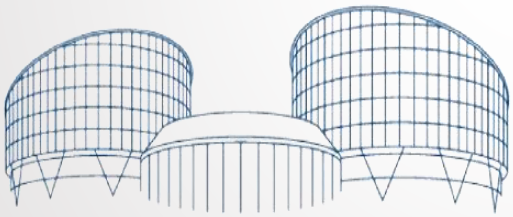
GRAND FINAL THEMIS COMPETITION 2021

The way forward

– solutions from the jurisprudence of the European court of human rights and the Court of justice of the European Union

Written Report



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Team of Bulgaria:

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“Under the rule of law, all public powers always act within the constraints set by law, in accordance with the value of democracy and fundamental rights, and under the control of independent and impartial courts.”[1]. The rule of law is not only the first step of the way to the establishment of European standards for the democratic societies, made in 1950 when is written the preamble of European Convention on human rights. The rule of law is not only the concept which appealed the academics with its different perspectives. The Rule of Law is a cause for Judge Arno V. and all other judges devoted to the art of Justice.

We, the team of Bulgaria, impressed by the complexity of the Way for the Justice forward, selected these main considerations:

The way in which Court of Justice should proceed.

On the 10 May 2020 the preliminary ruling by the Regional Court of Themisland represented by the court panel of single-judge, consisted by Judge Arno V., was submitted a preliminary ruling to Court of Justice of European Union. The national court addressed to the Court following questions: 1. Whether the domestic law of the Kingdom of H. which the presence of the accused person is mandatory at the pre-trial hearing and that the issuing of a national arrest warrant or a EAW is possible only when accused person may receive a custodial sentence and if the accused person does not appear on the date indicated q and a prosecutor seeks a fine, the court is required to continue the proceedings in absentia, and practice thereof, are compatible with the relevant Directives of EU law and that if they are not are not compatible may the national judge continue the criminal proceedings in absentia? 2. Whether the domestic law and practice are in compliance with the European standards of the fair trial regarding the police incitement? 3. Does the extraordinary Chamber of the High Court, which should be referred to by the national courts to give a binding interpretation of the legal provisions as for how to apply the relevant provisions of the domestic law in compliance with the Constitution, composed of 9 judges who were selected by the Judicial Council, whose judges members after the amendments of the national legislation are elected by the Parliament (not by their peers) fulfil the requirements of the Court of Justice under Art. 47 of the Charter of Fundamental Rights?

Step 1. Reaction on the demand of the President of the Regional Court in Themisburg (RCT) Judge Jana G. from the Court of Justice to “immediately” return the request for the preliminary ruling issued by Judge Arno V. without any review of it on merits. According to Rules of Procedure of the Court of Justice of 25 September 2012, Article 100 clarify the circumstances in which the Court remains seised, in particular, par. 1. “The Court shall remain seised of a request for a preliminary ruling for as long as it is not withdrawn by the court or tribunal which made that request to the Court.”. The withdrawal of a request could not be requested by the President of the RCT, but only by the national jurisdiction which addressed Court, in the case – Judge Arno V. Considering above mentioned the Court of Justice will assess the intervention inadmissible and remain silent to the written pressure occurred in the communication initiated by the new President of RCT.

[1] Communication from the Commission to the EP, EC, EESC and CR, “Strengthening the rule of law within the Union, A blueprint for action”, 17.07.2019, COM (2019) 343 final

On the other hand, due to the decision from 27 June 2020 which announced the request for a preliminary ruling as unlawful and ordered the criminal proceedings against Franz K. and others to continue of High Court, which composition is questioned in preliminary ruling, in line with Article 279 TFEU the Court of Justice of the European Union may in any cases before it prescribe any necessary interim measures. The procedure, art. 160 par. 2 from Rules of Procedure of the Court of Justice, is admissible only if it is made by a party to a case before the Court and relates to that case. Regarding art. 97 par. 1 from the Rules, parties to the main proceedings are those who are determined as such by the referring court or tribunal in accordance with national rules of procedure. The Court could issue Order for suspension of operation or for interim measures, based on art. 162 of the Rules.[2]

Step 2. Court of Justice will consider on the admissibility and the merits in the request for preliminary ruling addressed by Judge Arno V.

Criminal procedure in Franz K. case.

