



**MAGISTRATS EUROPEENS POUR LA DEMOCRATIE  
ET LES LIBERTES**

**2013**

# PRESENTATION

*The visionary forces of law*<sup>1</sup> oppose matter-of-fact forces. The law is not insulated from the rest of the world. It maintains multiple relationships with politics, morale, history. At the European, and even more so at the international level, the law no longer operates under its various models and hierarchies; it compels us to produce an arranged pluralism - a harmonization process based on a set of universal principles.

Today, we are witnesses to a new legal revolution, stemming from the creation of the international forum of judges. This is not the work of just a lone unlikely legislator, but rather the result of the day-to-day work of judges exchanging arguments, decisions and ideas. The actions of national and international courts are filling the gaps of supranational regulations. Judges create the common normative tissue which substitutes for the absence of a global and general law.

The legal system is breaking free from its ivory tower; it is opening its windows to the world. It is learning how to think globally in order to act locally. MEDEL (Magistrats européens pour la démocratie et les libertés) has had its own modest share in the development of this new spirit. The association has helped unite *Europe's Visionary Forces of Justice* – the judges and prosecutors who perceive law as a commitment and an instrument for change.

Its ambition is in keeping with a civil society model, which has specifically referring to the jurisprudence of the European Court of Human Rights in Strasbourg, since the Handyside and Sunday Times judgments. Namely, that there cannot be a democratic society without pluralism, tolerance and free spirit being effectively entrenched into its constitution, which must be subject to the principle of preeminence of law, an efficient control of executive power by an independent judicial authority, without prejudice to parliamentary control, and which ensures the respect of human personality.

The foundation of Medel reflects an engagement, an ambition and an ideal. It also represents a social conscience: Between rich and poor, strong and weak, it is freedom that oppresses, and the law that liberates. Lacordaire's phrase remains very much topical in the age of economic liberalism.

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<sup>1</sup> Mireille Delmas Marty, *Les forces imaginantes du droit, Le relatif et l'universel*, ed. du Seuil

# STATUTES

(...)

## GOALS OF THE ASSOCIATION

Art. 2.

The goals of the association's action are:

1. The establishment of a common debate among magistrates from different countries to support European community integration, in view of the creation of a European political union;
2. the defense of the independence of the judiciary in the face of every other power as well as of specific interests,
3. the democratization of the judiciary, in its recruitment and in the conditions for the exercise of the profession, in particular in face of the hierarchical organization.
4. the respect, in all circumstances, of the legal values specific to the democratic state based on the rule of law.
5. the assertion of the right of magistrates, as of all citizens, to freedom of assembly, association and expression, including the right to form trade unions, to meet and to take collective action;
6. a judicial organization apt to guarantee a public service of justice responding to the principle of transparency, allowing for the citizens' control over its functioning;
7. the promotion of a democratic legal culture through exchanges of information and the study of common topics;
8. the proclamation and the defense of the rights of minorities and of differences, and in particular the rights of immigrants and the most deprived, in a perspective of social emancipation of the weakest,.

Art.3.

The association will act with the federated associations, in each State represented as well as at international level, and in particular vis-a-vis the European institutions. It will act, in particular, in favor of the adoption of an additional protocol to the European Convention on Human Rights on the status of magistrates (declaration of Bordeaux of October 15th 1984).

Art. 4

The association abstains from all commercial activity

(...)

The present statutes have been adopted by the constituent General Assembly held in Paris on November 29 th 1987.

## Colloquia and Seminars

MEDEL carries out essential work on the judicature and its professional practices. It offers an arena for the exchange of opinions and debates and allows bridges to be built between the judiciaries of the various European States. The regular meetings of its Administrative Council offer opportunities for the members of that Council to meet magistrates from the host country in order to discuss specific topics.

Public debates amongst judges and public prosecutors throughout the European Union and its Member States contribute to the development of European legal cooperation, based on evaluation of best national practice. MEDEL is also involved in joint training programmes for judges and public prosecutors of Member States, twinning and trans-national exchange programmes, which reinforce mutual trust between judiciaries of Member States.

