



INTERNATIONAL COMMISSION OF JURISTS

Commission internationale de juristes - Comisión Internacional de Juristas

" dedicated since 1952 to the primacy, coherence and implementation of international law and principles that advance human rights "

COMMUNIQUE DE PRESSE - COMUNICADO DE PRENSA

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USA: International Commission of Jurists Condemns "Blacklisting" of Judges

In a letter addressed to President Bush today, the International Commission of Jurists' (ICJ) Centre for the Independence of Judges and Lawyers (CIJL) expressed its alarm at a recent directive by Attorney General John Ashcroft to federal prosecutors to report judges who depart from U.S. sentencing guidelines to the Justice Department. The Attorney General appears to be aiming to create a "blacklist" of judges.

This directive follows the "Feeney Amendment" - a provision signed by President Bush into law in April that will pressure federal judges to adhere to pre-determined federal sentencing guidelines. It will also make it easier for prosecutors to appeal "downward departures" from the guidelines even if, in the judge's discretion, a lower sentence is warranted based upon mitigating circumstances. The Justice Department has already reportedly threatened to subpoena the sentencing records of U.S. District Judge James Rosenbaum of Minnesota.

The Feeney Amendment has been strongly criticized by several US federal judges, including Chief Justice of the US Supreme Court William Rehnquist. The American Bar Association, the National Association of Criminal Defense Lawyers and the US Sentencing Commission also oppose this measure.

"Creating lists of judges and subpoenaing those who issue lower sentences constitutes an unacceptable interference in the independence of the judiciary and compromises the right to a fair trial by an independent and impartial tribunal" said Linda Besharaty-Movaed, ICJ Legal Advisor.

The current measure, which is the brain-child of the Justice Department, was sponsored by Rep. Tom Feeney and added in the "Amber alert" child protection legislation that President Bush signed into law in April.

The ICJ/CIJL urged the Attorney General to revoke the directive for prosecutors to report judges who fall afoul of the guidelines and called upon the US Government to respect the independence of the American judiciary.

For more information, please contact Linda Besharaty-Movaed, Legal Advisor, at 41-22-979-38-09.

The ICJ is an international non-governmental organisation comprising sixty of the world's most eminent jurists and has a worldwide network of national sections and affiliated organisations

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