Slovak association of judges

Dear Mr. President of the European association of judges,

I kindly asking for your helping on the approved amendments of laws in Slovak republic which have seriously interfered with the independence of judges and judicial power in Slovakia.

The subject of discussion is:

1, The governmental draft of law that shall amend the Act No. 385/2000 Coll. on judges and lay judges as amended (Act No. 38/1993 Coll. on organisation of the Constitutional Court of the Slovak Republic. On the proceedings before the Constitutional Court and the status of its judges, Act No. 154/2001 Coll. on prosecutors and prosecutor trainees, Act No. 548/2003 Coll. on the Judicial Academy as amended, Act No. 549/2003 Coll. on the court officials and Act No. 575/2004 Coll. on the courts as amended (hereinafter only "draft")

2, Act No. 500/2010 Coll. about the salaries of some constitutional officials (also judges)

These also have impermissibly curtailed the competences of the Judicial Council of the Slovak Republic as the highest independent authority of the judiciary in favor of the Minister of Justice on matters such as nomination, appointment, promotion and evaluation of judges, training of judges and judicial clerks and disciplinary proceedings, and last but not least also have resulted in substantial reduction in salary of a judge.

Since 1989, or since 1993 respectively (establishment of the independent Slovak Republic) the judicial system was gradually more and more approaching to the European standards, especially when talking about the legal regulation guaranteeing the independence of judges and the judiciary from the legislative and executive power and its factual implementation. Establishing the councils of judges at all the court levels as the bodies of the judicial self-governance (even though only with consultative competences so far). The establishment of the Judicial Council in 2002 and gradual broadening of its competences, creation of the separate budget chapter of the Supreme Court or founding the Academy of adjucation all together created the real preconditions for the sequential transition of other and other competences in the field of judicial

management and administration from the Minister of Justice to the bodies of the judicial self-governance, or the Judicial Council respectively.

The process resulted in the submission of the governmental draft amendments to several laws regarding the organisation of the courts. The competences of the Judicial Council and the status of judges which complexly dealt with the issue of transition of competences in the field of personnel, material-technical, financial and administrative issues from the Minister of Justice to the Judicial Council, as is the case in neighbouring Hungary. Despite the proposals were submitted to the Parliament meeting, the political will to adopt them was missing (before election 2010).

After the parliamentary elections in June 2010 a wide campaign was launched by the Government directed against judges and courts highlighting the catastrophic state in the Slovak judiciary. Despite the fact that, according to the statistics on the state of agenda at individual courts, the speed of judicial proceedings has been improved at average and the number of pending cases was substantially reduced[1]. This situation, according to the view of the Government - catastrophic, raised the need for immediate resolute actions by the executive[2] intended to lead to greater transparency and independence of judges and judicial power. This culminated in elaboration of the governmental draft amendments to the statutory laws of judges without any cooperation with the Judicial Council. The authorities of the judicial self-governance or discussion in the professional public about the need for such new arrangements. The legislature process the minimum time for the possibility to develop professional comments was established.

Despite these obstacles the respective proposals were critically and narrowly commented by the general assembly of the Supreme Court, the Judicial Council, councils of judges at the district and regional courts, Association of Slovak judges as well as the General Prosecution. Their comments pointing out the discordance of the proposed legal regulation not only with the Constitution but also with international documents were not taken into account. Even despite the fact that most of the comments were marked as essential. Thus the drafts were submitted to the Parliament almost without any change and were approved in December 2010, whereas within the discussion on the amendments. Possible unconstitutionality and fecklessness of these amendments was demonstrated by the fact, that the President of the Republic using his veto under the Art. 102, paragraph 1. letter o) of the Constitution by the decision returned the draft amendments to the Parliament with the suggestion not to adopt them as a whole. However the Minister of Justice immediately notified through the media that the Parliament would break the veto (art. 87, paragraph 2 of the Constitution[3]) which has already happened on the 1 Parliament meeting on 1 February 2011. The amendments have been adopted unchanged and will enter into effect since 1 May 2011.

