

Poland: - The end of the judiciary and a democracy in the European Union

Three proposals for legislation were presented to the Polish Parliament, which set off the rule of law and decimated the independence of the judiciary and, as Prof. Marcin Matzak of the University of Warsaw declared, transform the three powers of the State into one.

In a radical amendment, all judges of the Supreme Court, the guarantor of liberty and human rights, will be retired and replaced, at the request of the Minister of Justice, who will also be the supervisor of the disciplinary Committee of the supreme court and, by that power, be able to control all Polish judges.

In other amendments, all members of the Higher Council of Justice shall be appointed by political decision and the President Judges of the ordinary courts shall be appointed by the Executive. It is a complete siege to the judiciary. The tools and arguments used that ASJP has warned about in the past are here present in its most dangerous form: Control of the decision centres (High Councils, Presiding Judges and disciplinary power) and invoked pretexts of effectiveness of the system and good management.

The truth is different. It is a simple domain of power. Democracy, more than anything else, is a system in which powers are separate and therefore mutually contained, for the benefit of the rule of law and respect for human rights. What will exist in Poland, if these laws come into force, will no longer be a democracy. It will be an absolute power.

If it happened in the XXI century anywhere in the world it would be worrying. When, in Europe, very serious. Has it is in the European Union, it's absolutely intolerable. That is why we call on the Portuguese government to do everything in its power to ensure the application of art. 7 of the Treaty of Nice and the enforcement of heavy sanctions against Poland for this unacceptable breach of the values of the European Union.

Because it is a breakdown of the most basic foundations that unite the European project, if the mere application of such sanctions is insufficient, the path can be no other than the exclusion of Poland from that project. What is at stake here is by far more corrosive to democracy and peace in Europe than the departure of the United Kingdom from the Union or the repeated disrespect of the rules of the budget treaty.

Most of all, we strongly appeal to the Polish Ambassador in Lisbon, Jacek Kisielewski, to do everything to defend democracy and to bring to President Andrzej Duda the deepest concern

of the Portuguese judges on the situation of the Polish judiciary and our appeal to veto all the bills concerned.

To the Polish judges, only the manifestation of our total solidarity.

Maria Manuela Paupério

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