

## Report Round Table OSCE

Presences: Around 25 to 30 persons.

Main Speakers beside myself:

Thomas Markert - Director and Secretary General of Venice Commission;

Stefano Sensi - Office of the High Commissioner for Human Rights (OHCHR) working closely with Diego Garcia-Sayan.

Tania Van Dijk – Secretary of GRECO (Council of Europe)

There were representatives of Embassies – Austria, Netherlands, UK, Germany, Norway-, representatives of NGO's – Helsinki Committee, Committee of Democracies, etc ... – representatives of Ombudsman, Supreme Court and other Polish authorities (not the Government).

Three different parts constituted the round table. The first one filled with speeches from the main speakers. The second composed by comments and remarks. And a final one devoted to future steps and ways forward.

In my speech I explain the different initiatives and efforts that EAJ has been doing regarding the Polish Judiciary. It was underlined once again that for EAJ judicial independence is not negotiable and that we will continue to support our national member JUSTITIA in their resilient struggle against the undue intromission of Polish Government disrespecting separation of powers.

In the open debate that took place there was one intervention supporting the Government policies. It was said by this person that Poland is only copying Denmark and Sweden legislations about judicial appointments and other issues (!). He also said that many Polish Judges are not supporting IUSTITIA and that hundreds of them were expelled because of that from the organization. Several participants explained that it is totally untrue; one stated that such action affected only “a very limited number of judges and related to acts in breach of the values of the association”. According to another participant, the membership of 4 judges was revoked while three resigned recently and 40 resigned in April. I explain also that it was totally unacceptable to defend any remote similarity between the Poland and Denmark or Sweden judiciaries explaining how

independent are judges in those countries without any interference from the Government.

In any case the other members on the round table, especially the ones from Poland, expressed in a very intense manner how thankful they are for the continuous work provided by international organizations, including EAJ, in supporting Polish judges and not allowing that they feel abandoned or neglected by European authorities in general. Some of them expressed in a very clear way that Polish jurists are always very aware of our resolutions, statements and technical documents and that we should proceed in this path even though some times a sense of frustration can arise.

Venice Commission, GRECO and UN reiterated the strong criticism expresses already in their respective reports and opinions about the recent laws on the judicial system in Poland and how unfruitful have been the dialogue with Polish authorities in order to achieve improvements on the legislation. All of them assumed the commitment to continue to criticize the detected errors taking place in the legal reforms in the country.

Regarding future initiatives it was agreed to continue the present cooperation and to follow OSCE's approach of having a constant dialogue between the different institutions, including also CCJE, to better organize our activities and to be more effective towards the shared concerns about Poland's Rule of Law crisis.

EAJ will continue to monitor the situation maintaining a pivotal role on the international framework regarding the protection of judicial independence in Poland – acting in close cooperation with IUSTITIA – since also in Europe there is a real danger for other countries if the Polish Government succeeds in controlling the judicial power.

On a positive note it was clear that Poland will remains on the radar and agenda of international and regional organizations and, in particular, that there is a strong unity of all involved in defending judicial independence.