressure by the European Union a review procedure was established in the end, but this procedure is still not transparent. Many of the dismissed judges are still at home jobless”. Judges for Judges discusses these issues with international organizations and maintains contact with the president of the Serbian judges’ association, who herself also lost her job. In October 2011, **Tamara Trotman**, a member of the board of Judges for Judges, observed a number of review procedures, joined by the vice-president of **Magistrats Européens pour la Démocratie et la Liberté** (MEDEL). Both organizations expressed their concern in a letter to the president of the **European Commission**, **Barroso**, asking him to look into the situation when drafting the Commission’s Opinion regarding Serbia’s EU-membership candidature. Says **Van Oven**: “The issue of Serbia’s membership will be decided upon soon. It is critical that we keep up the pressure on the authorities while the EU is still in a position to put its demands forward.”

Judges for Judges provide moral support mostly. An exception was made in the case of Judge **Masuku** of **Swaziland**. Masuku was dismissed because in his verdict he was critical of the Swaziland king. On a request by the Geneva-based **International Commission of Jurists** (ICJ), that assisted Masuku during his legal proceedings, Judges for Judges decided to provide ‘symbolic’ financial support.

Cooperation

Judges for Judges receives information about its fellow-judges abroad who may face difficulties through other organizations and ‘locally, from people in the field’. “Sometimes a judge himself will contact us”, **Van Oven** says. “The information we receive is always verified. We have a number of ways of bringing attention to the injustice done. To the extent possible we try to discuss with the judge how we can help.” Judges for Judges may get in touch with the authorities of the country concerned or with national or European parliamentary institutes. Often Judges for Judges seeks to cooperate with organizations such as **Amnesty International**, **Human Rights Watch**, the **International Commission of Jurists**, **Lawyers for Lawyers**, **MEDEL**, and officials such as the **United Nations Special Rapporteur on the Independence of Judges and Lawyers**. In The Netherlands Judges for Judges cooperates with the **Ministry of Foreign Affairs**, including its Embassies abroad, the **Ministry of Justice**, the **Council for the Judiciary**, and the **Dutch Association for the Judiciary**. Secretary of the Board **Jolien Schukking**, who is a judge at the municipal court in Utrecht, says: “The Ministry of Foreign is an important actor behind the scenes, for instance when checking information received through the Dutch Embassy abroad. Also, at our request, the Dutch Embassy, at times working with other European Embassies, may raise concerns in relevant countries through their diplomatic channels. In some cases it may be difficult for the

Dutch government to speak out because of its bilateral relations. Then, an independent body such as Judges for Judges is more suited to raise an issues. Good cooperation is of vital importance to our goal.”

Publicity

Sometimes silent diplomacy is called for, while at other times seeking publicity is best. Judges for Judges for example, together with the international Commission of Jurists and renowned scientist [Noam Chomsky](#), have called on president Chavez of [Venezuela](#) to release [Maria Afiuni](#) and grant her amnesty, a call which to date has not been answered to. In the case of the [Russian](#) judge [Olga Kudeshkina](#) Judges for Judges also made a public appeal. Kudeshkina was dismissed in 2004 after criticizing high-ranking members of the judiciary. She had told the media that she was put under pressure regarding an important criminal case that she was handling. She had criticized the state of the independence of the judiciary and said that the case was not a single incident. In 2009 the European Court of Human Rights in Strasbourg, to which Kudeshkina appealed, ruled that there had been a violation of the freedom of speech. Kudeshkina was awarded damages, but that did not give her back her position. On Kudeshkina’s initiative, Judges for Judges organized an interview with the Dutch newspaper NRC Handelsblad. On May 2, 2012 Judges for Judges called on the [Committee of Ministers of the Council of Europe](#) to see to it that the Court’s ruling was adhered to.

