

Council of Europe
The Secretary General

Strasbourg, 21 August 2020

Dear Minister,

Thank you for your letter of 7 August, in which you provide valuable information concerning developments within the justice sector in San Marino, notably as regards the Judicial Council. I was pleased to learn of the draft reform measures envisaged by the Minister of Justice which would affect the Judicial Council. If presented and adopted, this draft would appear to represent an important step forward in terms of implementing Council of Europe standards, as well as recommendations of the Group of States against Corruption (GRECO) in respect of your country.

In light of the comprehensive documentation submitted by the Government, and having examined also the information provided by some representatives of the judiciary of San Marino, I would like to recall the key role that Councils for the Judiciary, such as the Judicial Council, play in ensuring the independence and professionalism of the judiciary. It is therefore of utmost importance to have in place legislative and procedural frameworks that facilitate the work of the Councils, as well as to ensure that these frameworks are fully observed in practice by all involved. The principle of the separation of powers and of the rule of law also require abstaining from any interference by the Executive or the Legislature in pending procedures.

I have brought the information you have provided to the attention of the Venice Commission, GRECO and the Consultative Council of European Judges (CCJE), and I will continue to follow the situation attentively. As you know, GRECO is expected to adopt an evaluation report on San Marino in September, in which these matters will be addressed.

The Council of Europe stands ready to provide its input in the preparation of the announced judicial reform, building on the standards and expertise of the Venice Commission and the CCJE, and on the basis of the recommendations of GRECO.

Yours sincerely,



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