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Serbia slid from 106th place in 2009 to 128th place in 2011 among the 142 countries ranked by judicial independence in the World Economic Forum 2011 Global Competitiveness Index.

An intimidated judge can neither be impartial nor ensure the right to a fair trial and fight against corruption. When fair trials and the fight against corruption are at risk, there are no new investments, no new jobs, neither decreasing of poverty. This is why review of 2009 judicial reappointments affects the citizens of Serbia to a much greater extent than the European Union, which considers it one of the most important issues in Serbia.

Decisions of the High Judicial Council (HJC) are taken by at least six of its eleven members. The EU was promised that only new members of the HJC, not the four who initially decided on the reappointments, would be taking the decisions in the review of the reappointments.

The Anti-Corruption Agency in the meantime rendered a final and binding decision asking the National Assembly of the Republic of Serbia to dismiss one of the new seven HJC members, Nis Law College Dean Prof. Dimitrijevic, because he violated the law by failing to opt for one of the two offices he had been elected to. The Assembly has not, however, acted on the Agency decision of 9 March 2011 to this day.

The recent detention of another HJC member, judge Jaksic, has brought into question the continuation of the reappointment review procedure and has laid bare the problem the HJC has faced for over six months now, which the Judges' Association has already alerted to:

The High Judicial Council does not have a quorum for rendering decisions in the reappointment review procedure!

At the hearing of the case of Judges' Association President Dragana Boljevic on 3rd October 2011, no other than Prof. Dimitrijevic him self asked to be recused until the issue of his disputable status is resolved.

Unfortunately, although he asked to be recused in the case of the President of the Judges' Association, which led to yet another postponement of her hearing, Prof. Dimitrijevic continued reviewing the cases of other non-reappointed judges in his capacity of HJC member.

This brings into question the legality of every decision that will be taken by the HJC.

This is why the **Judges' Association calls on** all competent state authorities, notably **the High Judicial Council, the Anti-Corruption Agency and the National Assembly of the Republic of Serbia, to ensure the lawful functioning of Serbia's legal system.**