The police incitement. According to the information given in the present case there are reasons to be considered that Mr. Franz K. had been convicted of an offence which had been incited by the police. Regarding the applicable legal framework, the notion for police incitement and the essential standards of fair trial established in the jurisprudence of ECHR the Court will examine the nature of the actions taken by the informant and their impact on the criminal proceedings against the applicant.

The ECHR in its jurispridence reiterates that the use of undercover agents and informants must be restricted and safeguards put in place even in cases concerning the fight against drug trafficking (see Teixeira de Castro, §§ 35-36; Vanyan v. Russia, no. 53203/99, § 46, 15 December 2005, and Pyrgiotakis v. Greece, no. 15100/06, § 20,). The Court recognises in general that the rise in organised crime calls for appropriate measures to be taken. On the other hand, the right to the fair administration of justice holds so prominent a place in a democratic society that it cannot be sacrificed for the sake of expedience (see Delcourt v. Belgium, § 25, Series A, no. 11) and it is not defined by the types of criminal offence.

Police incitement occurs where the officers involved – whether members of the security forces or persons acting on their instructions – do not confine themselves to investigating criminal activity in an essentially passive manner, but exert such an influence on the subject as to incite the commission of an offence that would otherwise not have been committed, in order to make it possible to establish the offence, that is, to provide evidence and institute a prosecution (Ramanauskas v. Lituania, no. 74420/01, § 55; and Bannikova v. Russia, no. 18757/06, § 37; Pyrgiotakis v. Greece, no. 15100/06, § 20). The rationale behind the prohibition on police incitement is that it is the police's task to prevent and investigate crime and not to incite it (see Furcht v. Germany, no. 54648/09, § 48).

In the present case the Court holds that the activity of undercover agents instigated the offence and there no proofs presented by the Prosecution to suggest that it would have been committed without their

[2] The procedure is implemented in Case C-619/18 Commision v. Poland, Case C-204/21 R, Commission v. Poland.

intervention. Considering the fact in the present case there were no objective suspicions that Mr. Franz K. had been involved in criminal activity or was predisposed to commit a criminal offence. The State presented no information concerning previous criminal records of the accused and there was nothing to suggest that he had a predisposition to become involved in drug trafficking until he was approached by the police (Teixeira de Castro § 37 – 38, Ramanauskas v. Lituania, no. 74420/01, §56). Also, there were no indications of pre-existing criminal activity or intent, Mr. Franz K. did not demonstrated familiarity with the current prices for drugs and ability to obtain drugs at short notice (Shannon v. the United Kingdom, no. 67537/01). He accepted to cooperate with informant considering the import of marihuana but that fact could not be estimated as enough solid argument to eliminate the influence of the informant.

The Court observes that the particular actions of the informant go beyond the investigative techniques used by an undercover agent and may be described as incitement. In particular, the actions taken by the informant should be distinguished from the of legitimate undercover techniques in criminal investigations. During the investigation he contacted the accused and made initial offer to him to take part in drug trafficking. The informant specified the particular way of transportation and importation of the drugs, insisted on the involvement of the accused in the commission of the offence nevertheless the failures of the accused to establish the required contacts and subsequently motivated Mr. Franz K. by ensuring him that he will provide help from a dock worker who was also a police officer working under cover. The informant repeatedly contacted Mr. Franz K. and created unrealistic impression that the operation for transportation and importation of the drugs is well organised and calculated in details.

The investigative measures taken by the informant could not be defined as essentially passive (Banninkova v. Russia, no. 18757/06, §§37-38). The informant exerted persistent pressure and impose influence on the accused by motivating him, demonstrating personal commitment and guaranteeing additional help. Under the substantive test for incitement, the Court observes that the abandonment of a passive attitude by the investigating authorities could be associated with taking the initiative in contacting the applicant, renewing the offer despite his initial refusal, insistent prompting and providing additional contribution (Malininas, § 37). Therefore in the light of all these considerations, the Court concludes that the informant actions went beyond those of undercover agents because they instigated the offence and there is nothing to suggest that without his intervention it would have been committed. That intervention could ne considered as entrapment and its use in the impugned criminal proceedings infringed the right of the accused to fair trial.

The Court should further proceed with the examination of the elements of police incitement issued by considering the procedural test. According to the jurisprudence of the ECHR the domestic courts should deal with an entrapment complaint in a manner compatible with the right to a fair hearing where the complaint of incitement constitutes a substantive defence, so the domestic courts should proceed under the duty to either stay the proceedings as an abuse of process or to exclude any evidence obtained by entrapment or leads to similar consequences (Bannikova v. Russia, §§ 54-56; Matanović v. Croatia, no. 2742/12, § 126; Ramanauskas v. Lithuania (no. 2), § 59, Akbay and others v. Germany, no. 40495/15, §120).