The Most Serious Interference

The governmental draft of law that shall amend the Act No. 385/2000 Coll. on judges and lay judges as amended (Act No. 38/1993 Coll. on organisation of the Constitutional Court of the Slovak Republic. On the proceedings before the

Constitutional Court and the status of its judges, Act No. 154/2001 Coll. on prosecutors and prosecutor trainees, Act No. 548/2003 Coll. on the Judicial Academy as amended, Act No. 549/2003 Coll. on the court officials and Act No. 575/2004 Coll. on the courts as amended (hereinafter only "draft") has significantly intervened in the independence of judges and the judiciary particularly in the following fields:

Appointment, Nomination and Promotion of Judges

According to the present legislation, a judge vacancy at the district court was occupied either without the selection procedure by the judge trainee, or through the selection procedure, which was open to those, who met requirements for the judicial appointment. The selection procedure was performed by the 5-member committee which consisted of three members elected by the council of judges and the judicial council, one member appointed by the Minister of Justice and one member was the president of the court (or a judge entrusted by the president of the court), to which the candidate applied for. Similar composition of the selection committee applied also for the selection procedures to the position of the chairman of the panel, or in case of promotion of judge to the court of higher instance.

Under the proposed legislation the institute of the judge trainee shall be repealed with an immediate effect. We consider this step as unsystematic and inconsistent with the historical traditions, under which the institute of the judge trainee as a future colleague formed by the judges was proved good - given all the specifics of the work of judges. The selection procedure will be public, the applications of all candidates together with their CVs and cover letters must be made public and the applicants will need to submit the list of their close relatives, who are judges, employees of the courts, the Ministry including the budgetary and allowance organisations under the Ministry of Justice, or the members of selection committees in the following form: name, family name, function and institution. This list must be published as well. Anyone can raise a reservation against the applicant for the position of a judge to be assessed by the selection committee. The selection committee shall be designated from the database of candidates for the selection committee members after the notice of selection procedure, whereas one member shall be from candidates elected by the Parliament, two from candidates nominated by the Minister of Justice, one member from the candidates elected by the Judicial Council and one member elected by the council of judges at the court with the vacancy to be occupied. In the act, there is no stipulation for what period the database of candidates for selection committee members shall be formed. On the contrary, in the transitional provisions it is provided that unless the candidates for selection committee members are elected or appointed by 30 June 2011, they will be appointed by the Minister.

Similar principles are applied also within the selection committee for the selection procedures to the position of the president of the court and in case of promotion of judge to the court of higher instance, whereas the law prescribes also to the members of the Judicial Council to elect such candidates, who are active in the university sector, the third sector respectively (NGOs). This leads to the significant restriction of the competences of the Judicial Council, which has so far *ad hoc* directly nominated its representative to each selection committee.

We feel that such legal regulation absolutely denies the principle of independence of individual judges and the judicial power as a whole and it is in direct contradiction with Art. 46 of the Recommendation CM / Rec (2010) 12, whereas it is clear that most members of the selection committees will not be elected by the judges. Neither by the authorities of the judicial self-administration, but contrary - nominated by the executive.

We also consider publishing the CVs and close relatives´ list of the candidates to the judicial office as inacceptable intervention with the privacy of the candidates and their relatives and at the same time as a possible discrimination of the candidates and influencing the members of the selection committee whether in positive or negative sense. Moreover, the participation of the public in the selection procedure as well as in the professional judicial examination is inappropriate and disruptive. Within the committee composition as well as the detailed records on the course of the selection procedure and the judicial exam, the participation of the public is useless, as it cannot – in any way – ensure the increase of the level of the selection procedure or the judicial exam[4].

Disciplinary Proceedings

Under the current legislation, the proposal to initiate the disciplinary proceeding against a particular judge could have been submitted by the Minister of Justice, Ombudsman, Judicial Council, president of the respective court and the council of judges of the respective court.

Under the new proposed legislation the Judicial Council shall not be authorized to make such a proposal, while in disciplinary proceedings brought by the Judicial Council, which will not be lawfully closed at 30 April 2011. The Minister of Justice shall become a party instead of the Judicial Council since 1 May 2011[5].

Education and Training of Judges

Besides the repeal of the institute of a judge trainee, the proposed legal regulation interfere in an entirely unsystematic and chaotic way with the organisation of the training of judges whether at the beginning of their carrier or within broadening and improving their qualification.

The Judicial Academy was established by the Act No 548/2003 Coll. from the 1 January 2004. It has guaranteed the united, conceptual, systematic and compact training of judges, prosecutors, judge trainees and prosecutor trainees as well as the higher court officials and has reached great results in this field. Its organisation provided that young judges, prosecutors, trainees and higher court officials were trained besides the pedagogical trainers also by the experienced national and foreign judges and prosecutors and the training was performed based on the annual academic plan approved by the Board of the Academy, comprised of the five members elected by the Judicial Council and five members appointed by the Minister, whereas two of them upon proposal of the General Prosecutor.

