



"IUSTITIA"

Polish Judges' Association

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Věra Jourová

Vice-president of the European Commission

Didier Reynders

Member of the European Commission

Dear Madam President, Dear Mr. Commissioner,

Thank you very much for your letter of 26 February 2021. We agree that we all need to join our efforts for preserving the rule of law in Poland as well as in Europe as a whole. It is also obvious, that each of us has different tools with respect to this cause. However, the right time is crucial for the effectiveness of any action. Justice served too late becomes injustice. The situation in Poland changes every day, remedies undertaken today may prove ineffective tomorrow.

Our determination to defend the principles of a legal state does not diminish. We have proved this over the last few years, we do not postpone our actions. We know that principles cannot be treated as an element of negotiations. All scenarios we warned against are becoming real. An unimaginable situation of arresting a judge for a judgement can become a fact in a moment.

As you probably know, The Court of Justice of the European Union has issued a judgement on 2 March 2021, clearly indicating that the way in which judges of the Supreme Court, including the Disciplinary Chamber were appointed, is contrary to the law and infringes legal standards of the European Union (Case C-824-18). Polish Supreme Court in the resolution of the joint Chambers of 23 January 2020, fulfilling the judgement of CJEU of 19 November 2019 also stated that the Disciplinary Chamber is not a court and cannot issue a valid judgement.

Your position made it clear that the Commission also believes that the activities of the Disciplinary Chamber infringe in an obvious way the principles of the right to court and the rule of law.

However, in an answer to your letter the government of Prime Minister Mateusz Morawiecki at the end of February 2021 refused to change the regulations and to stop the activities of this Chamber.

This means that in a moment this very Chamber is to decide upon consent to detain Judge Igor Tuleya. His fate, as well as the fates of thousands of Polish judges depend on applying the preventive measures at the right time.



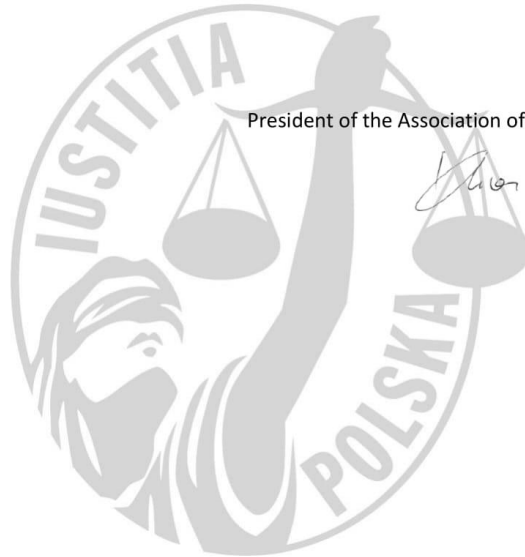
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I hope you understand the seriousness of this situation and recognize that only interim measures within an infringement procedure can put a stop to the escalation of actions aimed against Polish judges.

The time is crucial and we believe that it will no more be an ally to those who destroy the rule of law, instead it will protect those who fight in its defense.



Krzysztof Markiewicz

President of the Association of Polish Judges IUSTITIA