



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI**
PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

The President

The Hon. Tony PAGONE

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President Andrzej Duda

16 October 2019

The President of Poland

OPEN LETTER TO THE PRESIDENT OF POLAND

Dear President Duda,

I write to you in my capacity as President of the International Association of Judges (“IAJ”) to add to the many deep expressions of concern which others have expressed about threats to the independence of the judiciary and to the Rule of Law in Poland.

Both the Rule of Law and the independence of those who must decide disputes are essential to the proper functioning of every government. A country and its people cannot function effectively unless it is organised by rules which are respected and which are applied fairly to all who come within its terms. The adjudication of disputes by Judges who are impartial in the outcome and who apply objective rules is essential to the confidence of the people of any country. It is therefore of fundamental importance that the institutions of every country maintain a clear and open respect for the Rule of Law and for the independence of those who are compelled by duty to enforce the law.

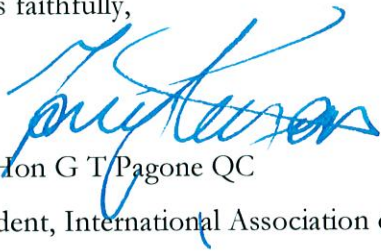
Judges are sometimes faced with the difficult task of having to apply the rules in a way which a government may not like. It is a clear sign of the strength of any country that it is able to accept adverse decisions by a judiciary which applies objective rules without fear or favour. The people of every country can feel confident that the judiciary is above corruption and improper influence if it can make decisions which at times are unpopular with the government of the day. Governments, however, gain strength by acceptance of decisions against its wishes. Accepting decisions that it does not like is evidence of a mature and robust society.

The only thing which Judges have to defend themselves are the reasons by which they reach decisions. Those reasons must always be given by reference to objective rules which are known in advance and

without external interference. The judicial system in Poland, like other countries, includes mechanisms for appeal and legislative procedures for legal reform when rules are found to require amendment.

The IAJ joins with other voices in expressing concern that the Rule of Law and judicial independence may be threatened in Poland. We urge your government to support strongly the Rule of Law and its Judges in their robust application of the Rule of Law even when that requires decisions adverse to government or others with power and influence. We urge that you are seen publicly to support your Judges as they do their work as the independent servants of justice.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'G T Pagone', written over the typed name.

The Hon G T Pagone QC

President, International Association of Judges