In the present case during the appeal procedure judge Arno took procedural actions to uncover the circumstances concerning the impugned police incitement by referring preliminary question to the CJEU on the issue of incompliance of the domestic law and practise in the Kingdom od H. with the European standards of the fair trial. Neither the District court of Themisburg nor the High court examine the possibility for police entrapment.

Therefore the Court considers that the Mr. Franz K. conviction for an offence had been based on evidence obtained by police incitement and the Government of the Kingdom of H. did not took the necessary procedural measures to limit the effect of the incitement on the fairness of proceedings and to guarantee the right to fair trial of the defendant. Consequently, there has been a violation of Article 6 § 1.

Interpretation. According to Article 6 of the ECHR, § 3 (e) everyone charged with a criminal offence can have the free assistance of an interpreter if he cannot understand or speak the language used in court.[3] The fairness of the proceedings entails that everyone must be able to understand the accusation against him or her in order to be able to defend himself or herself and the duty to guarantee the right of a criminal defendant to be present in the courtroom ranks one of the essential requirements of Article 6.[4] Article 6, § 3 (e) applies not only to oral statements made at the trial hearing but also to documentary material and the pre-trial proceedings, just like in our case.[5] That fundamental guarantee is implemented, inter alia, in Article 2 of Directive 2010/64, which provides, in respect of any questioning or hearing during criminal proceedings, that suspects or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation, as well as by the right to translation of essential documents, referred to in Article 3 of that Directive.[6] Under this Directive, Member States (MSs) have to put in place a procedure or mechanism to ascertain whether suspected or accused persons need the assistance of an interpreter and of a translator, and it is for the MSs to provide suspects or accused with interpretation without delay. Translation should be provided for documents which are essential to safeguard the exercise of the right of defence and, exceptionally, an oral translation or an oral summary of those essential documents may be provided on condition that the fairness of the proceedings is not prejudiced.[7] Art. 5 of the same Directive lists that MS shall take concrete measures to ensure that the interpretation and translation provided meets the quality required and shall endeavour to establish a register or registers of independent translators and interpreters who are appropriately qualified. Interpretation of the proceedings is required as the right to a fair trial, which includes the right to participate in the hearing, requires that the accused be able to understand the proceedings and to inform his lawyer of any point that should be made in his defence.[8] The protections afforded by Article

[3] Relevant cases: Baytar v. Turkey Appl.No. 45440/04; Luedicke, Belkacem and Koç v. Germany Appl.No. 6210/73; 6877/75; 7132/75); Hermi v. Italy [GC], § 69; Lagerblom v. Sweden, § 61; Fedele v. Germany – Appl.No. 11311/84;

[4] Hermi v. Italy [GC], §§ 58-59; Sejdovic v. Italy [GC], §§ 81 and 84; Arps v. Croatia, § 28;

[5] Baytar v. Turkey, § 49; Kamasinski v. Austria, § 74;

[6] 25 March 1999, Pélissier and Sassi v. France,CE:ECHR:1999:0325JUD002544494, §52 and 54

[7] https://e-justice.europa.eu/content_find_a_legal_translator_or_an_interpreter-116-en.do ;

