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Special Rapporteur on the Independence of Judges and Lawyers
Ms. Margaret Satterthwaite

Office of the United Nations High Commissioner for Human Rights (OHCHR)
Palais des Nations
CH-1211 Geneva 10, Switzerland

URGENT APPEAL

SISTEMIC INFLUENCE ON THE JUDICIARY IN SERBIA

Dear Special Rapporteur,

In March 2025, group of Serbian non-governmental organizations communicated with you regarding undue influence on prosecutors in the Republic of Serbia (reference number: g2h740kn). Now, seven non-governmental organizations and one non-formal group of judges and prosecutors¹ submit this urgent appeal to bring to your attention systemic, serious and immediate threats to independence of the judiciary in Serbia. **The situation requires urgent intervention to prevent irreparable harm to the rule of law and judicial integrity.**

This appeal concerns a set of **five judicial laws** submitted on 22 December 2025 for adoption under an **urgent legislative procedure** by Mr. Uglješa Mrdić, Member of Parliament (ruling party) and President of the National Assembly Committee on the Judiciary, Public Administration and Local Self-Government. An extraordinary session of the National Assembly has been scheduled for **14 January 2026**, at which these proposals are expected to be considered.

¹ Belgrade Center for Human Rights, CRTA, Judicial Research Centre (JUREC), Lawyers Committee for Human Rights - YUCOM, A11 – Initiative for economic and social rights, Civic Initiatives, Odbrana struke (Defense of Profession) and FemPlatz

According to publicly available information and consistent reporting by judicial professionals and civil society organizations, the proposed laws were introduced:

- **without publication of draft texts before submission to the National Assembly;**
- **without any public debate;**
- **without consultation with judicial institutions and professional associations, including the High Judicial Council and High Prosecutorial Council.**

Consequently, neither the citizens of Serbia nor the representatives of judicial institutions had the opportunity to comment on the proposed laws. It should be emphasized that if adopted, proposed laws would strengthen the influence of the executive branch over the judiciary. Given that these laws fundamentally intervene in the structure, governance, and accountability mechanisms of courts and prosecution offices, the use of an urgent procedure appears neither justified nor compatible with basic standards of democratic law-making and judicial independence.

Under the [Rules of Procedure of the National Assembly of the Republic of Serbia](#), the adoption of laws under an urgent procedure is strictly limited to unforeseeable circumstances where failure to act immediately would result in harmful consequences for the life and health of people, the security of the country, the functioning of state bodies, or the fulfillment of international obligations, including harmonization with European Union law. In the present case, none of these conditions are met, as the proposed set of judicial laws do not respond to unforeseeable circumstances but instead seek, through an evident misuse of the urgent procedure, to amend systemic laws governing the organization and functioning of the judiciary—matters of long-term public interest and general societal importance. **Such deliberate circumvention and abuse of parliamentary rules directly undermines the independence of the judiciary as a separate power branch.**

It should be noted that for more than a year, reform legislation of fundamental importance for the functioning of the judiciary, including the Criminal Code and the Criminal Procedure Code, has not been changed and/or adopted in accordance with the legally prescribed and established legislative procedure, owing to the lack of consensus between the legislative proponents and the professional community, primarily due to the lowering of the level of previously attained rights.

The most recent example is the initiative of the Ministry of Justice to amend the Law on Judges, in respect of which the [High Judicial Council issued a negative opinion](#). This circumstance has led to the resort to an alternative legislative procedure, one that has been applied only exceptionally and has never previously been used for judicial legislation or other laws of systemic importance.

In addition, a [group of judges and prosecutors from across Serbia organized a protest in front of the Constitutional Court](#) in Belgrade at the end of December 2025, joined by lawyers, students and citizens, to highlight political pressure on the judiciary, particularly in response to proposed changes to laws affecting the Organized Crime Prosecutor's Office.

Non-governmental organizations and legal professionals, including a non-formal group of judges and prosecutors known as Odbrana strike (Defense of the Profession) has publicly warned that the proposed legislative package, both in substance and in procedure, represents a **direct erosion of guarantees of judicial independence and prosecutorial autonomy**, and may amount to an abuse of parliamentary procedure. They emphasize that the absence of transparency and consultation prevents meaningful scrutiny and deprives the judiciary of its institutional voice in reforms that directly affect its functioning.