We feel, that such organisation was almost entirely compatible with the Recommendation CM/Rec (2010) 12 and fulfilled demands that are nowadays posed on the judicial training and that were formulated by the CCJE in Opinion No. 4.

Under the proposal the training of judges shall be entrusted to closely unidentified national and foreign training institutions and the exclusivity of the Judicial Academy in this field ceased. Thereby the education and training of judges absolutely gets beyond the control of the judicial power and the state, which is finally obliged to ensure unified and systematic training and education of judges and thus the independence of judges is endangered again[6].

Remuneration of Judge

The governmental draft of law that shall amend the Act No. 385/2000 Coll. on judges and lay judges and Act No. 500/2010 Coll. about the salaries of some constitutional officials (also judges) significantly affect the system of remuneration of judges by substantial reduction of the salary of judge, and cancellation of bonuses[7], what has resulted in decrease of the judge salary by more than 1/6 from 1 January 2011.

Under the current legislation, the salary of a judge depends on the basic salary of the Member of Parliament[8], which has been decreased since 1 January 2011 in relation to the bad economic situation in the country. Already this legislation is in the conflict with the European Charter on the Statute of Judges, with the Recommendation CM / Rec (2010) 12, Art. 53 - 55, as well as with the CCJE Opinion N ° 1, since it does not protect the salaries of judges against the reduction and certainly does not ensure their increase in the context with the increase of the cost of living.

The level of the judges' salaries is frequently on question in the agenda of the political parties within the fight for the favor of voters. It is only about the political will, if this regulation will be misused to the detriment of judges or not. An example from the past was the cessation of the judges' salary indexation and delaying the enactment of the Act on the 14th salary of judges, which was finally corrected by the Constitutional Court decision PL. U.S. 12/05-116 of 4 December 2007.

The proposed legislation, that the Slovak association of judges was denied to comment on, directly reduces the salary of a judge without any refund and compensation.

Profanation of the Judiciary and Judges

As it was already mentioned, within the drafting the respective proposal there was an extensive media campaign of the executive power pointed against judges and the judiciary as itself.

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The Government not accepted the candidates for *ad hoc* judges for the European Court of Human Rights, submitted by the Judicial Council. They presented the reason - that those judges do not meet the moral preconditions for the performance of such office, as they initiated the anti-discrimination action[9]. This situation interferes all discriminated judges according to the decision of the Constitutional court of Slovak republic (PL US 17/08) of 20 May 2010 about the special court´s judges remuneration in compare the judges of general courts. To impugn the right to bring an action is considered as a baseless interference with the basic right of anybody, i.e. the judge as well, in contradiction with the Constitution, art. 46 as well as the European Convention on Human Rights and Fundamental Freedoms – art. 6, paragraph 1.

The inadmissible criticism of the court decisions, specific comments expressing doubts about the correctness of judicial decisions, as well as the profaning and offensive statements of the executive and legislature representatives addressed to judges and the judiciary as a whole. That are in contradiction with the Recommendation CM/Rec (2010) 12, art. 16, art. 18 and 19, became a part of everyday life in Slovakia and in no way contribute to the keep the authority, dignity and maintain the confidence in the judicial system[10].

Suggestions

Given that the amendments to the status laws are in direct conflict with the Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, the ENCJ Resolution of Budapest on Self-Governance for the Judiciary: Balancing Independence and Accountability - May 2008, the European Charter on Statute for Judges, CCJE (2010)3 Magna Carta of Judges (fundamental principles), the CCJE Opinion n° 1 (2001) on standards concerning the independence of the judiciary and the irremovability of judges, the Opinion n° 4 (2003) on training for judges Opinion n°10 (2007) on „Council for the Judiciary in the service of society", as well as other international documents; and given that the enactment of the amendments means a serious interference with judges and the judicial power, while the independence of the judiciary from the executive power is a prerequisite of rule of law and a guaranty of the fair trial for the citizens. Judicial Council of the Slovak Republic kindly ask for your views, whether those amendments to the status laws are in accordance with the international standards concerning the functioning of the judiciary in a democratic state and eventually also to provide for the practical assistance in negotiations with the executive and legislative power representatives.

