



Stowarzyszenie Prokuratorów „Lex Super Omnia”

STATEMENT

We view with the utmost concern the constitutional reform of the judiciary in Italy, recently approved by Parliament at the initiative of the current government. These reforms, referred to as the “separation of careers”, introduce systemic changes that undermine existing safeguards for the independence of the judiciary and the prosecution service.

We express our full support for MEDEL’s position, which emphasizes that:

- the abolition of the principle of the unity of the judiciary opens the way for executive interference in the activities of the prosecution;
- the weakening of the High Council of the Judiciary, the limitation of its prerogatives and the introduction of random selection as a method of appointing its members result in the loss of representativeness and legitimacy of this body;
- the transfer of disciplinary powers to a new High Disciplinary Court – an authority devoid of any independent review mechanism – creates a real risk that disciplinary proceedings may be used as an instrument of pressure against judges and prosecutors.

Such far-reaching changes to the institutional structure of the justice system are not accompanied by equivalent safeguards for the rule of law. In practice, they create room for political interference, weaken checks and balances and undermine confidence in the independence of the judiciary.

Recent experience within the European Union shows clearly that the erosion of the rule of law often begins with reforms affecting judicial councils and prosecution services, and that disciplinary measures become tools used to silence or remove independent judges and prosecutors. This is evidenced by numerous rulings of European courts and the findings of the ENCJ.

In this context, defending the independence of the judiciary is not a corporatist interest but a cornerstone of democracy, the rule of law and the protection of citizens’ rights. Public authorities – including those in Italy – should therefore strengthen systems of checks and balances rather than erode them.

We express our solidarity with Italian judges and prosecutors and with the National Association of the Judiciary, who – despite pressure and difficulties – continue to defend the principles enshrined in the Constitution and safeguard judicial independence.

We call for a reconsideration of the adopted legislative measures and for broad dialogue with the judiciary, European organisations and constitutional law experts, in order to strengthen the rule of law and judicial accountability rather than undermine their foundations.

Prosecutors associated with the Lex Super Omnia Prosecutor Association