

## MEDEL Ankara Note

### Concerning the Judiciary situation in Serbia

4<sup>th</sup> July 2010

During Ankara meeting held on 4<sup>th</sup> July 2010 MEDEL Bureau heard the report of the Judges' Association of Serbia and Prosecutors Association of Serbia about post-reappointment situation in Serbian Judiciary.

#### Having in mind

- International documents about the judiciary situation in Serbia<sup>1</sup>
- important shortcomings in the judicial reform in Serbia regarding the composition and independence of the High Judicial Council and State Prosecutorial Council, the application of objective criteria and the transparency and the reliability of the overall process
- indications of possible solutions of the post re-appointment issues, especially regarding the prosecutors
- Still unsolved appeals of more than 830 judges and more than 120 prosecutors in front of the Constitutional Court even though the prescribed period for issuing the decision had expired at the end of May
- The termination of their health, social and remuneration rights on the 30<sup>th</sup> June 2010,

MEDEL expresses its deepest concerns and urges Serbian authorities to carry out a full review of the procedure in the shortest time, safeguarding the status of non re-appointed judges and prosecutors till the end of the legal procedure and enabled them full scope of rights on fair trial prescribed by the article 6 of European Convention for the Protection of Human Rights and Fundamental Freedoms

MEDEL will continue and intensify its support such a process and closely monitor and inform international institutions and authorities, including the UN Special Rapporteur, about its concerns and future developments

MEDEL invites the European Parliament and the European Commission to continue supporting and monitoring the review of re-appointment bearing in mind Serbia's determination to adhere to the European Union

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<sup>1</sup> Venice Commission's Opinions No.405/2006, 464/2007 and 528/2009, CCJE Declaration on Serbia from 14<sup>th</sup> November 2008 and April 2010, MEDEL/Dutch Judges for Judges Foundation Statement of 1<sup>st</sup> March 2010, European Association 's of Judges Resolution concerning the actions of the Government of the Republic of Serbia from 7<sup>th</sup> May 2010, letter of Mr. Barroso, the President of the European Commission (2010) A/1517; (2010) D/982 from 27<sup>th</sup> April 2010 to the presidents of MEDEL and Serbian judges' and prosecutors' associations and the answer E-2637/10 from 1<sup>st</sup> June written by EC Enlargement Commissioner Mr.Fule, on behalf of the Commission