Dear Mr. president lastly let me please express my belief, that our request for opinion of E.A.J will be examined in detail, on the Malta meeting in May 2011, as we are convinced that the recent events in Slovakia can become a dangerous precedent and can serve as a negative example for the governmental attempts of other member´s states within their practise of ubiquitous interference with the independence of judicial powers and we hope that the E.A.J. standpoint will be elaborated as soon as possible.

Through the application of the respective amendments to the practise, the judicial power in Slovakia will get under the direct influence of the executive power and thus it will not be able to fulfil its mission of a freedom guarantor, respecting the human rights and impartial application of the legislation on the behalf of the rule of law and all those persons, that seek for and expect an impartial and independent judiciary.

[1] E.g. At the Supreme Court only in 2010 totally 7600 cases in the criminal, civil, commercial and administrative agenda were decided, while the number of cases older than 1 year was reduced on the historical minimum, whereas the substantial part of these ones are cases, where the proceedings were suspended due to submission of preliminary questions to the Court of Justice of the European Union. Despite this the press is frequently full of baseless statements of politicians that the judiciary does not function and that is why the resolute steps from the Government are needed to ensure its well functioning (see item 31. and 32 and note No. 10).

2 Quotations from the Government´s Policy Statement of the Slovak Republic
... Current situation in the judiciary, low level of the law enforceability, the state of corruption and favouritism, as well as the way and methods of governing created in Slovakia an atmosphere of general distrust to the state institutions, courts and judges and the rule of law.
... Restoring the confidence in justice, in the state and its institutions requires a change in the actual operation of the state institutions. ... The Government wants to restore the confidence of the citizens in the rule of law. ... The Government is therefore interested in long-term sustainability of the changes in the judiciary and will make efforts to gain wider societal support for its proposals and measures in this field. ... The Government will therefore suggest and perform the changes in the system of judicial bodies´ administration, ... the Government will also review the type, level and way of providing the salary belongings of judges ... the Government will enforce, that the presidents and vice presidents of the courts as the representatives of the executive power at the courts could not become the members of the Judicial Council, neither the members of the judicial self-governance bodies ... with the aim to open the inadequate closeness of the judicial system the Government will support also the candidates to the Judicial Council, who are not judges... The Government will propose the constitutional change, so that also non-lawyers could be the members of the Judicial Council... the Government will suggest the change of legislation on disciplinary proceedings against judges and a change in forming the disciplinary panels by the system of random selection *ad hoc* separately for each disciplinary proceeding.
...The Government will propose passing the administration of the budget chapter of the Supreme Court and the Judicial Council as well as the General Prosecution under the administration of the Ministry of Justice ... The Government will propose a legal mechanism of the selection procedures and creation of the selection committee, which will ensure the selection of the best quality candidates, including the court presidents and the equal opportunities for all candidates.
... In order to break the inadequate closeness of the judiciary, most of the members of the selection committee will not be appointed by the judicial institutions.
... the Government will propose a legislation regulation, by which it will creates the conditions for the transparent appointment of the presidents and vice-presidents of the courts, who represent the executive power at the court so that the effective functioning and administration of the courts would be ensured.

[3] Art. 87 (2) of the Constitution provides, that if the President of the Slovak Republic returns an act with comments, the National Council of the Slovak Republic shall discuss the act repeatedly and in case it is adopted, the act must be promulgated.

4Art. I of the proposal
§ 28 (1) **Each vacant position of judge** designated by the Minister under the special regulation shall be occupied based on the selection procedure, unless it is occupied by transfer of a judge at the court of the same instance under the section 14, paragraph 1.
(5) The selection procedure is public. The selection procedure is administered and organised by the court president, who shall promulgate it. The president of the court is obliged to create conditions for participation of the public at the selection procedure. If a greater interest of the public can be expected, the president of the court is obliged to organise the selection procedure in an appropriate room taking into account the anticipated interest and possibilities.
(6) The court president is obliged to ensure the publishing of all the applications to the selection procedure, CVs of the applicants and their cover letters at the web site of the ministry, no later than 30 days before the selection procedure. By 20 days from the applications being published under the previous sentence anyone can raise justified reservations against the applicants; the ministry shall submit them together with the applications to the selection committee. The selection committee can request the statement of the respective persons to whom the reservations refer. The president of the court shall further ensure publishing of the date, venue of the selection procedure and list of the selection committee members on the web site of the ministry no later than 15 days before the selection proceeding.
(7) The applicant is obliged to submit together with the application to the selection procedure a written declaration, in which he/she states the list of his close relatives, who are judges, employees of the courts, the

ministry including the budgetary or allowance organisation under the ministry, or those who are members of the selection committee in the following form: name, family name, function and institution. The declaration shall be published together with the application to the selection procedure.

