

## OPENING STATEMENT

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**On release of the**  
***Global Corruption Report 2007***  
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*As prepared for delivery*

### **Introduction**

There may be nothing more fundamental to human security and social stability than the rule of law. And very few things are as frightening as a justice system built on greed and political expediency rather than fairness and objectivity.

We have a fundamental right to expect that the court will be the final arbiter of right and wrong. We should be able to take for granted that if we are accused of a crime or involved in a dispute, we will receive a fair and objective trial.

But what if the court's decision is for sale? What if a bribe can tip the scales of justice in favour of one party, or slam the door of the courthouse in the face of those too poor to pay?

*Justice with a price tag is no justice at all. Real justice is priceless.*

Corrupt courts deny victims and the accused the basic human right to a fair and impartial trial, sometimes even to a trial at all. Those who cannot or will not pay are locked out. Legal instruments such as contracts - the fabric of business and commerce - are meaningless. Criminals go unpunished, destroying effective governance and democratic participation. Trade, investment and economic growth are diminished.

Today's *Global Corruption Report 2007* shows that bribery and political interference can occur at every point in the judicial process.

It is tempting to simply point an accusing finger at judges. The influence of a corrupt judge can be huge. They may accept bribes or submit to political pressure to delay or accelerate cases, accept or deny appeals, influence other judges or simply to decide a case a certain way. They may issue biased verdicts or even participate in outright theft of funds from judicial budgets.

But judicial corruption can extend to all players in the game. Court officials may seek bribes for services that should be free; lawyers may charge additional 'fees' to expedite or delay cases, direct clients to judges known to take bribes, collude with judges to lose a case, or even act as intermediaries for bribe-paying. Clerks may purposely lose certain files. Prosecutors may drop certain cases for a price.

In the United Kingdom, judges are seldom the target of allegations of corruption, but law enforcement agencies frequently stand accused. In France, close links between prosecutors and the executive leaves ample room for political interference, particularly in the investigation of major corruption scandals. In Venezuela, studies

show that tampering with evidence by prosecutors for material gain is common practice, casting doubt on any decisions the courts might reach.

Political interference in the judicial process can skew the system in favour of the government or other powerful parties at the expense of the rule of law. *In the United States, for example, the Attorney General dismissed eight federal prosecutors perceived to be too liberal, reputedly to make appointments more in line with the government's political views.* Interference from politicians or civil servants can buy “legal” cover for embezzlement, nepotism, cronyism and illegal political decisions.

The *Report* finds that after several decades of reform efforts, judges and courts around the world continue to face pressure to rule in favour of powerful political or economic interests.

### **Where does judicial corruption occur?**

Judicial corruption is pervasive in many parts of the world. According to a recent Transparency International survey, one in five citizens across Africa and Latin America who had contact with the judiciary reported paying a bribe. Transparency International Bangladesh found that two out of three individuals who used the lower courts in 2004 paid a bribe, and that the typical payment was an astounding 25 per cent of the average yearly income.

But judicial corruption is not just a phenomenon of poor countries. A 2004 poll in the United States showed that a full 70 percent of respondents believed that judicial campaign contributions have some influence on judges' decisions.

### **Solutions**

The *Global Corruption Report 2007* brings together the testimony of dozens of organisations and individuals who have dedicated their skills and efforts to ridding justice institutions of corruption. Many are also human rights experts, because judicial corruption and denial of human rights are intimately linked.

Together they show the profound impact of judicial corruption, its mechanisms and its costs. But equally important, they offer detailed recommendations for strengthening judicial integrity, independence and accountability. These are the concepts that underlie the entire *Report*. When they are absent, the courts are vulnerable to abuse and manipulation.

I would like to touch on just a few of the *Report's* recommendations, many of which are captured in the press release you have received.

First, judicial and prosecutorial appointments, case assignments and removals must be transparent, independent of the executive and legislative branches, and merit-based. Sufficient salaries will help strengthen the prestige of the profession. Ensuring the physical safety of judges and court staff, and providing sufficient resources for their work, are also important elements that contribute to judicial integrity and independence.

Accountability can be strengthened by more effective mechanisms for detecting corruption in the judiciary, because the threat of discovery is a strong disincentive to

corrupt behaviour. These include limiting judicial immunity, introducing rigorous disciplinary rules for investigating complaints, and defining clear rights for judges in such disciplinary proceedings, based on a code of judicial conduct.

Journalists must be free to monitor and comment on legal proceedings, reporting reliable information on laws, proposed changes in legislation, court procedures and judgements to the public.

Civil society has a vital oversight role. Citizens, journalists, legal associations and civil society can all question, monitor and comment on how judges are selected, how they are disciplined, how courts handle their caseloads and how judges arrive at their decisions. It can scrutinise the political pressure brought to bear on the judicial system and both hold it to account and bolster its independence.

### **TI's work**

Transparency International is active in monitoring and awareness-raising activities. TI Ecuador has monitored Supreme Court appointments, TI Argentina has been active in pushing for asset declarations for Supreme Court justices and TI Nicaragua has carried out diagnostic research of corruption in the judiciary.

In Ghana, our national chapter has promoted civil society efforts to monitor courts, including the publication of a manual on judicial monitoring. And TI's Cambodia chapter, the Centre for Social Development, has carried out its Court Watch Project, monitoring thousands of cases over the last three years.

Across Eastern Europe and Central Asia, chapters are operating Advocacy and Legal Advice Centres, assisting the victims of corruption, many of whom are specifically victims of *judicial* corruption. They have helped thousands of citizens pursue their cases and have harvested statistical data that form the basis for many of the recommendations you see today.

### **Conclusion**

No law can be effective without an independent, accountable and effective judiciary to enforce it. One that has the confidence of all citizens that they are being treated justly. Above all, judicial systems must be made more transparent. Sunshine is the greatest driver of accountability. It is the most effective way to ensure that judicial integrity, independence and accountability tip the scales of justice back into balance.

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*Transparency International is the global civil society organisation leading the fight against corruption*