[8] Kamasinski v. Austria, § 74; Cuscani v. the United Kingdom, § 38

6(1) and (3) ECHR apply to a person subject to a 'criminal charge', within the autonomous ECHR meaning of that term. It is important to guarantee the right of an interpreter for translation of all documents or statements in the proceedings which it is necessary for the accused to understand or to have rendered into the court's language in order to have the benefit of a fair trial.[9] This means that the interpretation assistance should enable the defendant to have knowledge of the case against him and to defend himself, notably by being able to put before the court his or her version of the events.[10] During the questioning, Mr. Franz K. requested for an interpreter. Therefore, among the given facts, we assume that the quality of interpretation was enough understandable for the accused one in a way that his right to defence and his right to a fair trial as a whole were not violated. Mr. Franz K. did not complain that he did not understand the accusation brought against him, nor he did request for further and deeper translation from the interpreter. He also did not dispute of the quality of the interpretation itself. Furthermore, all the requirements by the law were meant, because the interpretation assistance was provided at the right time and there was no time in which Mr. Franz K. could not use an interpreter. He participated in every part of the process and his right were guaranteed also because of the fact that he did not request to change the appointed interpreter. He also did not choose another language that could be more understandable for him. Moreover, official translation services are organised differently in the Member States of the EU with very different professional frameworks. It is Mr. Franz K.'s right to object against the fairness of the proceeding and against the interpreter if he does not understand him correctly, but he did not make such an objection in the pre-trial. The obligation of the competent authorities is not limited to the appointment of an interpreter but, if they are put on notice in the particular circumstances, may also extend to a degree of subsequent control over the adequacy of the interpretation. Thus, a failure of the domestic courts to examine the allegations of inadequate services of an interpreter may lead to a violation of Article 6, § 3 (e).[11] Nevertheless, it is not appropriate to lay down any detailed conditions under Article 6, § 3 (e) concerning the method by which interpreters may be provided to assist accused persons. An interpreter is not part of the court or tribunal within the meaning of Article 6 § 1 and there is no formal requirement of independence or impartiality as such. The services of the interpreter must provide the accused with effective assistance in conducting his defence.[12]

The power of the Prosecutor General.Article 267 of TFEU says that when a judge from the national court rises a question regarding the application of EU, he should address the request for a preliminary ruling to the CJEU. The main idea of this opportunity is to interpretate how to apply the EU law among the MSss in order to achieve a fully consolidated and harmonious judicature with compliance to all legal base. If the question of legal matter haven't been raised so far, then the national court is required to refer to the CJEU, because this

[9] Luedicke, Belkacem and Koç v. Germany, § 48, Appl.No. 6210/73; 6877/75; 7132/75; Ucak v. the United Kingdom Appl.No. 44234/98; Hermi v. Italy [GC], § 69, Appl.No. 18114/02; Lagerblom v. Sweden, § 61, Appl.No. 26891/95

[10] Güngör v. Germany, Appl.No.31540/96; Protopapa v. Turkey, § 80 Appl.No. 16084/90; Vizgirda v. Slovenia, § 79 , Appl.No. 59868/08;

[11] Knox v. Italy,Appl.No.76577/13 - §§ 182-187;

[12] Ucak v. the United Kingdom, Appl.No. 44234/98;

procedure is considered as a key stone of the EU's judicial system, by setting up a dialogue between the CJEU and the courts and tribunals of the MSs. The Prosecutor General's actions before the Court are normally considered to fall outside the ambit of Article 6, which requires independence from the other branches of power – that is, the executive and the legislative and also from the parties. The way that the Prosecutor General intervenes and presents arguments which he has no entitled power to comment or to dispute, prevents judge Arno to exercise and directly apply the EU law. With this action he restricted and did not let judges to clarify their doubts, their problems in legal matters, and last but not least – their option to consolidate, with the exact application of the EU law. Furthermore, in this way the independence and the impartiality of the judge, seeing as a whole, was destroyed a part. In that connection, the requirement of independence also means that the disciplinary regime governing those who have the task of adjudicating in a dispute must contain the necessary guarantees in order to prevent any risk of its being used as a system of political control of the content of judicial decisions. With accordance to this is Case C 8/19 PPU, which notes that: "Not being exposed to disciplinary sanctions for exercising a choice, such as sending a request for a preliminary ruling to the Court or choosing to wait for the reply to such a request before adjudicating on the substance of a dispute before them, which is exclusively within their jurisdiction, constitutes a guarantee essential to judicial independence". The notion of the separation of powers between the executive and the judiciary, and the importance of safeguarding the independence of the judiciary, has assumed growing importance in the Court's case law. Maintaining public confidence in the judiciary and safeguarding its independence vis-à-vis the other powers of government is an essential aspect of upholding the fundamental principles of the rule of law and separation of powers. Indeed, the current president of the ECtHR has stated that: "The principle of the rule of law is an empty vessel without independent courts embedded within a democratic structure which protects and preserves fundamental rights. Without independent judges, the Convention system cannot function."

The institution of secondment of judges by the Minister of Justice**.** It is clear that according to the case-law of the ECtHR appointment of judges by the executive or the legislature is permissible under the Convention, provided that appointees are free from influence or pressure when carrying out their adjudicatory role . In the Court's opinion, a certain interaction between the three branches of government is not only inevitable, but also necessary, to the extent that the respective powers do not unduly encroach upon one another's functions and competences . At the same time the Court noted in particular that the notion of separation of powers between the executive and the judiciary had assumed growing importance in its case-law . In this context, the fact that the Minister of Justice, who is at the same time the Prosecutor General, has power to nominate and terminate the mandate of court Presidents and to second judges raises serious doubts about the independence of the judiciary.