In particular, MEDEL has organised the following colloquia:

### *On Judicial Organisation:*

- The conference on **Independence of the Judiciary in a Europe of Transitions** (Popovo, 1991) was the first meeting held in Eastern Europe after the fall of the Berlin Wall, with a view to integrating those judges' organisations that had been created in the new democratic states into MEDEL; That experience was continued in a seminar on **Reform of the Serbian Judiciary from a European perspective** (Belgrade 2003) and particularly during a colloquium on **Judicial Independence in the face of challenges of democratic transition** (Belgrade, June 2007), in which judges from all of the former Yugoslavian countries participated;
- The conference on **Independence of the Judiciary - an obligation not a privilege** (Prague, May 1993) was the occasion for the adoption of **elements of a European statute of judges**, placing MEDEL at the forefront of school of thought that, in the context of the Council of Europe, led to the adoption of the 1994 recommendation on independence, efficiency and the role of judges, and of the European Charter on the statute for judges in 1999;
- The conference on the **statute for public prosecutors** (Naples 1996) gave rise to the adoption of a declaration of principles for public prosecutors, asserting the autonomy of public prosecutors, to ensure the independence of the judicial power and equality before the law. This has been followed up in subsequent sessions in Belgium (**Public Prosecutors or the Secrets of the Great Pyramid**, Louvain-la-Neuve, December 1996) and Romania (**Public Prosecutors, Democracy and the Rule of Law**, Bucharest, September 2007); other meetings were held in Portugal, (**Constitutional guarantees and autonomy of the public prosecution service**, Lisbon, November 2009), Poland (**the Public prosecution service facing change**, Warsaw, April 2011) and **the Public prosecution service and Human Rights**, Rome, November 2011)
- Exchanges on **Managing the Judiciary in Mediterranean Countries** (Paris, June 2002) allowed us to think about the role of MEDEL in a Mediterranean context, together with the Euro-Mediterranean Network of Human Rights;
- The debate on **Ethics of Judges and Public Prosecutors, Proposals for Codes of Practice and the Statute of the Judiciary** was initiated during a colloquium on that subject in Bremen in March 2004 and was followed-up during the meeting on **Judges Liability** in Prague in June 2006;

- **Justice and the Media** was the subject of a seminar held in Krakow in September 2005; the exchanges on this subject will be continued in Bucharest in June 2008;
- Finally, the colloquium for **a new civil justice. The crisis of efficiency for European justice**, (Paris, January 1999), organised in Senate, initiated discussion on the quality and efficiency of the judiciary; in the same context the exchanges on the **modernisation of justice** (Lübeck, October 2007), the aim of which was to facilitate MEDEL's involvement in the work of the European Commission for the Efficiency of Justice (ECEJ); a seminar on this topic will be organised in 2008 (**Evaluation of the Quality of Justice**, Palermo, February 2008), **the challenge of the New Public Management in the Judiciary**, Bordeaux, June 2011)

#### *On the training of judges and public prosecutors*

- The colloquium on **Professional Training for Judges and Public Prosecutors** (Trieste, June 1991), organised in collaboration with Trieste University, highlighted the importance of the contribution of judges' associations in cultivating a European judicial culture; this discussion was continued in Madrid in 1998 (**Is there a common European judicial culture?**), in Lisbon in 1999 (**The role of associations and unions in the training of judges and public prosecutors**), in Prague in 2003 (**Continuing training of judges and public prosecutors in Europe**), in Porto in 2004 (in the context of a common session with judges from Latin America) and in Rome on 20 May 2005, during the colloquium to mark the 20<sup>th</sup> anniversary of MEDEL.
- The colloquium on **The principles established in the European Charter of Fundamental Rights**, (Rome, April 2006) was extended by the creation of the Observatory on the Respect of Fundamental Rights in Italy.