§29 (1) The selection procedure under § 28 (1) shall be performed by 5-member selection committee. The members of the selection committee shall be appointed by the president of the court from among the candidates for the selection committee members always after the promulgation of the selection procedure so that one member would be from the candidates elected by the Parliament, one member from the candidates elected by the Judicial Council and two members from the candidates appointed by the Minister. One member of the selection committee shall be elected upon the request of the court president by the council of judges of the court with the vacancy to be occupied.
(2) In order to create a database of candidates for the selection committee members the Parliament and the Judicial Council shall appoint at least 2 candidates each and the Minister shall appoint at least four candidates; the database shall be made public at the web seat of the Parliament, the Judicial Council and the Ministry.
(3) Only a person, who meets moral and professional requirements for the impartial performance of the office of the selection committee member, can be elected or appointed as a candidate for the selection committee member. He/she must be competent to assess the applicant under item 28, par. 4 and shall be active mainly in the university sector, non-profit sector or is discharging legal profession; the same shall be applied within the appointment of the selection committee member elected by the council of judges.
(4) Selection committee members shall elect the chairman of the selection committee from among them. The selection committee has a quorum with no less than 4 its present members. Its decision shall be valid if a majority of all its members voted for it.

§ 151r The first candidates for the selection committee members shall be elected or appointed under item 29 no later than 31 July 2011. Unless they are elected by 31 July 2011, they shall be appointed by the Minister.

Art. V of the proposal,
§ 14a (1) **The Judicial exam** is public. With the purpose to inform the public, the Academy shall reveal the date and the venue of the exam on its web site no later than 30 days before the exam.
(2) The director is obliged to create the conditions for participation of the public in the exam. If a greater interest of the public can be expected, the director is obliged to organise the exam in an appropriate room taking into account the anticipated interest and possibilities.

Art. VII of the proposal
§ 37 (5)
The **selection procedure (for the president of a court**) shall be performed by 5-member selection committee. The members of the selection committee shall be appointed by the Minister from among the database of candidates for the selection committee members always after the promulgation of the selection procedure so that one member would be from the candidates elected by the Judicial Council and three members from the candidates appointed by the Minister. One member of the selection committee shall be elected upon the request of the Minister by the Council of Judges of the court with the vacancy of the court president to be occupied. With the purpose to create the database of the candidates for the selection committee members at least two candidates shall be elected by the Judicial Council and at least 6 candidates appointed by the Minister; the database shall be promulgated on the web site of the Judicial Council and the Ministry".
(6) Only a person, who meets moral and professional requirements for the impartial performance of the office of the selection committee member, can be elected or appointed as a candidate for the selection committee member. He/she must be competent to assess the applicant under paragraph 4 and shall be active mainly in the university sector, non-profit sector or is discharging legal profession; the same shall be applied within the election of the selection committee member elected by the council of judges.
(10) The Ministry shall publish all the applications to the selection procedure, CVs of the applicants and their cover letters at the ministry web site, no later than 30 days before the selection procedure. By 20 days from the applications being published under the first sentence anyone can raise justified reservations against the applicants; the ministry shall submit them together with the applications to the selection committee. The selection committee can request the statement of the respective persons to whom the reservations refer. The ministry shall further publish the date, venue of the selection procedure and list of the selection committee members on the web site of the Ministry no later than 15 days before the selection proceeding.
(11) The applicant is obliged to submit together with the application to the selection procedure a written declaration, in which he/she states the list of his close relatives, who are members of the selection committee in

the following form: name and family name. The declaration shall be published together with the application to the selection procedure.
(12) The selection procedure is public. The selection procedure is administered and organised by the ministry. The ministry is obliged to create conditions for participation of the public at the selection procedure. If a greater interest of the public can be expected, the ministry is obliged to organise the selection procedure in an appropriate room taking into account the anticipated interest and possibilities.

