



## **Open Letter** **European Association of Judges**

“The Rubicon has been passed.”

“The coup d’état against the structure of one of the most important State institutions is taking place” stated the President of the Polish Supreme Court Prof. Malgorzata Gersdorf commenting on the reforms of the judiciary in Poland. This unique and unprecedented alert shows how dramatically serious are the new Polish laws.

So far neither this appeal nor the robust statements of numerous national and international authorities, which joined the apprehension expressed in the letter of the European Associations of Judges (EAJ) of December 22<sup>nd</sup>, led to a return to a well-adjusted and balanced system of State powers in Poland.

The European Association of Judges, a Regional Group of the International Association of Judges, registered in the past months the grievances of a large number of Polish colleagues, which are suffering with the increasing pressure of the government, and reiterates its commitment to provide all the assistance and support they may found appropriate.

The European Association of Judges took also proper notice of the increasing attention conveyed on the European level towards the situation in Poland especially within the European Commission. Accordingly with this welcomed concern EAJ appeals to all authorities of European Union, Council of Europe and respective Member States to prioritize and intensify all efforts to persuade Polish politicians to amend the current legislative reforms.

The European Association of Judges is conscious that each State has a commitment to provide a judiciary to its people that exercise its duties in the best possible way. Therefore reforms destined to improve the performance of judiciary obviously are

not negative as such; EAJ has a consolidated experience in this regard and can offer best practice examples. But every restructuring has always to respect the fundamental basis of the independence of judges (expressed in Article 6 of the European Convention of Human Rights). The so-called reform in Poland does not meet this requirement; on the contrary, it endangers it.

Therefore, pursuing our commitment to defend judicial independence in Poland, the European Association of Judges reaffirms its condemnation of the legal reforms in the country and expresses its support to a strong and unequivocal European policy that help to reverse the violation by the Polish authorities of basic and essential standards of Rule of Law and Democracy.