



# EU-RUSSIA CIVIL SOCIETY FORUM ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

## Open Letter

**FAO His Excellency Mr Andrzej Duda, President of the Republic of Poland**

28 August 2017

Your Excellency,

On behalf of the Steering Committee and member organisations of the EU-Russia Civil Society Forum – signees of the present letter, we urge you to include the aim of reversing the Polish judiciary's dependence on the legislative and executive branches of government in drafting new presidential legislation on the judiciary.

We commend you for blocking the two bills: Print No. 1727<sup>1</sup> reconstructing the Supreme Court and Print No. 1697<sup>2</sup> amending the appointment process to the National Judicial Council (NJC), but we cannot ignore that by signing the amendment to the Law on the System of Common Courts - Print No. 1491<sup>3</sup> - on 25 July 2017, the courts have become dependent on the executive power by providing the Minister of Justice with unchecked influence. This reduction of the separation of powers within the Polish government is in violation not just of EU rule of law standards – specifically Article 19(1) of the Treaty of the European Union and Article 47 of the EU Charter of Fundamental Rights<sup>4</sup> – but in our view also of Article 10 of the Polish Constitution

An independent judiciary is fundamental to democracy, and if weakened will result in increasing mistrust in the judicial system, a powerful tool for civil society to hold the government accountable. If the impartiality of the Polish courts can no longer be guaranteed, the fundamental human rights of the Polish people will be in jeopardy.

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<sup>1</sup> <http://sejm.gov.pl/Sejm8.nsf/PrzebiegProc.xsp?id=79AFE72D21974105C125815B006FF6EC>

<sup>2</sup> <http://sejm.gov.pl/Sejm8.nsf/PrzebiegProc.xsp?id=E7C1B0EADAFD2FAFC1258154002BF8D5>

<sup>3</sup> <http://sejm.gov.pl/Sejm8.nsf/PrzebiegProc.xsp?id=358477DF5C918B8BC1258108002072DB>

<sup>4</sup> [http://europa.eu/rapid/press-release\\_IP-17-2205\\_en.htm](http://europa.eu/rapid/press-release_IP-17-2205_en.htm)

We call for you to draft new legislation, and to consider our concerns and those echoed by our member organisations from Poland - the Helsinki Foundation for Human Rights<sup>5</sup>, the Stefan Batory Foundation<sup>6</sup>, and the Institute of Public Affairs<sup>7</sup>.

In the meantime, we will monitor all developments in the draft laws amending the National Council of the Judiciary and the Supreme Court<sup>8</sup>, along with the Polish response to the European Commission's infringement proceedings<sup>9</sup>.

Given the wider trends of attacks on human rights and civil society in the region, we hope that you will take this opportunity to continue to uphold Poland's long history of being a leader in democratic development.

Sincerely,

**Steering Committee of the EU-Russia Civil Society Forum**

**Liudmila Alekseeva**, Chairperson, Moscow Helsinki Group, Moscow, Russia

**Anikó Bakonyi**, Advocacy and Project Officer, Refugee Programme, Hungarian Helsinki Committee, Budapest, Hungary

**Valeri Borschev**, Board Chair, Moscow Regional Social Charity Fund "Social Partnership", Moscow, Russia

**Alexander Fedorov**, Chairperson, Association of Journalists Environmentalists, Moscow, Russia

**Valentin Gafter**, Director, Human Rights Institute, Moscow, Russia

**Pavel Havlíček**, Associate Fellow, Association for International Affairs, Prague, Czech Republic

**Bálint Jóna**, Programme Coordinator, UNITED for Intercultural Action, Amsterdam, Netherlands

**Vladimir Lagutov**, Chairperson, Green Don, Novocherkassk, Russia

**Yaroslav Nikitenko**, Environmental Activist, Moscow, Russia

**Dmitri Rozhin**, Head, Legal Basis, Yekaterinburg, Russia

**Alessio Scandurra**, Project Manager, Antigone, Rome, Italy

**Stefanie Schiffer**, Director, European Exchange, Berlin, Germany

**Georgi Sitnikov**, Head, For the Animals, Perm, Russia

**Andrei Suslov**, Director, Centre for Civic Education and Human Rights, Perm, Russia

**Svetlana Voevodina**, Head, Discussion Club "Public Opinion", Smolensk, Russia

**Liubov Volkova**, President, Moscow Regional Social Charity Fund "Social Partnership", Moscow, Russia

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<sup>5</sup> [http://obserwatoriumdemokracji.pl/wp-content/uploads/2017/04/HFPC\\_USP\\_druk\\_1491.pdf](http://obserwatoriumdemokracji.pl/wp-content/uploads/2017/04/HFPC_USP_druk_1491.pdf)

<sup>6</sup> [http://obserwatoriumdemokracji.pl/wp-content/uploads/2017/04/Stanowisko\\_Final.pdf](http://obserwatoriumdemokracji.pl/wp-content/uploads/2017/04/Stanowisko_Final.pdf)

<sup>7</sup> <http://www.isp.org.pl/aktualnosci,1,1650.html>

<sup>8</sup> <http://jagiellonski24.pl/2017/08/14/jak-zreformowac-sady-sluzylly-obywatelom-sciagawka-dla-prezydenta-dudy>

<sup>9</sup> [http://europa.eu/rapid/press-release\\_IP-17-2205\\_en.htm](http://europa.eu/rapid/press-release_IP-17-2205_en.htm)

**The EU-Russia Civil Society Forum** was established in 2011 by non-governmental organisations as a permanent common platform. At the moment, 156 NGOs from Russia and the European Union are members of the Forum. It aims at development of cooperation of civil society organisations from Russia and the EU and greater participation of NGOs in the EU-Russia dialogue. The Forum has been actively involved, inter alia, in the questions of facilitation of visa regime, development of civic participation, protection of the environment and human rights, dealing with history, and civic education.

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