

Resolution No 1 of the Extraordinary Congress of the Polish Judges

Judges participating in the Extraordinary Congress of the Polish Judges draw the attention of the public opinion to the role of judicial power as a guarantor of the right to be heard before a court as enshrined by the Constitution of the Republic of Poland and of the respect towards civic rights and freedoms, which is significant for each citizen.

The judicial power is equal in power to the legislative and executive powers. Mutual interaction (balance) of the powers constitutes the basis of the political system of the Republic of Poland (Article 10 of the Constitution of the Republic of Poland).

For many years, we have been witnessing that the legislative and executive powers have been taking steps aimed at subordinating the judicial power. Recently, this process has been significantly intensified.

Such steps include gradual limitation of the rights of judiciary self-government in courts of law, strengthening of the executive power's supervision over courts of law and subordinating the interpretation of basic systemic provisions on the judiciary and tribunals to current political interests.

In order to fight against the aforementioned phenomena with a view to protect and strengthen the separation of powers rule, we request that:

- administrative supervision over common courts of law and military courts be entrusted to the First President of the Supreme Court,
- possibility to delegate judges to work in the Ministry of Justice be excluded,
- a national body of judiciary self-government representing judges, entitled to express opinion on behalf of the entire judiciary environment, be established.

In order to guarantee the right of each citizen to be heard before an independent court where an impartial judge adjudicates, we postulate that:

- the rule be established that courts of law may be established and liquidated only by means of a statutory act,
- the influence of political factor on the selection and appointment of judges, including also the judges of the Constitutional Tribunal, be limited,
- the rights of judiciary self-government be extended.

In order to guarantee the citizen's right to fair and efficient court proceedings, it is necessary to:

- limit the procedural role of courts and the scope of activities reserved for judges and to simplify procedures,
- to define the scope of professional duties of a judge in such a manner that they could be performed within the time compliant with the provisions of the Labour Code,
- to respect the rule of protecting rights acquired by judges in the event of changes in

the structure of the judiciary and its functioning.

We urge the public opinion and representatives of the media to support efforts of the judiciary environment aimed at ensuring the balance of the legislative, executive and judicial powers to ensure the citizens of the Republic of Poland the constitutional right to an independent court.

We also urge all general assemblies of judges to adopt this resolution.

We also call on the National Council of the Judiciary of Poland to convene a meeting of the representatives of general assemblies of judges of respective circuits and to summon the convention of the Congress of Polish Lawyers.

We call on the representatives of the executive power and the legislative power to engage in a real dialogue with the judiciary environment.

Resolution No 2 of the Extraordinary Congress of the Polish Judges

The Extraordinary Congress of the Polish Judges strongly states that never in the hitherto history of independent Poland, judges of various courts and tribunals were the subject of so drastic actions aimed at downgrading their authority. Therefore, we call to respect the judgments of the Constitutional Tribunal and to publish them. We oppose the arbitrary refusal by the President of the Republic of Poland to appoint the candidates proposed by the National Council of the Judiciary of Poland. Such actions on the part of the President are a step towards the politicisation of the judge function and towards the restriction of judiciary independence. The procedure of appointing judges ceases to be transparent and becomes deprived of any control whatsoever. We also oppose the decision of the President of the Republic of Poland who refused to take oaths from lawfully selected judges of the Constitutional Tribunal. We disapprove of "corrective" statutory acts relating to the Constitutional Tribunal.

We note with concern the proposals to amend the Act on the National Council of the Judiciary of Poland, which is a constitutional body acting as a guard of the independence of courts and the independence of judges. We are aware that the body needs reforms, and in particular it is necessary to change the rules of selecting its members into fully democratic rules. The current proposals to amend the Act, however, lead to the weakening of the position of the Council and to the weakening of the judicial power.

Each and every public authority must act within the Constitution. While fully accepting choices made by the citizens in the act of elections, we state that any change of the legal system may happen only by means of amending the Constitution. As long as the Constitution accepted by citizens in the referendum is valid, we are all obliged to respect it, and so are the legislative and executive powers.

Resolution No 3 of the Extraordinary Congress of the Polish Judges

Judges of the Republic of Poland participating in the Extraordinary Congress of Judges express their solidarity with Turkish judges unlawfully dismissed from service in connection with recent developments in Turkey.

We consider the current situation of our Turkish colleagues to be dramatic: judges have been dismissed from service, detained or imprisoned, their property has been seized and a number of restrictions have been introduced as far as the freedom of movement and the right to leave the place of residence are concerned.

Such steps taken by the authorities of the governing party constitute an attack against the representatives of judicial power. These steps were preceded by the introduction of legal regulations that significantly reduced the independence of courts and the independence of judges. Criticism of the direction of legislative changes expressed by Turkish judges in the fairly understood interest of protecting the foundations of the judiciary made the judges the subjects of repressions from the authority.

The Polish judiciary environment declares its support and help to Turkish judges expelled from service. At the same time, it acknowledges that the use of democratic freedoms by the representatives of judicial power, including freedom of speech and the right to criticise legal solutions that undermine the judiciary, is an obligation of the representatives of the third power. It is also an expression of responsibility of this environment for the fate of the state and its citizens.