#### *On immigration and asylum:*

- The conference on **the law on immigration** (Lübeck, October 1986) represented one of the marks of achievement of one of MEDEL's aims: the protection of the most underprivileged immigrants;
- The conference on **the law on citizenship** (Paris, September 1987), raised the question of access to citizenship in the context of comparative law, and forecast the emergence of a European citizenship;
- Finally the conference on **the right of asylum** (Turin, October 1996) examined the gap between ideals set out by numerous European constitutions and international conventions and practice.

#### *On Imprisonment*

- The colloquium on **a Europe of Freedoms: Prisons and Judges** (Valencia, January 1989) and **The Judiciary and Prison** (Athens, November 1991) involved exchanges on the role of judges in the application of penalties and the control of detention centres, coetaneous with the 1987 European Convention for the Prevention of Torture and Inhuman or Degrading Treatment.

- **Dying in Prison: Amending the law** (Aix-en-Provence, June 1996) set out the debate which was subsequently promulgated in French law of the 4<sup>th</sup> of March 2002, concerning the suspension of prison terms for medical reasons;

#### *On Social Law*

- Since it was first established, MEDEL has viewed **Europe as a social space** (Berlin, September 1990); this train of thought was amplified during the **Employment, Justice, Equality. The Right of Employment in Europe in a Time of Globalisation and the Information Society** colloquium (Lisbon, January 2002)
- **The green paper on the future of labour law** gave us the occasion to develop a critical reflection on that document; the colloquium was organised with the Generalitat of Catalonia (Barcelona, November 2007).
- Labor law, the fight against discrimination, the new forms of labor relations, the role of unions, the flexibility vs the protective function of the law, subcontracting, outsourcing were discussed during two days on "**Labour Law in the XXI century**" in Palma de Mallorca, 22 and 23 January 2009
- The issue of compliance and the development of social rights in crisis economy have been at the center of discussions at meetings in Brussels (December 2010) and Bucharest (April 2011)

#### *Criminal law and freedom rights:*

- From the beginning of the "clean hands" movement, MEDEL has worked on **tax evasion and money laundering** (Turin, January 1992) and on **organised economic crime** (Serock (Poland), September 1994);
- The colloquium on **impeded justice** (Brussels, 1997) gave us the opportunity to extend the Geneva call, launched one year previously, in the presence of judges and public prosecutors who had taken part in that initiative; this debate was continued during the conference on **the European judicial arena** (Rome, March 2002) in the context of MEDEL's response to the Commission's green paper on that topic;
- The conference on **fighting terrorism** (Brussels, October 2002) gave rise to a first exchange on European texts adopted after the 11<sup>th</sup> of September; the colloquium on **Consequences of Criminal Law in Europe: Constitutional Freedoms vs. Security Culture** organised in the *Ecole nationale de la magistrature* together with AED (European Democratic Lawyers (*Avocats Européens Démocrates*) Bordeaux, October 2004) highlighted a concern echoed by Opinion No 8 of the Consultative Council of European Judges (CCJE) on the role of judges in the protection of the rule of law and human rights in the context of terrorism;
- Finally, MEDEL held a seminar on **the law of war** in Athens in April 2003, before becoming involved in the fringes of the Coalition for the International Criminal Court.



## **MEMBERS**

## Germany



In the beginning of the seventies, *Deutscher Richterbund* was the dominant representative organization of the German judiciary. Progressive judges and jurists, members of the association of social-democrat jurists, tried to influence judiciary reforms from the outside rather than from within.

By the mid seventies, these jurists decided that their defense should no longer rest in the hands of organizations connected to political parties. Young jurists joining the profession needed something concrete: they formed a union – a member of a confederation – (ÖTV, the General Civil Service Union), later renamed VERDI, and developed a critical approach to the institution.

However, some people believe that a trade union confederation is not the appropriate structure for conveying the problems of a judiciary system that has become fully aware of its role. Then, in 1987, they decided to create the *Neue Richtervereinigung* (New Association of Judges).

The magistrates of both VERDI and *Neue Richtervereinigung* are part of MEDEL.

## Belgium



In the late seventies, the Belgian judiciary culture was marked by silence and resignation. It is against this backdrop that in 1980, contrary to all practices, several judges and lower magistrates fully assumed their role of citizens staging an unannounced news conference. This wasn't revolution quite yet, but it was finally a rebellion. The Association of Magistrates was thus born.