In the decision on CASE OF GUÐMUNDUR ANDRI ÁSTRÁÐSSON v. ICELAND the Court has developed "flagrant breach" test, to evaluate the gravest breaches of the judicial appointment rules which may result in a violation of the right to a tribunal established by law.

Firstly, the Court considers that there must, in principle, be a manifest breach of the domestic law, in the sense that the breach must be objectively and genuinely identifiable as such. The Court notes, that it will in general cede to the national courts' interpretation as to whether there has been a breach of the domestic law, unless the breach is "flagrant" – that is, unless the national courts' findings can be regarded as arbitrary or manifestly unreasonable. In the current case judge Jana G. have been seconded to the higher court in violation of rules which regulate the period of the secondment.

Secondly, the breach in question must be assessed in the light of the requirement of a "tribunal established by law", namely to ensure the ability of the judiciary to perform its duties free of undue interference and thereby to preserve the rule of law and the separation of powers. Breaches of a purely technical nature that have no bearing on the legitimacy of the appointment process must be considered to fall below the relevant threshold. In the present case the ability of the judiciary to perform its duties free of undue interference and thereby to preserve the rule of law and the separation of powers is not proven. There is enough evidence which demonstrates that the executive has strong influence on the courts. Therefore, the functional independence of all judges concerned is not guaranteed. There are decisions of the Minister, regarding the judiciary, are not appealable and have no reasoning.

Since the Minister of Justice is also a Prosecutor General, i.e. a party in the criminal proceedings he receives information on the development of the proceedings before judges, who he can dismiss. The activities of the judges are actually closely monitored by politicians who both had power over their careers and had interest to achieve a particular outcome in the case. In such circumstances any doubts over the impartiality of the judges in the case could not therefore be considered simply subjective and unjustified .

It must be noted that there is ground for doubts that the Minister of Justice could use his power to second or to revoke the secondment to influence the decisions of the judges. It is important also that the minister publicly demonstrates his thesis on pending cases.

Thirdly, the Court considers that the review conducted by national courts as to the legal consequences – in terms of an individual's Convention rights – of a breach of a domestic rule on judicial appointments plays a significant role in determining whether such breach amounted to a violation of the right to a "tribunal established by law", and thus forms part of the test itself. In the present case there is enough doubts about the independence of the Supreme court, which is dependent on the Minister. Therefore, it cannot play his role of independent tribunal.

To sum up, the power of the Minister to second judges is not adequate to the modern motion of the separation of powers and can provoke doubts about the independence of the judiciary.

The position of the Presidents of courts. There can be no doubt that the question for the position of the Presidents of courts concerns the notion of independence of the judiciary. This problem has at least two crucial aspects – on the one hand, it is a fundamental tenet of judicial independence that tenure is guaranteed until a mandatory retirement age or the expiry of a fixed term of office . Being the representatives of the courts and

other judges, the Presidents of courts play significant role for the rendering the independence of the judiciary as a hole. Therefore, all steps against their independence can be seen as attacks against the independence of the courts and other judges, who the Presidents represent. On the other hand, limitations to the power of those who have administrative responsibilities in a court are needed in order for the independence of regular judges to be guaranteed.

It must be noted that the protection of court President's entitlement to serve his or her full term is supported by fundamental principles regarding the independence of the judiciary and the irremovability of judges. Moreover, according to the case-law of the ECtHR legislation which excludes the possibility for judicial review of the decision for premature termination of President's mandate is incompatible with the requirements of the rule of law. The UN Human Rights Committee (CCPR) states in numerous decisions that a dismissal from a position as a judge (President of court), several years before the expiry of the term for which a person had been appointed, constitutes an attack on the independence of the judiciary.

The current case in which the Minister of Justice has removed the President of the Court in Themisburg before the end of his mandate could be considered as a flagrant intrusion into the independence of the judicial power. Moreover, the fact that the decision of the Minister is not appealable deprives the former President of the right to an effective remedy under article 13 of the ECHR. In addition, contrary to the national law, the minister has not managed to prove/ the gross negligence of the duties of the former President.

