

Dear President, dear Vice-Presidents of the Venice Commission,

We address you on behalf of the Judicial Research Centre (JUREC) and other civil society organizations committed to improving the judiciary, democratic values, and the principles of the rule of law in Serbia. We would like to draw your attention to concerning announcements which would lead to disband of two specialized Prosecution Offices (for organized crime and war crimes) and reaffirming legal solutions that were, due their inadequacy, recently changed in constitutional reform performed under umbrella of Serbian EU integration. Possible future actions on this matter can lead to serious and irreparable damage to the rule of law in Serbia.

On November 16, Member of the Parliament and President of the Serbian Parliamentary Committee for Justice, State Administration and Local Self-Government said that he expects a law regarding the “reorganization of the prosecutor's office” to be adopted, which would disband existing Public Prosecutor's Office for Organized Crime (POOC) and put this Office under the authority of the Higher Public Prosecutor's Office in Belgrade.¹ On November 18, Minister of Justice Nenad Vujić on nationally broadcasted television stated that he believes that the initiatives to amend the set of judicial laws are “moving in the direction of improving the legal and normative framework.” He also assessed that Serbia has made “significant progress over the past 12 years in building and strengthening judicial institutions”, and that the Ministry is working on analyzing the effects in cooperation with the Venice Commission and the Council of Europe, that analysis is “currently underway”, to “further align the standards.”² Serbian media published details of announced Draft laws that would reaffirm previous legal solutions that were, due their inadequacy, changed in constitutional and legal reform and that would again strengthen position of chief prosecutors and court presidents and minify prosecutorial autonomy and judicial independence. These Draft laws were presented to some media, but not the public.³

We note that these announcements come precisely after a series of media attacks on all prosecutors and especially POOC prosecutors by the President in which prosecutors are labeled as “corrupted gang” and “part of organized criminal group” (one of these statements was repeated on November 25⁴). These attacks are caused by ongoing investigations against former and current government officials, including ministers (the *Generalštab case* and *Novi Sad canopy collapse case*). Public Prosecutor's Office for Organized Crime stated⁵ that they face undue influence from the executive power in these cases and that they can be qualified as obstruction of justice⁶.

JUREC is concerned by public official's announcements that the Government will soon present Draft Law that will enable disbanding of Public Prosecutor's Office for Organized Crime. We consider these threats serious since they come from high-ranking state officials. We also note that possible merging of Higher Public Prosecutor's Office in Belgrade and POOC will lead to annulment or at least freeze of ongoing high-corruption investigations. Also, we underline that current Chief Prosecutor of Higher Public Prosecutor's Office in Belgrade Nenad Stefanović and his deputy Miodrag Marković are openly

¹ Consequence of this change would be also disbanded Public Prosecution for War Crimes

² <https://n1info.rs/vesti/ministar-pravde-podrzao-mrdicev-predlog-da-se-tok-podredi-vjt-govorio-i-o-mogucoj-smeni-dolovac/>

³ https://www.rtv.rs/sr_lat/drustvo/izmenama-zakona-o-javnom-tuzilastvu-vraca-se-institut-upucivanja-u-punom-kapacitetu_1673545.html

⁴ <https://www.youtube.com/watch?v=gXqPYVGrg> available at min 1:00:00

⁵ <https://beta.rs/content/234989-kolegijum-tok-tuzioci-izlozeni-kontinuiranom-pritisku-predsednika-srbije-vlasti-medija>

⁶ <https://www.slobodnaevropa.org/a/tuzilastvo-organizovani-kriminal-vucic-nedozvoljeni-uticaj/33581273.html>

close to the ruling party and that they both have been reported to the High Prosecutorial Council – Stefanović for misuse of hierarchical powers⁷ and Marković for breaching his obligation to act impartially⁸. These cases are still under review by the Disciplinary Prosecutor of High Prosecutorial Council.

Announced legal changes threaten to fully undermine the rule of law in Serbia. We point out that abovementioned announcements are directly conflicted to last EU recommendations on fight against corruption. Commission's 2025 report on Serbia concludes that **Law on the organisation and jurisdiction of state authorities in suppression of organised crime, terrorism and corruption does not give sufficient competences to the Prosecutor's Office for Organised Crime (POOC)**.⁹

Announced legal changes pose a danger to all the efforts undertaken by Serbian authorities together with the Venice Commission in the 2022 constitutional and legal reform, aimed to establish normative preconditions for judicial independence and prosecutorial autonomy in Serbia. Goal of the reform was also to prevent political influence on judiciary, on which Venice Commission insisted since 2007 Opinion on Serbia.¹⁰

We urge the Venice Commission to react promptly, adequately and take available and appropriate measures within its mandate to prevent further actions that directly undermine the integrity of the judiciary and the rule of law in Serbia.

Sincerely,

Judicial Research Centre (JUREC)

Belgrade Centre for Human Rights

Belgrade Centre for Security Policy

Center for Regionalism

Civic Initiatives

European Policy Centre (CEP)

Helsinki Committee for Human Rights in Serbia

Humanitarian Law Center

Independent Journalists' Association of Vojvodina (IJAV)

Independent Journalists' Association of Serbia (IJAS)

The independent Commission of inquiry for establishing the responsibility for the collapse of the Novi Sad railway station canopy

Institute for European Affairs

Lawyers' Committee for Human Rights YUCOM

⁷ <https://www.cepris.org/stav-cepris-a/cepris-podneo-disciplinsku-prijavu-protiv-glavnog-tuzioca-nenada-stefanovica/>

⁸ <https://www.cepris.org/stav-cepris-a/cepris-podneo-disciplinsku-prijavu-protiv-tuzioca-miodraga-markovica/>

⁹ Page 36, Par. 1

¹⁰ Opinion on the Constitution on Serbia - CDL-AD(2007)004

NGO Praxis

NVO Svet i Dunav

Partners Serbia

Prosecutors Association of Serbia

Uzice Child Rights Centre