



## **Statement on attacks and interference against the Italian judiciary**

MEDEL expresses its deepest concern over the current attacks on the Italian judiciary launched through a media campaign and public statements by highest levels of government and institutions, accusing magistrates of pursuing politically biased investigations and prosecutions.

Another troubling threshold of interference and attacks on the judiciary has been crossed with the recent statements on the prosecutors engaged in a trial involving as defendant a Minister of the Republic for barring the Open Arms boat carrying 147 migrants rescued at sea from docking in Italy. Without any consideration of the legal arguments raised by the prosecutors and of the full compliance with the procedures provided by the legal system in the case of criminal proceedings against ministers, such statements have re-proposed to the public opinion the script of a judiciary playing an active opposition role to the government and its migration policies, and acting in defiance of the principle of separation of powers.

All this sounds even more alarming considering the reform plans to change the constitutional framework that has so far guaranteed the independence of prosecutors and the judiciary as a whole.

MEDEL reaffirms that:

- in a State where the Rule of Law applies, the judiciary, like any other institution that holds and exercises prerogatives in the interest of the community, should be accountable to the society it serves and be subject to the critical evaluation of its own actions;
- in a State where the Rule of Law applies, however, the boundary is clear between public criticism of the judiciary- which implies the mutual institutional respect proper to democratic dialectics- and its delegitimization, which represents instead a dangerous threat to its independence and a prejudice to the trust of the citizens in its impartiality and fairness;
- in a State where the Rule of Law applies, every individual and every action are subject to judicial scrutiny with regard to the respect of the rights protected by the applicable laws;
- in a State where the Rule of Law applies, judges and prosecutors act as guarantors of the equality of persons before the law, without distinction of their roles and functions, and protect those fundamental rights that our Constitutions and supranational norms grant, as universal rights, to all individuals.

Against the backdrop of the experience of erosion of the Rule of Law in Europe, showing that the judiciary is often the first target of regressive processes, MEDEL:

- calls for respect for the constitutional role of the judiciary;
- expresses its solidarity with all European magistrates committed to the defense of fundamental rights and Rule of Law.

***September 20, 2024***