



*International Association of Judges  
Union Internationale des Magistrats  
Union Internacional de Magistrados  
Internationale Richtervereinigung  
Unione Internazionale dei Magistrati*

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## **Media Release**

### **Rule of Law in Samoa**

The International Association of Judges (“the IAJ”) joins many other international and national associations to express concern about challenges to the rule of law in recent weeks.

We note with concern that respected international associations such as the Commonwealth Magistrates and Judges Association, together with other associations, has expressed concern about the challenges to the rule of law in Samoa following the general election held on 9 April 2021. The Judges Association of New Zealand is amongst those to have sent recently a letter of support to the Chief Justice and Judges of Samoa expressing support and solidarity in what appears to be difficult circumstances currently confronting the judiciary in Samoa.

The IAJ was founded in 1953 as a professional, non-political, international organisation bringing together national associations of judges. The main aim of the IAJ is to safe guard the independence of judiciary which is essential to the judicial function and the guarantee of the rule of law, human rights and freedom within society. The judges of Samoa are not formally members of the IAJ but the Judges Association of New Zealand is. The IAJ currently encompasses 92 national associations or representative groups over five continents.

It is essential to an effective judiciary maintaining the rule of law that the judiciary be independent of government and that its members make decisions without fear or favour, affection, or ill will. We are concerned to learn that recent publications in the media have contained derogatory statements questioning the independence and integrity of Samoa’s judiciary. In particular statements disparaging Samoa’s superior court in the context of its determination in relation to the 2021 general elections.

The preamble to the Universal Charter of the Judges begins by noting the words of Montesquieu that there is “no freedom if the power to judge is not separated from the legislative

and the executive powers”. An essential part of the rule of law is the exercise of judicial power by an independent judiciary. The United Nations basic principles on the independence of the judiciary also recognises the importance of governments guaranteeing the independence of the judiciary and the duty of all governmental and other institutions to respect and observe that independence.

Accordingly, we join other international organisations for calling the importance of respecting the independence of the judiciary when making public statements. Independence is most tested, but most needed, when decisions are controversial

The Hon G T Pagone QC

President, International Association of Judges