



The statement of the decision of the President of the Republic of Poland of 24 July 2017 regarding the judiciary reform

It is with moderate respect and satisfaction that we have welcomed the decision of President Andrzej Duda on vetoing the laws on the Supreme Court and the National Justice Board. It carries hope for reconciliation and putting an end to the conflict which has recently dominated the public life in our country. The experience of Poland's Round Table as well as Ukraine's Orange Revolution and Maidan teaches us about the value of a dialogue, negotiations and compromise. They are necessary and possible even in the most critical moments of history. The more so, they should become an instrument which will be applied in the present situation. President's position in the system predestines him to the role of a mediator and a conciliator.

We hereby express our hope that the broad public consultations, promised by President, will not only lower the temperature of the dispute, but will also contribute to the development of a high-quality draft laws which will constitute a genuine tool for improvement of the functioning of Poland's justice system. We truly need a debate on its reform; while debating, it is extremely significant to take into consideration both expectations of society, representatives of the justice system bodies, and opinions of expert circles, including international. A dialog between various environments is a key and supreme value. We are glad that the loud voice of citizens on this issue was heeded. The proposed emancipation and a more assertive presidency of Andrzej Duda may be conducive to meeting half-way with citizens.

Also, it is crucial to allow the Supreme Court to make a decision regarding the appointment of Julia Przyłębska to the post of President of the Constitutional Tribunal and application of a pardon with regard to members of the CBA (Central Anti-Corruption Agency) former management, namely: Mariusz Kamiński, Maciej Wąsik, Krzysztof Brendel and Grzegorz Postek. The decisions should be fully respected.

The failure to veto the law on the system of ordinary courts seriously undermines independence of the justice system, thus violating the constitutional rule of separation of power. The law must not become part of the Polish legal system for the reason, cited by President as he was justifying his yesterday's decision: it grants extraordinary authority to Minister of Justice and General Prosecutor simultaneously. The possibility of almost arbitrary removal and appointment of heads of all ordinary courts in Poland by the executive bodies evokes fully justified controversy. This solution raises grave doubts as, if used, it would seriously undermine society's confidence in the justice system, including impartiality of future judgements. **The provisions are conflicting with the Constitution and it is a fact which cannot be validated by President's signature.**

The constitutional order and respect for the rule of law in Poland will not be fully restored in Poland without undoing the changes in the Constitutional Tribunal, as they have paralysed its functioning and weakened its credibility. The independence of the Tribunal and absoluteness of its judgements evoke strong political and public emotions, thus allowing for solving even the most heated disputes in a manner, provided for by constitutional procedures.

Extraordinary mobilisation and alertness of the Polish society unequivocally serve for the planned reform of the justice system. They should be maintained, and the civil participation must be met with understanding and support on the part of the authorities. Citizens don't only have the right, but also the obligation to decisively respond in defence of constitutional values and provisions. Peaceful demonstrations are a right which must not be undermined or breached. **Also, the confidence in non-governmental organisations and other civic initiatives must not be undermined by ascribing to them, contrary to the facts and common sense, the intention of provoking riots with the aim of overthrowing the power violently with the help of suspicious financing from abroad.** Citizens who are actively speaking in defence of the justice system, win the highest respect. The authorities should be guided by wisdom and mindfulness, while the opposition and civil society should remain alert, at the same time maintaining the ability to properly assess the situation: caution should not lead to procrastination, while radical uncompromising attitude – to violence.

Great responsibility lies with the current parliamentary majority. We are convinced that on the right side of the political stage, there are people of good and strong will, ready to safeguard the rule of law and civil freedoms. For several years, the Open Dialog Foundation had the pleasure to cooperate with numerous parliamentarians from [Law and Justice](#), including: [Adam Lipiński](#), [Małgorzata Gosiewska](#), [Tadeusz Woźniak](#), [Krzysztof Maciejewski](#), [Piotr Pyzik](#), [Michał Dworczyk](#). In recent years, they participated in observation missions in Ukraine, Russia and Kazakhstan. We jointly supported protesters on Maidan, organised humanitarian aid and saved the Polish citizen [Aleksander Orlov](#) who was held in detention in the Odessa detention facility. We could count on their support when defending political refugees and their family members and associates, and for their help in the granting of protection and asylum in the Republic of Poland to them. For a good cause, they cooperated – raising above the everyday divisions – with representatives of other groupings. We owe them our deepest respect and gratitude for it. We believe that citizens of our Homeland who care about the Constitution, will be able to count on their understanding and benevolence during further legislative works on projects of the judiciary reform.

[Bartosz Kramek](#), Head of the Foundation Board of the Open Dialog Foundation

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Since 2010, the Open Dialog Foundation has been a non-governmental and apolitical organisation engaged in the defence of human rights, rule of law and democracy in post-Soviet countries. In 2013, the Foundation launched an international campaign to reform Interpol – misused by non-democratic States in order to prosecute political refugees. The Foundation is a member of the [#LetMyPeopleGo](#) coalition, within the framework of which it undertakes actions on the international arena in defence of Ukrainian political refugees, held in detention on the territory of Crimea and Russia. At the turn of 2013 and 2014, the Foundation organised a Polish mission to observe and support the Maidan civic protests, and then organised humanitarian aid for displaced persons, as well as support for soldiers who opposed Russian aggression. Between 2014–2016, it ran the 'Ukrainian World' centre in Warsaw in order to help Ukrainian citizens in Poland.

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See also:

- [Open Dialog Foundation's statement of 21 July 2017](#)
- [Open Dialog Foundation's statement of 31 July 2017 \(financing and donors, or a few words about 'sorosses'\)](#)