Substantively, the proposed laws reportedly introduce measures that would **significantly strengthen hierarchical control and discretionary power within the judiciary and prosecution**, while weakening existing safeguards against political and executive influence. In particular, the proposals reportedly include:

- **Abolition of the independent Commission responsible for deciding on objections to mandatory prosecutorial instructions**, with its competences transferred to chief or immediately higher prosecutors. This change would deprive prosecutors of an effective remedy against unlawful or politically motivated instructions, contrary to international standards on prosecutorial autonomy;
- **Introduction of ministerial consent or approval requirements for certain prosecutorial actions**, which would directly embed executive influence into prosecutorial decision-making;
- **Reallocation of appointment authority for the Head of the High-Tech Crime Prosecution**, transferring this competence from the Supreme Public Prosecutor to the Chief Public Prosecutor of the Higher Public Prosecutor's Office in Belgrade, despite the nationwide jurisdiction of the High-Tech Crime Prosecution. This measure risks concentrating sensitive prosecutorial powers in a single office and undermining functional independence in cases involving complex and politically sensitive crimes;
- **The possibility of reappointing court presidents for additional terms**, departing from the current system of a single five-year mandate. This change would allow prolonged control by court presidents over judges' careers and disciplinary processes, potentially enabling sustained pressure and retaliation against judges perceived as independent or critical;
- **Extension of mandates for acting chief public prosecutors**, reportedly allowing such positions to be held for up to three years (instead of one year, as it is

currently), thereby normalizing provisional leadership and weakening institutional stability and accountability;

- **Establishment of a Fourth Basic Court and corresponding prosecution office in Belgrade**, which judicial professionals have warned could function as a de facto special court, particularly in relation to cases connected with the EXPO 2027 project. Given the scale, financial value, and corruption risks associated with this project, concerns have been raised that this institutional restructuring could enable forum selection and assignment of judges perceived as institutionally compliant, undermining the right to an independent and impartial tribunal.

These proposed measures must be viewed in the context of **Serbia's 2022 constitutional amendments**, adopted within the framework of European integration, which were expressly intended to strengthen judicial independence and prosecutorial autonomy by reducing political influence over appointments and disciplinary processes. [As emphasized by the European Commission](#), those amendments represented a significant step toward aligning Serbia with European and international standards. The proposed laws appear to **empty those constitutional reforms of their substance**, removing key implementing safeguards and re-centralizing control over the judiciary.

The cumulative effect of these changes would be to **normalize prolonged hierarchical authority, weaken internal checks, suppress professional dissent, and expose judges and prosecutors to political pressure and retaliation**, producing a serious chilling effect and undermining public trust in the rule of law. Given the imminent parliamentary consideration of these laws under an urgent procedure, there is a clear risk of **irreversible harm** to judicial independence if no international attention is given.

In light of the above, we respectfully request that you:

- **Examine the compatibility of the proposed judicial laws and their legislative process with international standards** on the independence of judges and prosecutors, including the UN Basic Principles on the Independence of the Judiciary and the UN Guidelines on the Role of Prosecutors;
- **Address these concerns urgently** to the authorities of the Republic of Serbia;
- **Call for the suspension of the urgent legislative procedure** and the initiation of transparent, inclusive, and meaningful consultations with judicial institutions and the public;
- **Remind the State of its obligations under international human rights law**, including Article 14 of the International Covenant on Civil and Political Rights, to ensure independent and impartial justice systems free from undue influence.

Given the imminence of the parliamentary session, we respectfully ask that this communication be treated as urgent. We are available to provide further information or documentation upon request. Thank you for your urgent attention to this matter.

Sincerely,

A11 – Initiative for economic and social rights

Belgrade Center for Human Rights

Judicial Research Centre (JUREC)

Civic Initiatives

Lawyers' Committee for Human Rights – YUCOM

CRTA

Odbrana struke (Defense of Profession)

FemPlatz