What did these young rebels have to say? Well, they strongly criticized the functioning of the justice system and the unequal access of parties to justice. They exposed the sterile conformism of the judiciary; they denounced the obstacles to achieving independence and the hierarchic burden.

They put forward their objectives: promoting new ideas regarding the finality of justice; searching for ways to ensure that judges are free from political pressure; suggesting a reform of the nomination and promotion system, which until then had strongly depended on political party affiliation; organizing democratic participation of magistrates in the judicial system; improving working conditions and promoting the permanent training of magistrates.

Though welcomed by the press, this initiative immediately infuriated high-level magistrates, mostly attorney generals, and raised hostility among conservative magistrates in general. This was the starting point of a slow but irreversible evolution of mentalities and attitudes in the judiciary world.

*L'association syndicale des magistrates* in the francophone part of Belgium and *Magistratuur & Maatschappij* in the Flemish part are both members of MEDEL.

## **Cyprus**

### **Association of Judges of Cyprus**

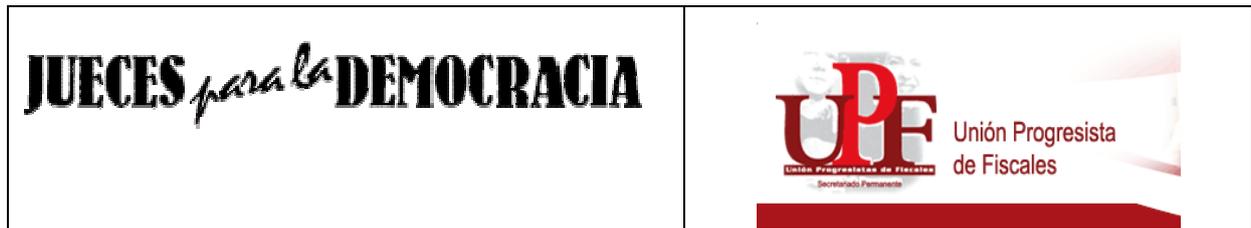
In its current form and following the amendment introduced by Law 136/91 of 26 April 1991, the Association of Judges of Cyprus operates under section 10A of the Act 14/1960 on the courts. Previously, the Association was informal.

Law 14/60 provides the composition, jurisdiction and powers of the courts of the Republic as well as other topics concerning justice in the Republic of Cyprus, founded in 1960.

The 90 members of the Association are the judges of all levels who sit in courts of first instance..

The Association aims to improve the conditions under which justice is done, to promote legal science, to safeguard the independence of judges, to improve their working conditions, their training and to develop of cooperative relationships with similar associations in other countries, with the Supreme Court and the government of Cyprus to achieve these goals.

As part of its activities, the Association organizes conferences and debates and is represented in organizations of judges abroad.



The creation of the *Justicia Democrática (JD)* at the end of the sixties marked a departure from the established system of that time. A group of intellectuals formed *Justicia Democrática*, which pursues objectives aimed at exposing the myths of apolitical stances, breaking corporatism and denouncing the instrumentalization of the judiciary by the Francoist regime. *Justicia Democrática* also became actively involved in the democratic, anti-Francoist movement. After 1976, as part the Spanish democratic current, this movement promoted ideas that anticipated new constitutional principles in the area of justice and the guaranteeing of rights. *Justicia Democrática* also advocated a different concept of the Judge and his/her involvement in society, in other words – a different jurisdictional culture.

At the time of the introduction of the new institution, *l'Asociación Profesional* was a single organization, dominated by conservatives. In 1983, the group *Jueces para la Democracia* (Judges for Democracy) was established as a current within this unique association. This new group disseminated a document containing the basic elements of its identity: An effort to interpret laws so as to acknowledge the desires of a part of the society that had never been given a chance to recognize itself in judicial institutions; openness to constitutional values of freedom, justice, equality and political pluralism; abolition of careerism and the election of heads of jurisdictions. The refusal of *l'Asociación Profesional* to recognize new movements prompted the departure of *Jueces para la Democracia*.

