

GRECO: Ad hoc Report on Slovenia

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News

On 18 February 2020 GRECO published an *ad hoc* report under Rule 34 on Slovenia. During its 83rd General Assembly (21 June 2019), GRECO was alerted to possible political interference by the legislative branch in relation to public officials, prosecutors, and judges in Slovenia – in a letter from the Head of the Criminal Law Department of the Slovenian State Prosecutor General’s Office. GRECO decided to apply Rule 34 of its Rules of Procedure, which may be triggered in exceptional cases when GRECO receives reliable information on institutional reforms, legislative initiatives, or procedural changes that may lead to serious violations of Council of Europe anti-corruption standards. In its decision, GRECO explicitly recalled that the prevention of corruption in relation to members of parliament, judges, and prosecutors had been the subject of its fourth evaluation round.

The case concerns the setting up of a parliamentary inquiry into the judicial proceedings against a politician who was investigated and prosecuted, together with others, in a number of corruption cases. The requested parliamentary inquiry was aimed at investigating possible politically motivated decisions by officials, prosecutors, and judges involved in the criminal proceedings (some of them still pending) and possible violations of fundamental rights under the ECHR. The establishment of the parliamentary inquiry was approved by the National Assembly and the Minister of Justice on the basis of the Constitution and the Rules of Procedure of the Assembly. Subsequently, the State Prosecutor General filed a request for a constitutional review and a constitutional complaint on the unlawfulness of such legislative intervention in the judiciary. In a preliminary decision, the Slovenian Constitutional Court suspended the implementation of the parliamentary inquiry and emphasised that the law ordering the parliamentary inquiry impeded the constitutional principle of the independence of the judiciary.

GRECO invited the Slovenian authorities to provide further information on this issue, which formed the basis for the *ad hoc* report. The report was adopted during the 84th GRECO General Assembly (2-6 December 2019). GRECO reaffirmed that the independence of the judiciary is a cornerstone of the rule of law and that, in principle, appeals against court decisions should be dealt with within the judiciary itself. Given that the Constitutional Court has not yet taken final decisions and that some of the court cases are still pending, GRECO will closely follow the assessment of the situation in order to draw conclusions from the case as regards the adequacy of Slovenia’s anti-corruption and integrity framework.

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