§ 101c The first candidates for the selection committee members shall be elected or appointed under § 37 no later than 30 June 2011. Unless they are elected by 30 June 2011, they shall be appointed by the Minister

5 In the disciplinary proceeding initiated by the motion of the Judicial Council and which is not legally decided at 30 April 2011, it is the Ministry to become the party of the proceeding instead of the Judicial Council since 1 May 2011.
6[1]Art. 1 of the proposal
§ 30 (7) words „organised by the Judicial Academy" are deleted.
§ 35 (2) Training of judges **shall be ensured by the national and foreign training institutions**. Training of judges shall be performed also by the professional study internships in the national and foreign judicial institutions, that may last no more than one year; during their course a judge cannot make decisions on matters falling within the scope of the courts.
§ 36 (1) at the end the following words shall be added: "deepening the qualification of a judge shall be ensured also under § 35 (2)."
§ 37 (1) at the end the following words shall be added: "Improving the qualification of a judge shall be ensured also under § 35 (2)."
7[1] Bonuses under § 65 (1) of the Act No. 385/2000 Coll. were paid to judges under the criteria approved by the Judicial Council for other than decision-making activity, by the court president upon the proposal of the council of judges of the respective court from the saved salary funds. Although it can be accepted that within the remuneration of judges there is no place for a floating element, its abolition, as a historically used element, without any compensation, on the contrary with the current reduction in salary of a judge, is inadmissible.

[1]8 §66 (1) of the Act No. 385/2000 Coll. Basic salary of a judge of the Supreme Court and a judge of the Special criminal court is a salary equal to 1.3 times the salary of a Member of Parliament per month, to which he/she is entitled from the first day of the month, in which he/she was assigned or transferred to the Supreme Court or the Special criminal court.

[1]9 So-called "antidiscrimination actions" were submitted against the state by more than a half of the Slovak judges, who feel discriminated in connection with disproportionately low remuneration (about five times less) during 2005 – 2009 in comparison with the judges of so-called Special Criminal Court. Unconstitutional establishment of this court as well as the discrimination in the remuneration were declared by the Constitutional Court in its finding No. PL ÚS 17/08 of 20 May 2009.
10 some statements of politicians
The Minister of Home Affaires, Daniel Lipšic in the interview for the daily newspaper „Hospodárske noviny", 19 July 2010.
… "As far as I know, the prosecution in the case „Ducky" (well known criminal case) is going on, the proceeding was reopen and now it is just up to the courts to move the matter ahead. The problem is, that particularly the Supreme Court comes sometimes within the appellate proceedings to very strange decisions. The fact, that the matters in the cases "Yegorov", "Okoličáni", "Bielik" (another well known big criminal cases) were cancelled – here I think, that this is a problem, where we will have to do something about it…"
State Secretary of the Ministry of Justice, Mária Kolíková for the daily newspaper "Pravda", 2 December 2010:
" Judges follow the only intention - to enrich themselves in a legal way" stated the State Secretary Mária Kolíková, who considers the actions of judges as pervert and according to her judges are misusing their position and the system.
State Secretary of the Ministry of Justice, Mária Kolíková in the main news of TA3 Television, 21 December 2010: "The judicial power really went crazy. This is, I would say, an organised enrichment at the expense of the citizens" …. "It is our duty – as the executive power – to do everything possible, when one power cannot fit into the tracks, to make it fit there" (commenting the so-called " antidiscrimination actions" submitted by judges)
The Minister of Foreign Affaires, Mikuláš Dzurinda at the press conference of 11 January 2011, presented his view that judges, who claim more than 70 million euro from the state for the alleged discrimination in connection with the salaries, behaved immorally. "I consider this topic as an immoral request, particularly during the period, when we face the unpleasant times, I mean, when everybody saves. Also the top lawyers state, that

the morality is above the paragraphs (§) and that is how I can see it," he reacted on the request of judges. He added, that this situation only confirms the disqualification of the boss of the Supreme Court and the Judicial Council, Štefan Harabin, to the office he performs. "And I am convinced, that my colleague Žitňanská (the Minister of Justice) will come with proposals, how to face this immoral behaviour," highlighted Dzurinda.

The Prime Minister Radičová (09/01/2011, www.tasr.sk; TASR) pointed out, that the independence of the judiciary does not guarantee its functioning and therefore the legislation changes are inevitable. For the next year the Government is preparing 32 amendments that will affect the functioning of the judiciary and the law enforceability. "The independency itself -and it is proved- does not guarantee sufficiently, that the judiciary would be functional, because it has the independency, however it is not functional and credible.

Yours sincerely,

Dana B y s t r i a n s k a
President
the Slovak association of judges

Košice, on 25th February 2011

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Mr. Gerhard **Reissner**
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