

3.2.2.3.2.86 Criminally liable judges

In some Asian countries, the severity of a verdict an accused may expect in a court of law very much depends on what judge tries a case.

When a culprit has lousy luck, he will have to appear before a “hanging judge”. This is a common designation for a judge who is likely to pass a death verdict whenever this is an option. And in some countries, it is an option for a wide range of crimes.

Judges sometimes compete with each other, with the winner the one with the most scalps under his belt.

But luck, or bad luck, with which judge tries one’s case used to be an issue in the Philippines, but capital punishment has been abolished. In Indonesia, the court of Tangerang (for practical reasons, the Western part of the capital Jakarta) is known for passing death sentences when courts in other parts of the country would likely pass a lighter sentence.

And what if in a retrial, the verdict of a previous trial is overturned? If it is ruled a miscarriage of justice?

If physicians make mistakes, “malpractice” costs them huge amounts of damages, even if they didn’t have any criminal intentions. They may even be tried in a criminal court for neglect, or for issuing morphine medications to patients who are later considered to not have been genuine candidates for such drugs.

But judges? They may pass a death verdict after a sloppy trial, and nobody can hold them responsible.

That a certain group of people are above the law in such a blatant manner, even though they are supposed to represent the law, is totally inappropriate for any civilized society.

It’s about time that countries pass legislation that allows victims of kangaroo courts to file criminal charges against judges who convict people on insufficient grounds, or pass inappropriately severe judgments.