



23RD OF MAY - ALERT DAY FOR THE INDEPENDENCE OF JUSTICE

Once again MEDEL marks the 23rd of May as the ***Alert Day for the Independence of Justice***, remembering that the independence of the Judiciary is the cornerstone of any free and democratic society.

Another year has passed and the challenges to the Rule of Law have increased in number and intensity.

A terrible war has started in Europe and images we all thought had been forever relegated to history books are back in front of everyone's eyes – innocent civilians suffering the horrors of war and flagrant violations of international and humanitarian law. **MEDEL calls for the urgent and immediate removal of all obstacles to the existence of a true international criminal justice, capable of thoroughly investigating and bringing to justice those responsible for such atrocities.**

In Poland, the authorities keep challenging the decisions of international institutions and courts and judges and prosecutors are still being persecuted, suspended and punished for upholding the Rule of Law and the independence of the Judiciary. The recent reappointment of members of the High Council for the Judiciary, through a procedure that has already been considered unable to guarantee the independence of that body from undue influence from other powers, is a clear sign of the unwillingness of the Polish government to comply with Rule of Law standards. Hence, considering the judgments delivered by European Court of Human Rights and European Court of Justice, **MEDEL urges European Commission to use once again "the infringement procedure mechanism" regarding the High Council for the Judiciary. It is the very moment when the EU authorities need to be consequent in their struggle for upholding the Rule of Law in all member states. There can be no compromise when it comes to core EU values such as the independence of the Judiciary.** Any further activity of the unlawfully established High Council for the Judiciary in Poland adds to the already inflicted damage by producing wrongly appointed judges whose verdicts – according to European tribunals verdicts - can be questioned in the future.

As MEDEL has been alerting for many years, the fight for the independence of the judiciary passes also by the establishment of truly independent prosecution services in all countries, with no influence from the executive in the appointment of magistrates or General Prosecutors and with clear rules guaranteeing the independence of criminal investigations. **MEDEL urges all countries to adopt the necessary reforms to ensure the existence of true independent prosecution services.**

In this day, let us once again recall our Turkish colleagues and their endless struggle for the return of Rule of Law to their country, remembering Murat Arslan, the President of YARSAV, still imprisoned and having suffered another conviction in another judgement that has failed to meet the criteria of a due process of law. **MEDEL calls on the immediate release of Murat Arslan and the full reinstatement of all judges and prosecutors unfairly dismissed.**

The never-ending fight for Rule of Law is the best tribute we can pay to the memory of Giovanni Falcone and all those who sacrificed themselves for Justice.

May 23rd, 2022

*Every 23rd of May, MEDEL honours the memory of Giovanni Falcone, the Italian judge assassinated by the mafia on this day, in 1992, having declared this date as the **Alert Day for the Independence of Justice.***