According to [Van Oven](#) it may sometimes be enough to bring together the right individuals. Such was the case with the [Turkish](#) judge of Kurdish descent [Çagatay Çetin](#), who visited The Netherlands in 2010 asking for asylum. Because of his opinions on the Armenian genocide and the treatment of Kurds in Turkey he was prosecuted for libel and insulting the Turkish nation and the state. Says [Schukking](#): “Here we could not advise on the merits of his case, because it could still be brought before a Dutch judge. Judges for Judges however pointed out good-quality lawyers and kept a close eye on his situation, through the media and through discussions with Çetin himself.” In May 2011 Çetin was granted a residence permit. Three months before that he had been sentenced in absentia to a seventeen- year prison sentence for forgery and insulting a public prosecutor. “We are still in touch with him. He is studying the Dutch language after which he wants to study law, and maybe even become a judge in The Netherlands.”

Rule of Law

About his personal motivation [Van Oven](#) says the following: “For one hundred percent I support the thought that public solidarity amongst colleagues can make a difference. Judges whose independence is being threatened are most helped by personal support from people with the same professional background.” [Van Oven](#) recalls the time when he advised the Georgian government on reforming and modernising the judicial organisation, on the education of the legal secretaries and on improving judicial independence. “At the most remarkable moments judges from all over the country were summoned to the cold court to justify their decisions. Within this country, which only has a small judicial power, there was a general culture of fear; a dangerous development for a country in transition.” [Van Oven](#) points out the importance of the Rule of law, which just as the notion of the Dutch constitutional state, signifies that everyone, also the government itself, must obey the law. “The better the Rule of law is in the world, the better this is for a small fragile country like the Netherlands.” [Schukking](#): “the Rule of law is such an essential element. When I was still a human rights advisor at the Ministry of Foreign Affairs I was asked by the Council of Europe to train judges and other legal professionals at several courts in new member states throughout Europe. It was then that I realised how much work is still ahead of us.”

Ideals

Judges for Judges would like to help more judges in need but in order to be able to do so we need more support from Dutch colleagues. [Schukking](#): “We can count on the support of many judges, counsellors, judges in training and other members of the judicial power. They keep track of our work through the newsletter, sign petitions, come to our gatherings; others support us with donations. Still we would like to mobilise more judges in the Netherlands.” [Van Oven](#): “It would be ideal if in a year or two, apart from the board of directors, fifty or sixty judges were working for the foundation and if each court had an active working party for one specific country. That however would require a lot of money. “Judges for Judges operates completely independently; donations are our only source of income. Every now and then there is a very generous donation, such as for the occasion of the parting of [Willy Thomassen](#) at the Supreme Court and with the elimination of the International Moot Court. In 2012 the organisation received a one time government subsidy. “However financially, things could be better.” The board is considering how to further professionalise the organisation. Judges for Judges, however, is not able to interfere with everything, says [Van Delden](#). “I believe in international actions, but the bar to achieve our ideals should not be set too high. If only three judges are helped or if the wife of a murdered judge is able to finance her child’s education with a few thousands euro, then we have made a difference.”

Matters of Principle

MATTERS OF PRINCIPLE

CODES ON THE INDEPENDENCE
AND IMPARTIALITY OF THE JUDICIARY

Regulations on the position of judges

On the initiative of the foundation Judges for Judges the book **Matter of Principle, Codes on the independence and impartiality of the judiciary** has been launched in June 2012. The book covers the most important international, European and Dutch codes for the judiciary. This book will be distributed amongst all judges, counsellors, stand-in judges and future judges in the Netherlands. The digital version of the book can be found on the website of Judges for Judges [<http://www.rechtersvoorrechters.nl/matters-of-principle/>].

Newsletter

Judges for Judges regularly publishes a newsletter. Please find the latest issues below. To subscribe to our English newsletter, please send an email with your name, email address and the text “[Subscribe to English newsletter](#)” to [info@rechtersvoorrechters.nl].

Support and donations

The Foundation can also benefit from your help and support. All contributions (whether financial or material) from judges in the Netherlands and others who are concerned about the fate of judges abroad facing professional problems, are most welcome!

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