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Dear Colleagues,

We would like to thank you for solidarity and support. You've successfully helped Polish society to save and preserve the important part of independence of the judiciary in a neutral and apolitical manner.

The Polish President Andrzej Duda has announced he is vetoing the controversial law to dismiss all the Supreme Court judges subject to discretionary decision of the Minister of Justice – Prosecutor General and also the law concerning the National Judiciary Council. Now in theory, the Polish parliament could challenge the president's veto. “Law and Justice” has a simple majority in the Sejm but needs a three-fifths majority if it decides to reject Mr Duda's decision. It will be hard to achieve but they might try it anyway.

At the same time the Polish President Andrzej Duda signed the bill amending the law on the organization of common courts. The amendment to the Law of the system of common courts – just introduced, is potentially harmful as it gives the Minister of Justice – also the Prosecutor General enormous power – we have informed previously about it. In our opinion the President's justification why he vetoed the two others bills on the supreme Court and the National Judicial Council should also apply to the bill on common courts he has just signed. According to the President's words concerning the motives of his decision to veto the law on the Supreme Court and the Judicial Council, we believe that the President should have vetoed the law on the common courts as well. He decided not to. Therefore we do not know what further actions he might undertake. He declared that he would prepare his own project concerning the reform of the judiciary. However, we don't know which way it'll go or if the Parliament will go for it. Actually, it is doubtful as they are angry about the vetoes. The project is to be ready in two months. From his earlier statements it appears that he accepts a non-constitutional solution, including two houses in the Judicial Council and the election of judges to the National Judicial Council by the politicians. Consequently, the pressure should



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be continued. As for the National Judicial Council we support our project – rejected in the Parliament, but almost universally accepted both by the society and opposition parties.

The Law on Common Courts provides a significant increase of the impact of the Minister of Justice (the Prosecutor General in the same time) on the court administration and management, particularly by arbitrary dismissals and appointments of presidents of all courts. The adopted solutions will increase the impact of politicians on the appointment of judges what may hinder their integrity and independence. The most serious threats related to this bill are as follows:

- 1. The Minister of Justice will dismiss all the Presidents and will replace all the judges performing administrative functions.
- 2. The Minister of Justice will assign a judge to a case.
- 3. The Minister of Justice will be able to exert pressure on judges.
- 4. Judges acting more as public servants than judges.
- 5. There is possibility of quick “promotion” as an “award” from the Minister of Justice.
- The additional remuneration of judges performing administrative functions can be increased or decreased in an arbitrary way.

There is a real threat that the governing majority in Poland will undertake further steps to weaken the judicial independence which will deeply undermine the foundations of the democratic legal state. That’s why we have to be observant and react to any irregularities.

As European citizens we perceive the democratic legal state as one of the core values of the European Union, that’s why we are determined to preserve it here in Poland.

Therefore we kindly ask you for continuous support to our struggle and informing wherever possible about our situation, underlining the threats to the rule of law, democracy and independence of courts and judges.

Once again we are deeply indebted to you.

President of the Polish Judges Association IUSTITIA

Krystian Markiewicz



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