

Association of European Administrative Judges/Vereinigung Europäischer Verwaltungsrichter /
Fédération Européenne des Juges Administratifs
Associazione dei Magistrati Amministrativi Europei /
Based at: Europäische Rechtsakademie D-54295 Trier, Metzger Allee 4

Vienna, 28th June 2018

STATEMENT AS REGARDS THE SITUATION ON THE INDEPENDENCE OF THE JUDICIARY IN POLAND

The Association of European Administrative Judges (AEAJ) acknowledges that there is an extremely worrying situation with the judiciary in Poland after the recent and still ongoing judicial reform that violates the principle of separation of state powers and may lead to the subordination of the judiciary to the executive power.

This situation affects primarily the independence of the judges, the human rights and with it the Rule of Law and also the consolidated European democratic values that are the pillars and the foundation of the legal system of the European Union.

AEAJ does not ignore that misconduct of Judges in general can happen. However, such situations always and in all European countries carry diverse responsibilities and liabilities for the affected Judges in such cases (criminal, civil and disciplinary).

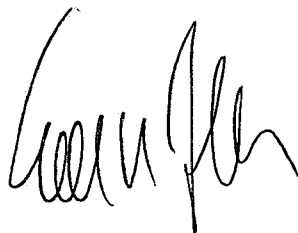
In any case, a reaction of generalized criticism against all judges and public criticism, in a way that undermines public confidence in the judiciary, violates European standards.

In concreto, the recent bashing of judges in Poland has taken place with increasing velocity and more and more vehement and it was orchestrated either by the political authority (through action or omission) or by the media. In the last case the political authority was absent in its role to protect the judiciary and its value in the society. On the contrary, it encouraged an environment of a willfully distorted trust of the citizens in judiciary by the manipulation of the public opinion.

The adopted Acts on National Council for the Judiciary, Supreme Court and the Organization of the judicial system entails serious threats as regards the rule of law and the human rights in Poland.

We fully support the concerns openly expressed by European Networks of Councils for the Judiciary (ENCJ), International Association of Judges (IAJ), Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union (ACA) and other associations and institutions, whose statements reflect the position of AEAJ as well.

Lastly, we want to stress that when independence of judiciary is not guaranteed, not maintained and not fully supported by the Legislative and Executive Powers, this does not only affect the rule of law and all the values included by this principle. It also affects the state of a pluralistic Democracy and the trust and the cooperation within European Union and it is totally against European Standards and the European Constitutional Civilization.

A handwritten signature in black ink, appearing to be 'G. Müller', written in a cursive style.