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Judges in Poland and in the Republic of Moldova must remain independent

Motion for a resolution

tabled by Ms Azadeh ROJHAN GUSTAFSSON and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

Independence of the judiciary is being seriously undermined in the Republic of Moldova and Poland by their current governments.

In the Republic of Moldova, courts unduly influenced by Vlad Plahotniuc invalidated the democratic mayoral election in Chisinau, after the victory of the opposition candidate Andrei Nastase. This sparked protests and criticism undermining the European Union's trust in the country's intention to integrate and setting a dangerous precedent.

The case of Domnica Manole, who handed down judgements inconvenient for the authorities, is a striking example of political prosecution of a judge.

In Poland, courts remain the last resort for numerous prosecuted civil rights activists.

"Disobedient" judges, such as Igor Tuleya, Wojciech Łączewski, Dominik Czeszkiewicz, and Waldemar Żurek, face disciplinary consequences from court newly-appointed presidents.

The government is forcing Supreme Court judges to retire and appointing new, obedient ones. The newly-adopted Act undermines the independence of this authority, in the face of the upcoming elections. This creates the possibility for the government not only to act arbitrarily, but even to distort the elections' results.

Dismantling the independence of the judiciary and manipulating its rulings for political gains bears signs of usurpation of power by legislative and executive powers.

The Parliamentary Assembly should consider the independence of the judiciary in the Republic of Moldova and Poland and should make recommendations, in order to urge the governments of these two member States to restore the independence of the judiciary and constitutional order in line with their European and international obligations.

Signed (see overleaf)



*Signed*¹:

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1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialists, Democrats and Greens Group
UEL: Group of the Unified European Left
NR: Representatives not belonging to a Political Group