The press statements of the Minister have given rise to the paramount issue about the role of the Presidents of courts. In relation to this problem, it must be outlined that according to the case-law of the ECtHR "judicial independence and impartiality, as viewed from an objective perspective, demand that individual judges be free from undue influence – not only from outside the judiciary, but also from within. This internal judicial independence requires that judges be free from directives or pressures from fellow judges or those who have administrative responsibilities in a court such as, for example, the president of the court. The absence of sufficient safeguards ensuring the independence of judges within the judiciary and, in particular, vis-à-vis their judicial superiors, may lead the Court to conclude that an applicant's doubts as to the independence and impartiality of a court may be said to have been objectively justified".

The attempt of the court President Jana G. to influence the procedural decisions of a judge Arno V. contradicts to her role. According to the Venice Commission "the principle of internal judicial independence means that the independence of each individual judge is incompatible with a relationship of subordination of judges in their judicial decision-making activity" . Under the case-law of the ECtHR a situation in which a court President gives direct instructions to judges to reconsider their ruling constitutes a violation of Article 6 § 1 of the Convention. Therefore, the instructions of Jana G. to the judges are incompatible with the Convention.

In addition, the Venice Commission finds it problematic when the distribution of cases is at the discretion of the court President, especially when he or she is dependent before the Minister of Justice , as it is in the present case.

Finally, in relation to the question about the position of the President of courts should be placed the issue for transferring of judges. According to the Committee of Ministers of the Council of Europe “a judge should not receive a new appointment or be moved to another judicial office without consenting to it, except in cases of disciplinary sanctions or reform of the organisation of the judicial system” . In contrast to this principle position the new court President has transferred without his consent judge B. from the civil chamber to the criminal chamber. That being the case, the actions of President G. could be seen as a violation of the independence of the transferred judge, since his career deepens strongly on the decisions of the President.

The disciplinary proceedings against proceedings against a judge for requesting the preliminary ruling

In that regard, in the light of the case-law of the Court referred to in paragraphs 68 to 70 and 72 above, it must be pointed out that the Court has already held that provisions of national law which expose national judges to disciplinary proceedings as a result of the fact that they have made a reference for a preliminary ruling to the Court of Justice cannot be permitted. Indeed, the mere prospect of being the subject of disciplinary proceedings as a result of making such a reference, or deciding to maintain that reference after it was made, is likely to undermine the effective exercise by the national judges concerned of their discretion to make a reference to the Court and of their role as judges responsible for the application of EU law (see judgments of 26 March 2020, Miasto Łowicz and Prokurator Generalny, C 558/18 and C 563/18, EU:C:2020:234, paragraph 58, and of 15 July 2021, Commission v Poland (Disciplinary regime for judges), C 791/19, EU:C:2021:596, paragraph 227).

Every national judge has the discretion to make a reference for a preliminary ruling to the Court, which is exclusively within their jurisdiction and also constitutes a guarantee that is essential to judicial independence. This possibility established in Article 267 TFEU is substantial to the proper working of the judicial cooperation system embodied by the preliminary ruling mechanism under Article 267 TFEU (judgment of 26 March 2020, Miasto Łowicz and Prokurator Generalny, C 558/18 and C 563/18, EU:C:2020:234, paragraph 59).

The fact that those judges may be exposed to disciplinary proceedings or measures for having exercised that discretion intervene their deliberation process, threatens their independence and impartiality and puts into question the principle of rile of law. Therefore the Article 267 TFEU must be considered as precluding disciplinary proceedings from being brought against a national judge on the ground that he or she has made a reference for a preliminary ruling to the Court of Justice under that provision (see judgment of 23 November 2021, C-564/19).

In summary, as we have underlined above, in the Kingdom of H. there are many rules and standards that have been breached and many borders that have been crossed within the meanings of them included in the ECHR, EctHR and the CJEU.

Every judge strives to respect the basis laid down both in national and supranational legal frameworks. At the heart of this foundation, the main driving forces that can be seen are honesty, professionalism and compliance with the law. We are talking about a judge, an example, who has deeply recognized the European principles

and who is trying to fly to the highest top of the mountain in order for justice to prevail. What remains for this judge in the future and how should he continue to be a good example in the eyes of the public society, while in the meantime good examples are removed from their roots. As it is known, when the root of a tree is removed, how should it continue to spread the oxygen of independence, impartiality, and inner conviction to inspire others? If we all gather and support each other by drawing the attention of the judiciary, we will be able to increase the chance that no more restrictions will be introduced in any European institution.