

THE XI. CONFERENCE AND PLENARY OF THE BALKAN AND EURO-MEDITERRANEAN NETWORK OF COUNCILS FOR THE JUDICIARY

DECISIONS OF THE PLENARY

During the XI. Conference and Plenary of the Balkan and Euro-Mediterranean Network of Councils for the Judiciary held **in Rome on 13 - 14th June 2016**, the members adopted decisions as follows:

Decision No. 1/2016 of BEMNCJ Plenary

The qualified majority of members elected Mr. Gjin Gjoni as president of the BEMNCJ for a term of one year until the Plenary 2017 of the BEMNCJ.

Decision No. 2/2016 of BEMNCJ Plenary

The majority of members agreed to change Article 6, paragraph 1 of the Charter as follows:

*“The president shall be elected by the qualified majority of the plenary for a term of **two years**. The president can be re-elected once.”*

According to the decision of the Plenary the modification enters into force from the next Plenary of BEMNCJ in 2017.

Decision No.3/2016 of BEMNCJ Plenary

The members accepted the Annual Working Plan of 2016-2017 of the BEMNCJ (1st Annex).

Decision No.4/2016 of BEMNCJ Plenary

The members accepted the official logo of the BEMNCJ (2nd Annex).

Decision No.5/2016 of BEMNCJ Plenary

The members agreed that the professional topics of the next Conference will be:

1. Impartiality and the Code of Ethics

2. The role of the Councils of the Judiciary in the fight against terrorism and the security of the judges.

The host of the next Plenary will be Bulgaria in Sofia on June 29th – 30th - 1st July 2017.

Decision No.6/2016 of BEMNCJ Plenary

The following recommendations were approved regarding the first topic *“Internal independence of the Judges and Prosecutors as a factor of increasing efficiency in the Judiciary”*:

1. The judgements can be changed only within the appeal system regardless the legal opinion of a higher court .
2. As a general rule the guidelines such as interpretive judgements could be delivered only by the supreme courts.
3. The way as judges handle their cases belongs to the issue of internal independence of a judge, but fostering its uniformity as law allowed in each country.
4. The management of the courts can't exert pressure which influence the merit of any individual cases.
5. As a general rule it is advisable for the court systems to have a written, published regulation on the allocation of cases.

The following recommendations were approved regarding the second topic *“The role of media in the independence of the Judiciary”*:

1. The Judiciary should have a website in each country. The website should contain information for the professional, the press and the general public and should contain a database of judgements which is freely accessible for the public.
2. There is a need for regulation of the relations between the Judiciary and the media. Introducing a set of press guidelines, whether they are implemented by law or as a (morally or non legal) binding protocol, are recommended.
3. Without prejudice to the presumption of innocence, confidentiality of criminal investigations, rights of related parties and without leading to a pre-established opinion,. sufficient information should be provided to the public and to the media to ensure that the public gains an accurate perception of the administration of justice.

4. Audio and video recording of court hearings has to be under the control of the judge, with safeguards for non-professionals involved in proceedings.
5. Freely available websites concerning the judiciary, the justice system and court decisions, under the control of the judicial system.

For High Council of Justice of Albania
Mr. Gjin Gjoni
Member

Supreme Judicial Council of Bulgaria
Mr. Dimitar Kostadinov Uzunov
Representative

High Council for the Judiciary of Italy
Mr. Giovanni Legnini
Vice President

High Judicial and Prosecutorial Council
of Bosnia and Herzegovina
Ms. Ruzica Jukic
Vice President

Superior Council of Magistracy of the
Republic of Moldova
Mr. Victor Micu
President

High Council of Judges and Prosecutors
of Turkey
Mr. Mehmet Yilmaz
Vice President

National Office for the Judiciary of
Hungary
Dr. Tünde Handó
President

National Judicial Council of Hungary
Dr. Tamás Gerber
President

Judicial Council of Kosovo
Mr. Nehat Idrizi
Chair of the Judicial Council

Judicial Council of Montenegro
Mr. Dobrica Sljivancanin
Member