

Mr Fausto de Santis
Chair Person of the
European Commission for the Efficiency of Justice

Rome – Strasbourg, September 2010

MEDEL calls the CEPEJ attention to the absence, in the draft report, of any information on the events that affected the serbian judiciary in 2009.

It deals with very grave events about whom we have already informed the Council of Europe and other International Organisations.

837 judges and 150 public prosecutors were sacked by the High Council of the Judiciary.

The Council introduced confidentiality of its work and decision making, which aroused public suspicion that hidden criteria have been used and that the Council operates under political pressure.

It did not provide the judges with the opportunity to express themselves about the circumstances based on which the Council had decided that they do not fulfill the criteria of competence, qualification and merit.

It failed to provide the judges with a decision stating the specific reasons for their non-election.

These decisions violated the inamovibility of judges. They must be considered as disciplinary sanctions and therefore they did not respect the due process of guarantees of the European Convention of Human Rights.

Furthermore, these colleagues have been replaced by persons appointed according to procedures which did not offer sufficient guarantees of transparency.

MEDEL expresses its deepest concern about decisions that affect directly the independence of the Judiciary, and urges the CEPEJ Assembly to take into account the consequences of what occurred since 2009 in the report for 2010,

Best regards.

Vito Monetti
president

NGOs members of MEDEL : Association Syndicale des Magistrats (ASM) (Belgium) ; Énosi Dikastón Kýprou (Cyprus) ; Syndicat de la Magistrature (SM) (France) ; Neue Richtervereinigung (NRV) and Bundesfachausschuss Richter und Staatsanwälte in Vereinigten Dienstleistungsgewerkschaft (VER.DI) (Germany) ; Eteria Elinon Dikastikon Litourgon Gia ti Demokratia ke tis Elefteries (Greece) ; Magistratura democratica (Md) and Movimento per la Giustizia (Italie) ; IUSTITIA (Poland) and Stowarzyszenie Prokuratorów z Polska (Poland) ; Associação sindical dos Juizes Portugueses (ASJP) and Sindicato dos Magistrados do Ministério Público (SMMP) (Portugal); Soudcovska České Republiky and Unie statnich zastupcu Ceske republiky (Czech Republic) ; Uniunea Nationala a Judecatorilor din România (UNJR) ((Roumania); Društvo sudija Srbije and Udruzenje javnih tuzilaca i zamenika javnih tuzilaca Srbije (Serbia); Jueces para la democracia (JpD) and Union progresista de Fiscales (UpF) (Spain) ; Yargıçlar Ve Savcılar Birliği (YARSAV) (Turkey).