

Press Release

Wednesday, June 13, 2012

The Crisis in the Serbian Judiciary broadens

Again the procedures against Serbian judges and prosecutors fail to meet the standard of legality

On June 1st , 2012 Dragana Bolijevic, president of the Judges Association of Serbia (JAS) and General Secretary of MEDEL, has seen her appeal against her dismissal from the judiciary rejected by the Serbian High Council for Judiciary.

The dismissal of Dragana Bolijevic, now final and binding, is but an example for a highly controversial and opaque procedure which involved all Serbian judges and prosecutors. They had all been dismissed in 2009 and only about two thirds of them were reappointed. Thus the Serbian government got rid of the critical and troubling magistrates altogether. As a matter of fact they were dismissed without any disciplinary ground, without any hearing, and even without any reasoning. The procedure simply consisted of the publication of a list with names of judges and prosecutors "re-appointed".

Despite all the warnings of the Council of Europe, it's Venice Commission, the Consultative Council of European Judges of the European Council, the European Commission and the European Parliament, which advised Serbian authorities to submit the dismissals to a procedure fully respecting the requirements of legality and safeguards of judicial review to review it thoroughly and in a transparent manner, such procedure was put in place and conducted in full opacity. The review procedure was neither transparent nor fair, which was also repeatedly highlighted by international and independent observers.

Neue Richtervereinigung (NRV) and MEDEL both take the view that this is a sad day for the independence of the judiciary in Europe, which is not a privilege of judges, but a guarantee for rights and freedoms of citizens. The procedures against the Serbian colleagues obviously infringe the guarantee of access to justice as well as the right to a fair trial. The principle of rule of law, which is the basis of any civilized society, is seriously affected.

MEDEL and its member organisations emphasize their solidarity to all Serbian judges and prosecutors, to the Judges' Association of Serbia *Društvo sudija Srbije* and to Dragana Bolijevic affected in their professional dignity and personal life by such an unjust and unfair procedure. We will continue to support their efforts for a truly independent and democratic judicial and constitutional system in their country and all across Europe.

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