



**MARSHAL OF THE SENATE
OF THE REPUBLIC OF POLAND**

Professor TOMASZ GRODZKI

The Honourable Amanda Pinto QC
Chair of the Bar Council

The Honourable Schona Jolly QC
Chair of the Bar Human Rights Committee
of England & Wales

London

Warsaw, 5th October 2020

Dear Ms Pinto QC,
Dear Ms Jolly QC,

I would like to thank you for your letter of 25 September addressing the violations of the rule of law principles in Poland and the motion to waive the immunity of Judge Igor Tuleya, and presenting the position of the Bar Council and the Bar Human Rights Committee of England and Wales on measures which threaten the independence of the Polish judiciary.

Let me start by stressing that I have not received your letters of 19 March and 8 June 2020. I also believe that statements in your most recent letter of 25 September claiming that the Senate of the Republic of Poland has not taken any steps to defend the rule of law in Poland are simply not true. As a matter of fact, the Senate invited the Venice Commission experts to Poland, and the Senate has been cooperating with judges' organizations which fight for the preservation of the judicial independence, supporting them in a number of ways. In order to be able to identify the best models of judiciary reform which are fully compliant with the standards in place in mature democracies, I have stayed in contact with several prominent European lawyers, for instance with professor Laurent Pech from Middlesex University of London. The representatives of the Senate in the National Council for the Judiciary have repeatedly objected to violating the rule of law in Poland. We have confirmed our position by rejecting subsequent bills which were voted by the Sejm and which pose a threat of the rule of law deterioration in Poland. The Senate has repeatedly voted legislative amendments with a view to making relevant bills compliant with the rule of law principles. Nevertheless, it is necessary to bear in mind that under the Constitution of the Republic Poland, the Sejm may still reject bills adopted by the Senate, hence the final contents and wording of normative acts are decided by the majority of the lower house. Notwithstanding the above, works are currently under way at the Senate on a bill to undo the unconstitutional changes introduced to the organization of the National Council for the Judiciary and to end the operation of the Disciplinary Chamber of the Supreme Court as a body that cannot be considered court under the European Union legislation and under the Polish Constitution, which sets forth the same standards of judicial independence as European laws.

When it comes to the case of Judge Igor Tuleya, we have been in regular contact with judges' organizations. For information of the Bar Council and the Bar Human Rights Committee of England and Wales, I attach hereto the most recent request made by the Senators of the Republic of Poland to the First President of the Supreme Court. Like the Bar Council and the Bar Human Rights Committee of England and Wales, the Senate of the Republic of Poland condemns the treatment of Judge Igor Tuleya and all other signs of rule of law violations in our country.

Finally, let me assure you that the democratic majority formed at the Polish Senate is and will remain the guardian of values that strengthen the cohesion of democratic states existing in our civilization. I am at your disposal and declare my willingness to cooperate in strengthening and promoting the values of democracy and rule of law in our friendly countries.

Sincerely,

