



**INTERNATIONAL COMMISSION OF JURISTS
POLISH SECTION**

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STATEMENT

In connection with the more than year-long procedure of considering the National Judicial Council's motions to appoint specific individuals for judges by the President of the Republic of Poland and the Polish President's decision of July 2007, in which he refused to appoint nine candidates presented by the National Judicial Council for the position of judges, as well as the refusal to justify this decision, the Polish Section of the International Commission of Jurists expresses the following position:

1. Forcing candidates for judges and judge-candidates for higher judicial positions to remain in a year-long "waiting-room" could have negative impact on the autonomy and impartiality of candidates „awaiting” appointment. This could cause the individuals to believe that during this period their work is under particular surveillance of the President's officials and therefore they may try to issue rulings in accordance with the imaginable expectations. This threat may be particularly realistic in the case of assessors, for whom this is the only way to become a district court judge. Even if only one candidate has this conviction and it is completely erroneous, it will cause irreparable harm to the Polish judiciary and the quality of the rule of law in our country.
2. In the state ruled by law each negative personal decision with regard to a judge or a candidate for judge requires justification. Otherwise, we are dealing with an offence against the citizens' confidence in the State principle, which results from the provisions of Articles 2 and 7 of the Constitution.¹

Board of the
Polish Section of the International Commission of Jurists

¹ **Article 2.** The Republic of Poland shall be a democratic state ruled by law and implementing the principles of social justice.

Article 7. The organs of public authority shall function on the basis of, and within the limits of, the law.