

Belgrade, 7 February 2018

Dear Mr Hamilton,

We are addressing you on behalf of representative professional associations of judges and public prosecutors, as well as respected civil society organisations in Serbia, which took an active part in the consultations on amendments to the Constitution of the Republic of Serbia.

Representatives of these organisations had an opportunity to meet with you in premises of the Council of Europe in Serbia, during your visit to Belgrade in November 2017 and discuss the issues that occurred during public consultations on constitutional amendments. On this occasion, we expressed major concerns related to the lack of the Ministry's constitutional amendments proposal, potential directions in which constitutional amendments could develop and a concern that the ongoing consultations would be used as a simulation of a public debate thus paving the way for an even greater influence of the executive branch on the judiciary in Serbia. With the same concerns we addressed the Venice Commission in beginning of November 2017 (letter and its annexes enclosed).

On 22 January 2018, the Ministry of Justice of the Republic of Serbia [published](#) the working text of the amendments to the Constitution of the Republic of Serbia and initiated a new session of four round tables for the purpose of providing the public with an opportunity to discuss the proposed solutions.

Since the majority of the previously shared concerns were reflected in the proposed amendments, the Serbian public was informed regarding this matter in a joint statement of our associations and organisations (enclosed).

Alongside the proposed amendments, the Ministry of Justice provided reasoning that the working text was in line with standards of the Venice Commission. Apart from the concrete solutions in the draft amendments we are also concerned about the Ministry's official written [explanation](#) that you personally assisted in drafting amendments to the Constitution of Serbia. Also, in her address to the media on this occasion, the Minister of Justice Nela Kuburović, [said that "Mr Hamilton pointed out the direction in which they should be drafted and explained what was acceptable for the Venice Commission"](#).

Having in mind the information you provided that neither the Venice Commission, nor you, can participate in drafting of the amendments and expressed a clear stand that this was the Serbian internal assignment, we, the undersigned, are kindly addressing you to provide additional information regarding your role in drafting Constitutional amendments of Serbia. Therefore, could you please let us know in which capacity you participated in drafting the said amendments, if you participated at all, as well as if you gave consent to the version presented to the public?

We consider this question to be of high importance minding the tendency of the representatives of the Ministry of Justice to use your name and authority to claim that not only you, but the Venice Commission as a whole, already approved proposed constitutional amendments.

Sincerely,

Judges' Association of Serbia  
Prosecutors' Association of Serbia  
Judicial Research Centre  
Association of Judicial and Prosecutorial Assistants of Serbia  
Association of Judicial Associates of Serbia  
Lawyers Committee for Human Rights - YUCOM  
Belgrade Center for Human Rights