

To

MRS. URSULA VON DER LEYEN

PRESIDENT OF THE EUROPEAN COMMISSION

January 20th, 2021.

In CC to

Ms. Vera Jourova

Vice-President of the European Commission for Values and Transparency

Mr. Didier Reynders

European Commissioner for Justice

Your Excellency,

I address you once again regarding the situation of the disrespect for Rule of Law and independence of the Judiciary in Poland.

For the last 5 years, MEDEL has repeatedly expressed its concern, disbelief and indignation about the process of devastation of Rule of Law in Poland. The constitutional check and balance guarantors, such as the Constitutional Court and the National Judicial Council, have been disabled, and the Supreme Court has been packed with lawyers who do not fulfil the criteria of independent judges. Judges in Poland have no guarantees of independence and those who deliver decisions contradicting government's expectations meet disciplinary and criminal charges (like Judge Igor Tuleya), very often accompanied by smear campaigns in public media.

This situation is known to the European Commission and MEDEL recognizes the actions already undertaken, namely through the infringement procedures initiated before the Court of Justice of the European Union.

Unfortunately, those actions seem not to affect the Polish government and the breakdown of Rule of Law in Poland has reached an unprecedented level.

I would like to respectfully bring to your attention, Your Excellency, a new and very recent situation of direct attack against the independence of the Judiciary.

The Polish Minister of Justice (acting as Prosecutor General), decided on January 15th, 2021, to transfer around 20 prosecutors (the exact number was not revealed), most of them to remote offices (like Daniel Drapała - 400 km; Ewa Wrzosek - 310 km; Katarzyna Szeska - 320 km; Jarosław Onyszczyk - 260 km), with only 48 hours notice. A number of them were also demoted (like Mariusz Krason, downgraded 2 levels in the hierarchy).

It is not a coincidence that the majority of the transferred prosecutors are members of “Lex Super Omnia” – a MEDEL member association, gathering independent and brave prosecutors who speak out about the situation in the prosecution service.

Only 6 months ago, in the Declaration of Firenze, MEDEL reaffirmed that the independence of public prosecutors requires a statute fully complying with Rule of Law principles and continuous monitoring from EU institutions regarding the respect of common standards ensuring impartial and independent exercise of prosecutorial functions.

MEDEL respectfully urges you and the European Commission to make all efforts so that the situation of this unlawful decision of the Minister of Justice / Prosecutor General is given due attention when dealing with Polish authorities.

MEDEL is sure that you will take the facts now brought to your attention in full consideration.

Yours Sincerely,



Filipe MARQUES

(President of *MEDEL – Magistrats Européens pour la Démocratie et les Libertés*)

filipe.marques@medelnet.eu

EC Transparency Registry nr. 981119221130-18