Furthermore, prosecutors that had joined *Justicia democrática* no longer shared the prosecution model advocated by the old association: they split in 1985 and formed *L'Unión progresista de fiscales* (Progressive Union of Prosecutors) the same year.

*Jueces para la Democracia* et *l'Unión progresista de fiscales* are members of MEDEL.

## FRANCE



In June of 1968, the magistrates - founders of the *Syndicat de la magistrature* - (SM) formed a union, which was viewed as a rather innovative initiative at the time. Their aim was to reinvent themselves not as notables, not as beneficiaries of some functions or sovereign powers, but as employees entitled to specific rights, including trade unions rights, in particular the right to strike.

From the beginning, the SM has advocated the notion of justice as the foundation and pillar of the rule of law; justice at the service of republican ideals of freedom, equality and fraternity. They spoke from within the system, with full legitimacy of people able to testify about bad practice and institutional shortcomings.

Their objective was also to ensure a justice system that is the guardian of freedoms; that is at the service of the law and citizens. To promote this ideal, the SM often engaged in political debates, criticizing law drafts and bills. It also fought in favour of abolishing the death penalty.

A magistrate – a member of the *syndicate* provoked a scandal in 1974 after distributing his speech, which even today still reflects the SM spirit:

*“Justice is not just a truth adopted back in 1810. It is a perpetual creation. It will be whatever you make of it. Don’t wait for the green light from ministries and legislators, or for perpetually forthcoming reforms. Engage into the reform yourself. Listen to your common sense; to your love for your next of kin, rather than to authority and tradition. Try not to just do your job, and you will see that, in order to be really useful, one needs to depart from the beaten track. Whatever good you do, you will do it as an extra. Like it or not, you have a role to play in society. You are not just decision-makers on paper. You actually do make a difference. Don’t shut your hearts at the sight of suffering and your ears to its cries. You will notice, for that matter that, contrary to its official principles, the justice system applies repressive laws extensively and liberal laws restrictively. Do the opposite. Be good players and try to be generous and that will be a change.”*

## Greece



Following the return of democracy to Greece, the 1975 Constitution allowed the freedom of association of magistrates and the creation of a magistrate union. The Association of Greek Judges was hence established in 1988.

The high judicial hierarchy, which had availed itself of particularly strong powers, remained skeptical of the magistrates that acted truly independently. However, the association of Greek judges capitalized on the laws stipulating appointment of judges assigned to criminal law by means of lot drawing and the election of steering committees of grand tribunals by all judges.

*The Association of Judges of Greeks for Democracy and Freedoms*, a member of MEDEL, is an organization that gathers Greek magistrates, regardless of their professional ranking or the judicial branch to which they belong.

## ITALY



### *Movimento per la giustizia*

The Association of Italian magistrates plays an essential role in republican Italy. The associative tradition of Italian magistrates dates back to the first years of the last century. In 1904, in Trani, southern Italy, a small group of magistrates drafted and signed a petition addressed to the government, demanding a reform of the judicial system. In 1909, in Milan, 44 magistrates created the General Association of Italian Magistrates. In a very short time, the number of members of this Association exceeded 2000. At the advent of the fascist regime, the leaders of the General Association of Italian Magistrates preferred dissolving the Association rather than letting it become a fascist syndicate.

Renewed upon the downfall of the fascist regime, the Association took an active part in discussions on the Republican Constitution and its drafting. It also strived to create the Superior Council of Magistrates, a totally new institution, unknown in other European countries as well. The associative work of magistrates contributed to making justice a pillar of the Republican Constitution.

The year 1964 witnessed the creation of the *Magistratura democratica* (MD), which has since been supporting the most innovative positions within the national Association, in order to ensure full effectiveness of article 3 of the Constitution, which aims to remove all hurdles to the exercise of liberty and equality of citizens. The MD still maintains cooperation with social activists and develops a culture of resistance among magistrates, based on the defence of the Constitution.

