

Friday, 11 June 2021

## Australian lawyers voice support for Samoa's independent judiciary

The Law Council of Australia is concerned by challenges to the rule of law in Samoa following the general elections held on 9 April 2021.

It is the role of the courts to interpret Samoa's Constitution, and to ensure matters arising out of the election are resolved through the proper judicial process, including appeal. These processes are underway, and the outcomes must be respected.

Law Council President, Dr Jacoba Brasch QC, said "Australia's legal profession has full confidence in Samoa's judiciary to resolve these constitutional matters thoroughly and independently, and in accordance with the applicable legal framework."

"An independent judiciary is the cornerstone of the rule of law and anchors the integrity of the democratic process," Dr Brasch QC said.

The UN Basic Principles on the Independence of the Judiciary confirms the duty of governments and other institutions to respect and observe the independence of the judiciary, and to refrain from any inappropriate or unwarranted interference with the judicial process.

The Principles also affirm that it is the role of the judiciary to determine whether an issue submitted for its decision falls within its jurisdiction as defined by law.

"Judges must be allowed to undertake their vital role without pressure, interference or personal attacks," Dr Brasch QC said.

"Inherent to the rule of law is the principle that all parties are accountable to the law, and obliged to adhere to decisions of the courts. The Law Council calls on all parties to respect the rule of law and democratic process aimed at the expeditious resolution of these issues," Dr Brasch QC said.

ENDS

---

Contact Dr Fiona Wade: P. 0403 810 865, E. [Fiona.Wade@lawcouncil.asn.au](mailto:Fiona.Wade@lawcouncil.asn.au)

*The Law Council of Australia is the national voice of the legal profession, promoting justice and the rule of law.*