

Lenka Praženková, the President of the Judicial Council of the Slovak Republic, watched carefully how the Constitutional Court would decide on the judges who were detained in the action called „STORM“ and how to deal with the current situation in Slovak judiciary.

The Constitutional Court of the Slovak Republic gave its consent to decide on possible custody of 5 judges out of 13 judges detained on 11th March 2020. The decision will be taken by the Specialized Criminal Court in Pezinok on Saturday 14th of March.

The Constitutional Court did not give its consent to detain 8 judges, so they were released on Friday 13th of March. The Constitutional Court in its decision stated that: "... the Constitutional Court is not in the position to decide on custody of these judges and to substitute or control the Law enforcement authorities or the pre-trial judge or the court. Its task is to create a constitutional dam against possible attempts to unconstitutionally intervene in the judiciary. This could be the case, for example, if the motion for custody was so general or superficial that it would not be justifiable from a constitutional point of view why it is necessary to give priority to restricting the judge's personal freedom as a representative of an independent judiciary by prosecuting his person. Only a formal not factual justification of the General Prosecutor's proposal to take a judge to custody without providing adequate clear explanatory arguments, or laconic recitation of the reasons for prosecuting a judge or limiting his personal freedom could be a real threat of intervening into judiciary by unconstitutional manner. The Constitutional Court did not decide on the merits of the accusation made, so all 13 judges, including eight released, will be prosecuted and remain accused.

The President of the Judicial Council wishes to declare strongly that the situation in the judiciary is not good. However, it is not possible to accept any means that would unlawfully affect the personality rights of a person and, in addition, the independence of the judiciary. Such action is in complete contradiction with the principles of a democratic state, the rule of law and the separation of powers. It should be added that if any citizen - and especially a judge - commits any unlawful activity, this person should be properly punished, but in a constitutional and legal judicial proceeding.

At the same time, the President of the Judicial Council is following long-term attempts to violate the principles of a democratic state and rule of law from some of the future government politicians, which is absolutely unacceptable. This applies in particular to their public declarations on the possible abolition of the Judicial Council of the Slovak Republic, a body established as a guarantee of independent justice, which was demanded before the accession to the European Union. The President of the Judicial Council will do its best to ensure that democracy in Slovakia will not "die". She will therefore return to the European judicial institutions to monitor the current developments in Slovakia.