*Magistratura democratica* and *Movimento per la giustizia*, which represent two of the most progressive trends within the National Association, are both members of MEDEL.

## Poland



In December 29, 1989, Poland became a democratic country and introduced the rule of law.

Under the law on judges passed on March 14th, 1990, it is the President of state that appoints judges at the proposal of the National Council of Judges. The Minister of Justice, who in the past was charged with overseeing the activities of judges and played a predominant role in their nomination, has nowadays far less power and deals only with purely formal aspects of court activities.

*Iusticia* was created in 1990 to promote and protect the independence of justice. It is the most representative Polish association of judges.

Recently, *Iusticia* took numerous stances with regards to major legislative changes, challenging the Minister of Justice's attempts to reinforce repression.

*Iusticia* also supported the Association of Prosecutors of Poland, which adopted on June 23rd 2007 a resolution on ethics, mission and independence of the prosecutors and attorney generals, prompting the Minister of Justice to threaten them with disciplinary measures.

*Iusticia* and the *Association of Prosecutors of Poland* are members of MEDEL.

## Portugal



Before April 25th 1974, it was impossible, even illegal, to organize any judges or prosecutors associations.

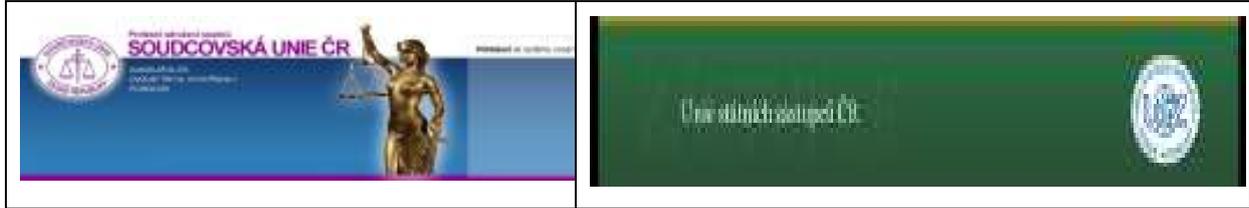
After the revolution, the Syndicate of Magistrates of the Public Prosecution Office, from its very foundation, gathered support from all hierarchical levels of the public prosecution service: judiciary trainees, delegates, prosecutors and deputy attorney generals. At the same time, judges created the Syndicate Association of Judges of Portugal.

The striking feature of the public prosecution was that its youngest members were incorporated into the organisation. Unlike today, they did not pursue an autonomous career, for them, it was a step towards becoming a magistrate. Members of the prosecution office were young people who had just graduated from universities; they were influenced by the students' associative movement (which had evolved in the struggle against the regime) as well as by elements that took part in the Armed Forces Movement as militant officers.

Judges' organizations had been created around the same period, starting with the Union of Judges and the Syndical Association of Judges. In the end of the eighties, the Syndical Association of Judges took up a position marked by social and democratic concerns, nearer to the SMMP.

*The Association of Judges of Portugal and the Public Prosecutor Syndicate of Portugal are both members of MEDEL.*

## The Czech Republic



The Constitutive Congress of the Czech Union of Judges took place on October 4th 1990. This Union defined itself as an apolitical organization of professional judges. It relied on the traditional work of the Confederation of Judges of Czechoslovakia, which had been active between 1919 and 1938. The Congress set as prime objective of the organization to protect and ensure the independence of judges, to defend their interests within and outside the institution, to contribute to their training and assist in the cleaning of a judicial system marred by forty years of ethical and professional flaws. It was all about raising Czech justice to the level of rule of law and democracy.

The Union of Judges believes that a radical reform of justice is necessary. It advocates the separation of powers modelled on contemporary democratic judicial systems. It insists on the necessity to ensure the self-management of justice in order to limit the influence of executive power over the judiciary. The creation of a Superior Council of Justice is one of the main objectives of the Union of Judges.

*The Association of Judges of the Czech Republic* and the *Czech Association of Prosecutors* are both MEDEL members.

