

**The Romanian Magistrates' Association (AMR)**, a professional and national, apolitical, non-governmental organisation, stated to be of „public utility” by Government Decision no. 530/21 May 2008 – with the headquarters in Bucharest, Regina Elisabeta Boulevard no. 53, District 5, tel./fax. 021.4076286, e-mail [amr@asociatia-magistratilor.ro](mailto:amr@asociatia-magistratilor.ro) – , legally represented by Judge Andreea Ciucă PhD, as President

and

**The Association of Judges for the Defense of Human Rights (AJADO)**, a professional, apolitical, non-governmental organization – with the headquarters in Oradea, Bradului Street no. 1, e-mail: [contact@ajado.ro](mailto:contact@ajado.ro) – , legally represented by Judge Florica Roman, as President

Strongly support the efforts of Polish judges in defending the independence of their judiciary, given that, as the Association of Judges "IUSTITIA" pointed out, there is an imminent danger of adopting a law on judicial organization that would subordinate justice to political power.

The independence of the judiciary, for which we have fought and continue to fight without cessation, is a fundamental value of the rule of law. The independence of justice is not a privilege of the judge, but a right of the citizen to benefit from the guarantees of a fair trial and the principle that no one is above the law.

Human rights, democracy and the rule of law are key priorities for the European Parliament. Europe must be the main witness to what is the rule of law. As stated in Opinion n° 17(2014) of the Consultative Council of European Judges (CCJE), judicial independence is a pre-requisite for safeguarding the rule of law and the fundamental guarantee of a fair trial.

The independence of the judiciary is not an empty concept, but the quintessence of a democratic society. According to the European Charter on the Statute for Judges, the safeguards on individuals' rights are ensured by judicial competence, in the sense of ability, independence and impartiality. The judge's statute must not include any element which might adversely affect public confidence in its competence, independence and impartiality.

The Polish Association of Judges, IUSTITIA, drew attention on December 12, 2019, about a newly proposed law regarding the judiciary which would ultimately subordinate the judiciary to the political power: “It introduces disciplinary responsibility for judges for issuing decisions contrary to the expectations of the political power (...)”.

Such an approach is the sign of the defeat of democracy. We emphasize that the judicial decision-making must under no circumstances be influenced by the political power! The judges must be free of any pressure, regardless if it is from inside or outside the judiciary.

It is also inconceivable that the entire decision-making power at the level of the courts belongs to their presidents, especially since the court presidents are appointed by the minister of justice - representative of the executive power.

We express our sincere thanks to our Polish colleagues who, despite the risks they face, do not remain silent and continue to fight for the independence of the judiciary!

AMR  
Judge dr. Andreea Ciucă



AJADO  
Judge Florica Roman

