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Joint statement of the Managing Board and the Board of Directors of the Helsinki Foundation for Human Rights as well as the Helsinki Committee in Poland

The draft law amending the Act on the Supreme Court, directed to the Parliament by the governing majority, is an attempt to introduce an unconstitutional change to the system of government of the Republic of Poland and contravene the principle of the separation of powers (Article 10 of the Constitution).

The termination of tenures of all the Court's judges and granting the Minister of Justice a competence to single-handedly decide which judges will remain in the office in this most important Polish court is tantamount to the revocation of the Supreme Court's independence. Such a solution is applied only by the governments of authoritarian states.

An independent supreme court plays a key role in a democratic state ruled by law. Not only it exercises the supervision over common courts regarding judgments, but it also adjudicates upon the validity of the parliamentary and presidential elections.

The draft law on the Supreme Court deepens the Polish constitutional crisis, ongoing since November 2015. A day after the Act on the National Council of the Judiciary was amended, the governing majority strengthens the political influence on the administration of justice in Poland. This in consequence will lead to a situation when the basic human right to a fair trial by an impartial court becomes illusory.

On behalf of the signatories,

Maciej Nowicki

Deputy President of the Helsinki Foundation for Human Rights

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