



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI**

PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

**Statement of the IAJ
following the International Conference
on the Relationship Between the Powers of the State**

On the occasion of the annual meeting of the International Association of Judges (IAJ) in Baku, Azerbaijan, an international conference was organised by the IAJ and the Azerbaijan Union of Judges (AUJ) on the theme “Relations Between the Judiciary and the Other Two Powers of the State.”

Having considered the contributions of distinguished speakers and the discussions held during the conference,

Observing the challenges that, in many countries, hinder the relationship between the three powers of the state—some of which were reported during the IAJ meeting from various regions of the world,

Referring to existing legal instruments at both global and regional levels that address this issue,

The IAJ recalls the following principles, which it deems essential to uphold, as they constitute fundamental elements of a democracy committed to the rule of law and the protection of human rights:

1. The judiciary is one of the three powers of the State in a democracy. Legislative, executive, and judicial powers are complementary. All three are indispensable in a democracy founded on the rule of law, serving society and being accountable to it. Accordingly, the three powers must operate within a system of checks and balances.
2. The judiciary should be involved in matters concerning judges and the judicial system. At a minimum, it should be consulted and invited to comment on any proposed changes or reforms which impact on the work of judges, as well as on issues relating to the administration of the judiciary.
3. All three powers of the State share the responsibility to uphold and defend democracy, the rule of law, and human rights. These are the principles entrusted to them by the people.
4. Judicial independence is essential. The judiciary must be free to fulfil its role in relation to the other powers of the State, society at large, and the parties to legal proceedings.
5. The other powers of the state must recognise the judiciary’s legitimate constitutional function. They must ensure that it is adequately resourced and protected from attacks, threats, and violence.
6. Mutual respect must prevail among the powers of the State. Any analysis or criticism by one power of another should be conducted with respect.
7. When commenting on judicial decisions, the executive and legislative powers must avoid criticism that could undermine judicial independence or public confidence in the judiciary.
8. Judges, like all citizens, have the right to participate in public debate, provided that such participation is consistent with the preservation of their independence and impartiality. Judicial representatives are obliged to speak out if the judiciary, its functionality, or its independence is perceived to be under threat.

9. Judicial decisions must be enforced to fulfil the constitutional role of the courts. The other powers of the State must provide the means to ensure enforcement and must themselves comply with court decisions that impose obligations upon them.
10. This duty also applies to judgments of international courts. Such judgments must be implemented promptly.
11. International judges must enjoy the same immunity in the exercise of their duties as national judges. Sanctions and boycotts against them should be addressed through appropriate internationally agreed mechanisms.