

The Polish Judges Association "Iustitia" National Board's position on the draft act - on amending the Act - Law on the system of the common courts, the Act on the Supreme Court and some other acts of law

On the night of December 12-13, 2019, the Sejm (first chamber of the Polish Parliament) a group of MPs from Law and Justice political party presented a draft of the so-called act on judges disciplinary. However, the real purpose of this project is to ultimately subordinate the judiciary to political power. The proposed regulation deprives judges of independence, under the threat of expulsion, prohibits them from enforcing the November 19, 2019 judgment of the Court of Justice of the European Union. The draft constitutes Poland to breach its obligations towards the European Union. It overrides the principle of the primacy of EU law over the norms of national law coming from the European Treaty and the Polish Constitution. It introduces disciplinary responsibility of judges for issuing decisions contrary to the expectations of political power. This draft also violates the Polish Constitution by prohibiting judges from scattering the constitutionality of acts of laws. It limits the freedom of speech and privacy of judges and introduces a surveillance mechanism, obliging them to disclose membership in associations, including judicial associations, their function in the foundation's boards, and to provide information about running a portal, website or activity on internet portals, if they concern cases public. Finally, the proposed regulation eliminates judicial self-government by transferring all decisions regarding courts and judges to the presidents of the courts, who are appointed by the Minister of Justice, and by prohibiting judges from adopting resolutions criticizing the actions of other authorities.

The Polish Judges Association "Iustitia" strongly opposes the adoption of provisions contrary to the Constitution and international treaties. Those provisions violate the independence of the courts and the judges and confer political power on the right to review court rulings. This situation did not take place even in the times of the People's Republic of Poland and is unacceptable in the 21st century, in the heart of the European Union.

Polish judges appeal to all citizens, non-governmental organizations, legal associations as well as to the organs of the European Union and the Court of Justice of the European Union for support and defence against repression by the political authority that are going to be introduced on us just for adjudicating accordingly with European law and the implementation of the judgment of the Court of Justice of November 19, 2019.