



Rome, April 24th 2023

To International and Israeli Authorities

To EAJ Members

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EAJ BORD STATEMENT

The Board of European Association of Judges, representing numerous Judges' Associations in Europe, monitor the developments in Israel connected with the announced Judicial Reform with great concerns.

Recent developments, including public defamation of members of the judiciary and the judiciary as such, are unfortunately examples not new in recent history in some European countries. They are unacceptable in democratic states ruled by law for different reasons:

Firstly, they bring in jeopardy personal security of judges,

Secondly, such practice disables any constructive dialog where all interested sides can put their arguments on the table, beyond fervent public discussion far away from the core of the issue.

In light of the above mentioned we would like to stress as follows:

Other powers of the state must recognise the legitimate constitutional function that is carried out by the judiciary and ensure it is given sufficient resources to fulfil it. This function of adjudicating on all legal disputes and of interpreting and applying the law is as fundamental to the well-being of a modern democratic state governed by the rule of law as are the functions of the legislative and executive powers of the state. In a state governed by the principle of separation of powers, interferences between the action of one branch of the State and other branches must be maintained within the bounds of the law and **internationally accepted standards**.

When political powers comment or demand that judicial powers should be restricted they show little understanding of the role of an independent judiciary. But there is a clear line between freedom of expression and legitimate criticism on the one hand, and disrespect and undue pressure against the judiciary on the other.

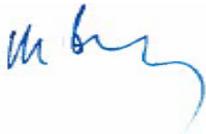
Forces of executive and legislative branch of state powers should not use simplistic or demagogic arguments to make criticisms of the judiciary during political campaigns just for the sake of argument or in order to divert attention from their own shortcomings. Neither should individual judges be personally attacked. Politicians must never encourage disobedience to judicial decisions let alone violence against judges. The executive and legislative powers are under a duty to provide all necessary and adequate protection where the functions of the courts are endangered by attacks or intimidations directed at members of the judiciary. Unbalanced critical commentary by politicians is irresponsible and causes a serious problem because public trust and confidence in the judiciary can thereby be unwittingly or deliberately undermined. In such cases, the judiciary must point out that such behaviour is an attack on the constitution of a democratic state as well as an attack on the legitimacy of another state power.

Such behaviour also violates international standards.

EAJ Board



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