

Belgrade,
May 21st 2019

Following non-argued and zealous assaults performed by certain officials of legislative and executive powers, on the National Assembly's session on May 20th 2019, which were followed by personal insults made towards judges Omer Hadžimerović and Miodrag Majić of the Belgrade Court of Appeals, based on passing a court decision in judicial panel, as well as towards judge Majić, based on his public expression of opinion on amendments of the Criminal Code and its parts relating to life imprisonment without possibility of parole, the Judges' Association of Serbia would like to warn of the following:

- Untrue and unlawful allegations made by MP Marijan Rističević that these judges have acquitted the so-called "Gnjilane Group" "most probably in exchange for money", that "the Albanians paid for the verdict" and that "the verdict was passed at the expense of Serbs, the Serbian nation and humanity as a whole" is an invitation to lynching of these judges; this allegation further shatters citizen's trust in the judiciary and introduces it with fear, fractures stability and independence of judicial power and represents an attempt of controlling a court's decision outside a court of law, which opposes this country's constitution, laws and regulations;
- Insults made by MP Aleksandar Martinović towards judge Miodrag Majić by calling him a "rude and saucy wise-guy" and placing the judge's professional position on a law that is currently in the procedure of being adopted in the context of political clash between the government and the opposition are damaging dignity of both the judge and the National Assembly;
- Statements and implications given by Maja Gojković, President of the National Assembly, on involvement of judge Majić in citizen's associations, which referred to other judges' involvement in judge's associations, discouraging citizens in enjoying their constitutional rights of free association in order to reach their lawful goals and the right to freely express their opinion on judicial measures, which is not only their constitutional right, but also their ethical responsibility;
- Unprincipled allegations made by Nela Kuburović, Minister of Justice, on every judges' "situation" during the failed reformation of the judiciary in 2010, of which, despite requests made by judges, the cause was never revealed and dealt with, introduces discord between the judges that did not pass the reappointment and those that have, thus weakening the judiciary at the expense of citizens;
- Long-lasting and intensifying discrediting of holders of judicial functions and of the judiciary as a whole, as well as inappropriate assaults on judges based on a decision passed at court, performed by certain officials of legislative and executive powers will turn the citizens away from courts, which can result in "taking justice into one's own hands".

Hence, the judicial power is being sabotaged, and the country's constitutional system accordingly.

JAS would like to remind of the following roles of executive and legislative powers:

- direct participation in appointing judges to their first term of office and appointing presidents of courts, and, via their representatives, in appointing judges to higher instances of courts,
- deciding on legal framework that is to be applied by the judiciary and on conditions in which the judiciary works,
- and finally, that these powers are, therefore, not only authorized, but obliged to create a constitutional and legal environment for proper functioning of the judicial system and to ensure independence of judicial power.

JAS would also like to invite legislative and executive powers to:

- execute their constitutional and legal duties, and to
- sustain themselves from inappropriate criticism of holders of judicial functions, placing the judiciary in political context and distracting the public from other current problems.

The JAS would especially like to urge the High Judicial Council to perform its functions which were stipulated by the Constitution and to protect the independence of judges and courts.