



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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Italy: ICJ calls for end to government interference with judicial independence

The International Commission of Jurists (ICJ) today expressed its concern at government attacks on the independence of the judiciary in relation to a case involving the Prime Minister, Mr Silvio Berlusconi. In a letter to the President of the Senate, read out to the Senate last week, the Prime Minister alleged that a criminal prosecution against him had been initiated for political purposes by "extreme left magistrates", and accused judges and prosecutors involved in the case of politicisation and bias. Mr Berlusconi has sought the recusal of the President of the tribunal which is to hear the case.

The ICJ called on the Italian government to withdraw the accusations against the judges and prosecutors referred to in the letter, and to allow the judicial process to proceed unhindered.

"These extraordinary accusations threaten the effective and independent functioning of the judiciary. It is unacceptable that a head of government should use his political power to impugn the integrity and independence of judges and prosecutors, in a case in which he is personally involved," said the ICJ.

The accusations come as the Senate agreed an amendment to a security decree (Bill No.S.692 converting D.L No.92/2008), postponing a large category of trials, including Mr Berlusconi's, for one year, to allow the courts to deal with "more urgent" cases. The ICJ is concerned that this measure, apparently taken for political ends, runs contrary to Principle 4 of the UN Basic Principles on the Independence of the Judiciary, which prohibits any inappropriate or unwarranted interference in the judicial process.

"The rule of law requires that lawyers, prosecutors and judges should be able to administer the criminal justice process and apply the law fairly and impartially to all. For the Prime Minister to introduce a special measure, as part of a security decree, which delays trials including his own, sets a worrying precedent for the administration of criminal justice in Italy," said the ICJ.

The ICJ will continue to follow developments in the case.

Background

The International Commission of Jurists is a non-governmental organisation working to advance understanding and respect for the Rule of Law as well as the protection of human rights throughout the world. It was set up in 1952 and has its headquarters in Geneva (Switzerland). It is made up of 45 eminent jurists representing different justice systems throughout the world and has 90 national

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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sections and affiliated justice organisations. The International Commission of Jurists has consultative status at the United Nations Economic and Social Council, the United Nations Organisation for Education, Science and Culture (UNESCO), the Council of Europe and the Organisation of African Unity. The organisation also cooperates with various bodies of the Organisation of American States and the Inter-Parliamentary Union.

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