

## STATEMENT

The decisions of those in legislative and executive power that strike at Polish courts' independence (the Constitutional Tribunal and courts of general jurisdiction) have led the Board and the Council of the Helsinki Foundation for Human Rights and the Helsinki Committee in Poland to state that the role of the judiciary in the constitutional model of separation of powers has been destroyed. Borders have been crossed.

The version of the Act on the Constitutional Tribunal from June 29th effectively paralyzes that body and transforms it so that its functioning (including the order that it considers cases and its pace of work) becomes dependent on interim, controlling decisions of the president, the prosecutor general and the prime minister. Additionally, the introduction of a veto that allows four judges to postpone hearing a case guarantees the constant possibility of not hearing those cases inconvenient to the court and the leaders of the ruling party. This creates a direct threat to the competences of the Commissioner for Human Rights, as his motions could be permanently blocked. The composition of the Tribunal is shaped by the unconstitutional act concerning the already occupied seats. This leads to decisions that are permanently unconstitutional .

What the government is doing to the Constitutional Tribunal and the personnel that form the body is ridiculing the rule of law and the state. Simultaneously, other bodies that are formally independent have come under major pressure.

The failure to appoint 10 judges recommended by the National Council of the Judiciary of Poland (in addition to the president's previous refusal to appoint three legitimately chosen judges to the Tribunal) is further proof that the government is limiting the independence and significance of the judicial authority. These actions is an attempt to influence the attitude of the judges and to transform the judiciary into a body that conforms to executive power and its expectations.

Undermining the position and independence of judicial authority poses a direct threat to the protection of human rights and liberties.

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