QUESTIONS

Could you please provide answers to these questions by 20 June 2016 for discussion by the First Study Commission at the next annual meeting of the IAJ:

1. What would you identify as best practice to safeguard transparency of
a) court proceedings

In Serbia, the principle of publicity of court proceedings and the principle of collegiality are guaranteed by the Constitution and procedural laws.

b) selection of judges

Criteria for selection and advancement known in advance; decisions on selection of judges reached by judicial councils comprised of judges as majority in the councils, without interference of representatives of the executive or legislative; publicity of judicial councils’ work including when deciding on selection of judges and the publication of the said decisions alongside reasons on selection of judges. In Serbia, these demands are only partially fulfilled.

c) administration of the judiciary?

Publication of reports on courts’ work, measures undertaken aimed at advancement of the courts’ work and the effects achieved. In Serbia, the Supreme Court of Cassation publishes the mentioned reports.

Do you have experiences with such practices? Which?

2. What would you identify as best practice to support and promote integrity of judges? Do you have experiences with such practices? Which?

Adoption of the Code of judicial conduct and its promotion through judges’ training and organization of debates on the matter of integrity of judges.

3. What would you identify as best practice to prevent corruption within the judiciary? Do you have experiences with such practices? Which?

Respecting of rules and procedures, clearly defined obligations and responsibilities of all employees, publicity of work undertaken, professional control of legality of courts’ work.
4. What are the major threats, in your experience, to transparency and integrity and a non-corrupt judiciary? How are those threats best combated?

Interference of two other branches of power in judiciary, data secrecy, lack of argumentation upon reaching decisions related to management of judiciary, selection and advancement of judges etc, lack of code of conduct, lack of training for judges on integrity and corruption, bad material status of judges and employees, lack of systemic measures for prevention of corruption.