## Romania



In 1989, the new political authorities publicly proclaimed their wish to introduce more justice and the rule of law into the country, and to create in a western-type democracy. In reality, judges and prosecutors, as well as members of the executive power (the vast majority being second-ranking members of the former communist *nomenklatura*) were prisoners of the old totalitarian mentality. The independence of justice as the pillar of the rule of law was of secondary concern to them. Prosecutors still preserved their privileges granted by the former communist regime during the years of dictatorship. Nominations remained in the hands of the justice minister, at the formal recommendation of the Superior Council of Magistrates, whereas the chiefs of jurisdictions maintained their ties with political power.

The Alliance for European Justice in Romania (AJER) was set up on February 11th 2004. It was created by the Association of Magistrates of Romania together with non-governmental organisations for the defense of human rights and the rule of law: The Centre for Legal Resources (CRJ); the Romanian Transparency Association (T.I. Romania); the Association for Democracy; the Institute for Public Policies; the Association for the Defense of Human Rights in Romania; the Helsinki Committee; the Romanian Academic Society (SAR); the Press Monitoring Academy and the Open Society Foundation (FSD).

In the autumn of 2005, judges gathered within an NGO very active in the judiciary sphere (the Association “Society for Justice” – SO JUST) advocated a change of institutions and practices.

At the time of Romania’s accession to the European Union, the invitation of a MEDEL delegation to a meeting on deontology and ethics of the judiciary was an occasion for wider exchanges. It enabled the creation of the National Union of Judges of Romanian (UNJR) in May of 2007.

## Turkey



Founding members of YARSAV were magistrates active throughout the judicial system: administrative and constitutional jurisdictions, including in superior courts. The Association also includes members of the prosecution offices.

The recent period was marked by struggle for the freedom of the judicial association in Turkey. On the August 28th, 2006, the Ministry of the Interior advised YARSAV's managing bodies that magistrates may not engage in self-organization, as the defense of independence of the justice system rests solely on state jurisdiction. YARSAV's actions aimed at ensuring judicial independence became illegal and the foundation of an association of magistrates was banned.

The Justice Minister then came up with the idea of creating a "counter-organization". He presented this initiative to the legislature as part of a law from 2007. This law also envisaged the dissolution of all associations created by magistrates. Then, later in 2007, a bill was tabled aimed at dissolving YARSAV.

As an association of jurists, YARSAV acts and defends itself by judicial means. Since its creation, it has taken part in around thirty court cases, which has often annoyed the authorities.

The constitutional reform of 2010 has reduced the power of judiciary. However, in a new balance of power, the freedom of association of magistrates is no longer threatened.

## Serbia



The Association of Judges of Serbia was founded on April 26 of 1997 as a sub-division of the Association of Jurists of Serbia. This initiative mainly stemmed from the complaisant attitude of authorities to the conduct of certain judges in charge of controlling the local elections in 1996. A number of magistrates reacted by creating this Association as a response to threats to their impartiality and independence. However, the authorities refused to register the Association. Around thirty judges, of which thirteen had been members of the Association presidency, were revoked.

Immediately following the change of government in 2000, the Association resumed its activities. The first general assembly of the revived Association took place on April 7th, 2001 (at the very same location as its inauguration) in order to elect new administrative bodies and adopt a new statute. The Association finally obtained registration on July 13, 2001.

On December 17th, 2009, 837 judges – a third of all magistrates in Serbia – as well as 220 prosecutors and deputy prosecutors had been dismissed. This decision of the authorities triggered a major and unique crisis in the history of contemporary Europe.

The renewing of magistrates' mandates had supposedly been governed by criteria such as "competence, level of training and merit". However, the procedure was carried out in haste. Related debates were held in secret. None of the affected magistrates were heard in relation to the procedure and they received no reasons for the decisions. The Minister of Justice even publicly stated that that the Supreme Justice Council was in possession of police and intelligence reports which it used to render its deliberations.

A public outcry from far and wide around Europe compelled authorities to revise the procedure. Still, this revision fell short of appeasing the concerns of the international community. In July 2012, the request of JAS before the Constitutional Court was accepted and the dismissals canceled.

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