

ECBA SPRING CONFERENCE 2023, 5-6 MAY, WARSAW

PANEL NO. 1

TAMÁS MATUSIK

**RULE OF LAW
AND JUDICIAL
INDEPENDENCE:
EXAMPLES
FROM HUNGARY**

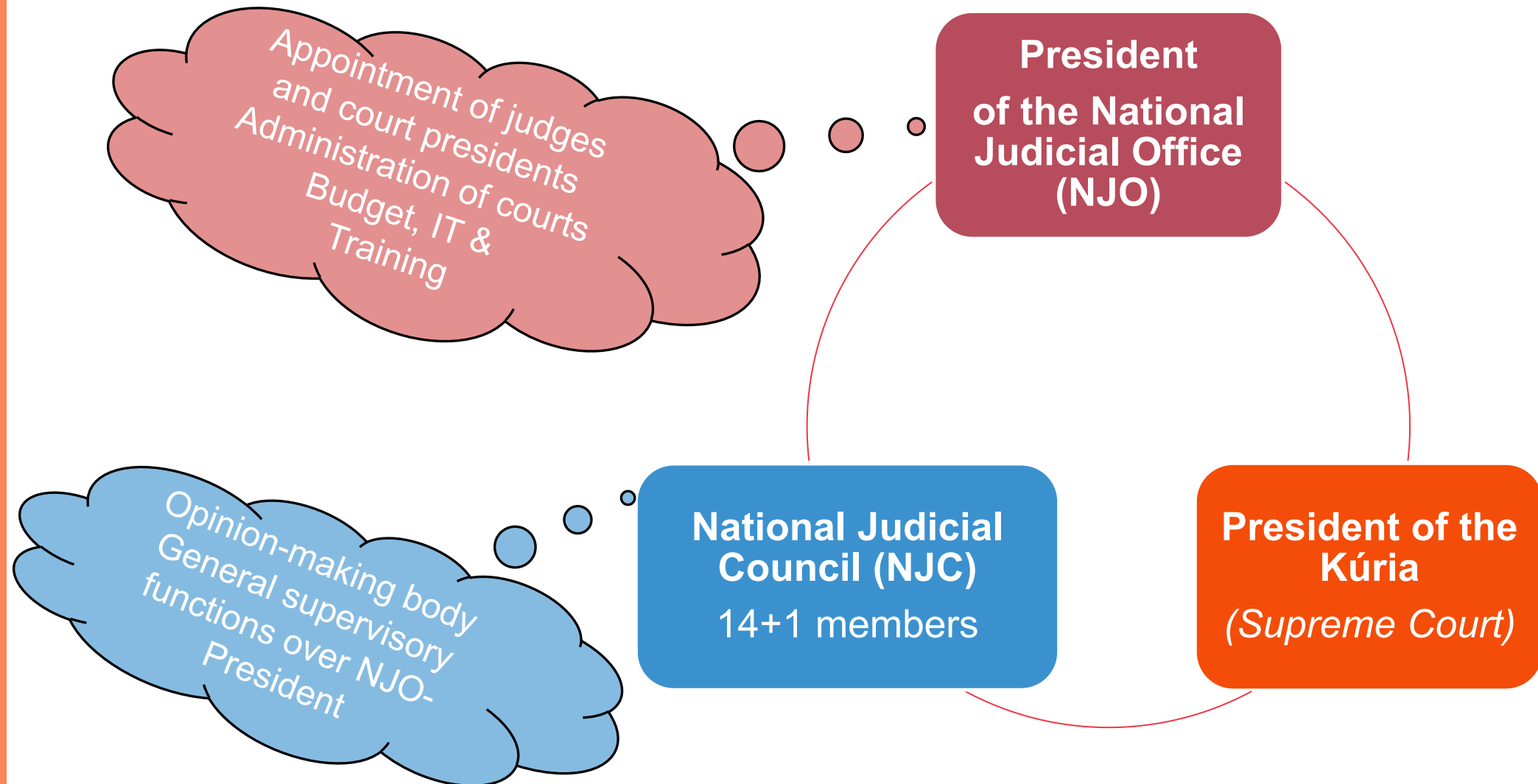
CONTENT

NATIONAL
JUDICIAL
COUNCIL

C-564/2019
AND LEGAL
REMEDY

JUDICIAL
OFFICERS'
SCANDAL

JUDICIAL ADMINISTRATION SINCE 2012



NATIONAL JUDICIAL COUNCIL

- 14 Members elected by judges
- Ex-officio Member: President of the Kúria
- No legal entity
- No staff (only one secretary, employed by NJO)
- No independent budget
- Advisory competences, very rare veto powers
- EU RoL Reports, GRECO, Venice Commission:
NJC's position should be strengthened

THE EXPERIENCE IN A NUTSHELL

- 2018-19: Serious conflicts between NJC and former NJO President (constitutional crisis)
- 2020: New Kúria President's candidacy not supported by NJC (opinion disregarded)
- 2020-21: Kúria strengthened (limited case law)
- 2022: NJC's criticism on judicial appointments
- Smear campaigns against NJC Members

THE 2022 MASSIVE SMEAR CAMPAIGN



After a formal and official meeting with the US Ambassador (David Pressman), **Judges Vasvári and Matusik (Members of NJC)** were being **heavily attacked**, discredited and called upon to resign by the government controlled media, think tanks and politicians, claiming that they are not independent in their judicial capacity. **More than 450 online articles** and state media broadcasts for over 1 month! NJC, MABIE (Hungarian Association of Judges), EAJ, ENCJ, US Embassy **statements expressed solidarity** and condemned the full-scale smear campaign.

**CHILLING
EFFECT
ALERT**

2023 Judicial Reform

- Requested by the European Union
- NJC and NGOs commented on the draft
- Draft proposal submitted to Parliament
- NJC's status would be strengthened (legal entity, independent budget, staff, binding opinions)
- From June 2023
- *New NJC elections in Q4 2023: we will see...*

C-564/2019 (Pest Central District Court)

1.

- Preliminary request on 3 questions (judiciary)

2.

- Kúria: Determination of illegality

**CHILLING
EFFECT
ALERT**

3.

- Disciplinary against the judge (withdrawn)

4.

- 2 additional questions by the judge

5.

- CJEU: Remedy & disciplinary breaches EU law

LEGAL REMEDY SUBMITTED ON THE GROUND OF LEGALITY

- Sections 666-669 of Criminal Procedure Code
- Only Prosecutor General may submit the motion to the Kúria
- Legislative proposal on EU request: excluded in the case of preliminary requests (from June 2023)
- NJC and NGOs proposed the exclusion of the precedent decision of the Kúria

JUDICIAL OFFICERS' SCANDAL 2022

- Criminal investigation in a high profile bribery case
- Two main suspects: Judicial Officers' President and Deputy Minister of Justice
- Media leaked a tapped telephone call between Metropolitan Court President and Judicial Officers' President about a judge
- Inquiry urged by NJC
- Inquiry report classified by NJO President, still not known
- NJC indicated unlawfulness

THANK YOU FOR YOUR ATTENTION!

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