



The Chair
Andrew Langdon QC

20 July 2017

Hon. Andrzej Duda
President of the Republic of Poland
Chancellery of the President of the Republic of Poland
ul. Wiejska 10
00-902 Warszawa

Your Excellency,

I gather that a few days ago, the Polish Parliament amended two Acts¹ concerning the judicial system, and received a new draft of an Act on the Supreme Court. Collectively these acts significantly demote the independence of the Polish judiciary. The effect is that the executive, able to call on a parliamentary majority, would thereby have authority over the selection and supervision of judges to a degree which is wholly inconsistent with the separation of powers essential to a functioning parliamentary democracy.

You will appreciate, no doubt, that the enactment of such legislation would be inconsistent with the rule of law and would amount to an attack on both the National Council of the Judiciary and the Supreme Court. The consequences would reverberate well beyond Poland's national borders and cause alarm to all who value the freedom and protection enjoyed by citizens whose judiciary are wholly independent of government.

¹ the Act of the National Council of the Judiciary and the Law on the Common Courts Organisation

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Page 2
19 July 2017
Hon. Andrzej Duda

The autonomy of courts and the independence of the judiciary is protected in international law by the United Nations General Assembly Resolution of 1985, Article 14.1 of the International Covenant on Civil and Political Rights, and Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

In England and Wales we enjoy positive and very active relations with the Polish legal profession which we know is alarmed by these measures, and you will appreciate that we cannot be silent when the rule of law is under threat.

I am aware that you can refuse to sign this legislation and that you are therefore in a position to intervene to protect the rule of law. On behalf of the Bar of England and Wales, I encourage you to exercise political and moral leadership and to use your power of veto.

Yours sincerely,

Andrew Langdon

Andrew Langdon QC
Chair of the Bar of England and Wales
General Council of the Bar of England and Wales