

*24 September 2011*

With respect to detention of judge Blagoje Jaksic, a member of the High Judicial Council, the Judges' Association of Serbia issues the following

PRESS RELEASE

The arrest of a senior judicial official for a crime allegedly committed 13 years ago to enable the financial gain 7 years later -- took place two weeks before the publication of the 2011 EU Progress Report, on which Serbia's EU accession candidacy depends, and just a few days after EU officials stated that EU expects satisfactory results of judicial and prosecutorial reappointments review.

It goes without saying that the judicial authorities have to be left to perform their duties without hindrance and that everyone should refrain from violating the presumption of innocence and publicly declaring judge Jaksic guilty before the court renders its verdict. The JAS, however, alerts to the fact that this event has to be viewed in the broader context of the judicial and prosecutorial reappointments in December 2009 and the ongoing reappointment review.

Namely, at its 1<sup>st</sup> session on 20 July 2011, although the HJC did not render decisions on as many as 11 of his cases (thrice the number of cases of the other HJC members), judge Jaksic was among the HJC members with the greatest number of upheld "complaints" by the non reappointed judges (55%). The very next workday, his spouse, a Deputy Public Prosecutor in the Higher Public Prosecution Office in Belgrade, was suddenly transferred to the Higher PPO in Sremska Mitrovica and the HJC did not review his cases at the following two HJC sessions. Finally, following a statement the HJC issued after its 26 August 2011 session, denying that any pressures were being exerted on the HJC members (judge Jaksic did not attend this session), judge Milomir Lukic, the chairman of the HJC 2<sup>nd</sup> Commission, on 29 August 2011 postponed the hearings explaining that he did not want to work while an HJC member was being pressured.

The Judges' Association expects the competent authorities to inform the public of the following without delay:

1. Does the arrest of HJC member judge Blagoje Jaksic have anything to do with the way the HJC is taking decisions in the reappointment review procedure?
2. When did the authorities learn of the alleged crime committed over 13 years ago to enable the financial gain seven years later?
3. Why has the procedure been launched now that it has been established during the reappointment review that a large number of judges had not been reappointed without cause?

The Judges' Association recalls that the EU negatively assessed judicial reappointments, which led to the amendment of the judicial laws in December 2010 to enable the reappointment review, which began on 15 June 2011. The Judges' Association emphasizes that it has so far been established that 84 of the judges had been dismissed without cause: 32 of them were reappointed on 21 July 2010 in an additional vacancy and 52 of them succeeded in the reappointment review procedure so far.