

# Statement by the former presidents of the Constitutional Tribunal: Andrzej Rzepliński, Marek Safjan, Jerzy Stępień, Bohdan Zdziennicki and Andrzej Zoll

---

**VB** [verfassungsblog.de/statement-by-the-former-presidents-of-the-constitutional-tribunal-andrzej-rzeplinski-marek-safjan-jerzy-stepien-bohdan-zdziennicki-and-andrzej-zoll/](http://verfassungsblog.de/statement-by-the-former-presidents-of-the-constitutional-tribunal-andrzej-rzeplinski-marek-safjan-jerzy-stepien-bohdan-zdziennicki-and-andrzej-zoll/)

Maximilian Steinbeis Do 13 Jul 2017

Do 13 Jul  
2017

*Last November, the former presidents of the Polish Constitutional Tribunal issued a [joint statement](#) to protest against the subjugation of the Tribunal. Now, as the PiS government is about to effectively bring the entire judiciary under their control, they speak up again:*

Without an independent administration of justice no State under the rule of law can exist. The draft statutes on the functioning of the ordinary courts the National Council of the Judiciary and the Supreme Court, which modify *de facto* the Constitution, will eventually abolish the independence and autonomy of the Polish judiciary from political institutions.

The adoption of these statutes, which ensure a decisive and uncontrolled influence of one or two politicians on the appointment of court presidents, the composition of the National Council of the Judiciary, the dissolution of the current and establishment of a “new” Supreme Court – the most important adjudicating body of our State – not only makes impossible any control of the legality of the actions taken by other authorities, but also impedes the effective protection of the citizens’ rights and freedoms.

The Minister of Justice’s discretionary power to appoint court presidents confers on the government the power of permanent tampering with judicial independence by establishing a corps of politically obedient judges.

The disablement of the Constitutional Court has made an effective constitutional review of statutes and their application impossible and leads to arbitrary and unconstitutional legal solutions.

We call upon the members of Parliament, Senators and the President not to allow the inclusion in our legal order of statutes which may permanently destroy the Republic’s position of a State under the rule of law.

Andrzej Rzepliński

Marek Safjan

Jerzy Stępień

Bohdan Zdziennicki

Andrzej Zoll

---

**LICENSED UNDER CC BY NC ND**

SUGGESTED CITATION Steinbeis, Maximilian: *Statement by the former presidents of the Constitutional Tribunal: Andrzej Rzepliński, Marek Safjan, Jerzy Stępień, Bohdan Zdziennicki and Andrzej Zoll*, *VerfBlog*, 2017/7/13, <http://verfassungsblog.de/statement-by-the-former-presidents-of-the-constitutional-tribunal-andrzej-rzeplinski-marek-safjan-jerzy-stepien-bohdan-zdziennicki-and-andrzej-zoll/>.