IUSTITIA
Stowarzyszenie
Sędziów Polskich

Resolution of The National Board
of the Polish Judges` Association 'Iustitia'
expressing solidarity with Italian judges and prosecutors

The National Board of the Polish Judges` Association 'Iustitia' expresses its deep concern about the direction in which the executive and legislative branches in Italy are attempting to impose constitutional changes concerning the organisation of the judiciary.

It should be emphasised that the Italian Consiglio Superiore della Magistratura, in terms of its structure and the method of selecting its members, served as a reference point for the establishment of judicial councils in new democracies after 1989, including Poland. The solutions contained in the Italian Constitution implemented all the guidelines of European institutions, in particular the Council of Europe, in this regard.

The proposed changes – including the random selection of judges – the council members by lottery rather than through general judicial elections – will clearly weaken this institution as a guarantor of the independence of the courts.

The departure from the unitary status of judges and prosecutors adopted in post-war Italy will create a serious risk of prosecutors losing their independence and effectiveness. The Polish experience shows how dangerous a politicised prosecution office can be.

Disciplinary powers are to be transferred to a new institution – the High Disciplinary Court, which will have jurisdiction in the first instance and in appeals against its own decisions, and whose composition will also be largely based on random selection. Together with the politicised method of selecting lay judges for this court, the adopted assumptions resemble the solutions introduced in Poland in 2018 in connection with the establishment of the Disciplinary Chamber of the Supreme Court.

None of the proposed changes will lead to improvements in the administration of justice; on the contrary, they will create serious risks to the rule of law and citizens' rights.

The Polish Judges` Association 'Iustitia' expresses its full solidarity with Italian judges and prosecutors who, despite a campaign of delegitimisation and intimidation, continue their efforts to defend the independence of the common courts, performing their duties with integrity and respect for their constitutional mandate. Defending independent courts in such a situation is the duty of judges and becomes part of protecting the rights of all citizens.

We note with particular concern that the attacks on the Italian judiciary are not an isolated phenomenon, but part of a global trend towards the retreat of democracy into authoritarianism, which threatens the pillars of the rule of law in more and more European countries.

We would like to remind you that the independence of the judiciary is the foundation of democratic legal systems and a key guarantee of the balance of powers – judicial, legislative and executive. Its violation directly undermines the protection of individual rights and the fundamental values on which the European Union and the Council of Europe are based.

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