

**Resolution of the Plenary Session of the Supreme Court of the
Slovak Republic
adopted on 10th of June, 2014**

The Plenary Session of the Supreme Court of the Slovak Republic has expressed its serious concern and intensive protest against the Constitutional Act adopted on 4th of June, 2014 without previous comments and deliberations of the professional public concerning the general judiciary of the Slovak Republic.

The Constitutional Act having regard to the judicial power enacted the possibility of the termination of the judicial office by manner other than on the basis of the effective conviction or decision of a disciplinary tribunal.

Adopted Constitutional Act and prepared draft of implementing acts to that Constitutional Act is not in compliance with international standards, in particular Recommendation CM / Rec (2010) 12 of the Committee of Ministers to Member States on the independence, efficiency and accountability of judges, adopted on 17th of November 2010.

These adopted amendments (security clearances of judges, withdrawal of criminal immunity of judges and financial penalties for decision making activity of judges) proclaim the collective guilt only to one of the powers of the EU Member State without having carried out the security clearances by legislative and executive power.

This procedure of executive power and legislative power with the use of police and intelligence forces is unconstitutional and retroactive,

and moreover it destroys the independence of judicial power, it is the beginning of the police state in Slovakia and it means a threat to the rule of law.

Concerns about this situation were expressed by the European Association of Judges (EAJ), whose president sent a letter to the President of the Slovak Republic, to the President of the Government of the Slovak Republic and to the Minister of Justice of the Slovak Republic, which contained concern about the forthcoming changes in the judiciary.

The Plenary Session of the Supreme Court of the Slovak Republic considers the adopted Constitutional Act amending the Constitution of the Slovak Republic, in the section concerning the administration of judiciary, as non-conforming with the principles of the rule of law and breaching the fundamental European standards for the independence of the courts and judiciary as a whole.

Being conscious of the responsibilities and duties of the judge under Art. 30 Sect. 1 letter b/ of the Act No. 385/2000 Coll. on judges and lay judges and on amendments of certain acts, subsequently amended, we refuse this interference by the executive and legislative power as a direct threat to the independence of judiciary.

The Plenary Session of the Supreme Court of the Slovak Republic calls on the National Council of the Slovak Republic to actively act and return to the Constitution of the Slovak Republic democratic principles of tripartite governmental system.

Resolution

The Plenary Session of the Supreme Court on its meeting on 10th of June 2014 entrusts the President of the Supreme Court of the Slovak Republic to inform

1. President of the Slovak Republic
2. President of the National Council of the Slovak Republic
3. President of the Government of the Slovak Republic
4. Minister of Justice of the Slovak Republic
5. Colloquium of the Network of the Presidents of the Supreme Judicial Courts of the European Union that is to be held in Rome on 12 – 13 of June, 2014
6. European Commission
7. Commissioner for Justice, Fundamental Rights and Citizenship of the European Union
8. European Association of Judges
9. Permanent Representation of the European Commission in Slovak Republic
10. Venice Commission
11. Council of Europe
12. Parliamentary Assembly of the Council of Europe

about adopted legal provisions and about the protest of the Plenary Session of the Supreme Court of the Slovak Republic.