Parliamentary Assembly
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Breaches of the rule of law in Poland as regards the prosecution service

Motion for a resolution
tabled by Mr Marcin ROMANOWSKI and other members of the Assembly

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

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Respect for the rule of law, expressed in the authorities' actions based on and within the law, is the cornerstone of a democratic European society and a collective responsibility of public authorities. Safeguarding the rule of law requires that adequate conditions are provided for law enforcement authorities to enable them to effectively fulfil their duty to prosecute crimes.

Therefore, it is deeply concerning that, in Poland, Adam Bodnar – the new Minister of Justice and Prosecutor General – is currently attacking the institution of the Public Prosecutor's office. The dispute revolves around the previous Public Prosecutor's dismissal and the appointment of an "Acting Public Prosecutor".

Minister Bodnar, contrary to the wording of the law, declared the return to active status of Public Prosecutor, Dariusz Barski, to be void. Parallelly, he violated the provisions on the participation of the President of the Republic in the proceedings to dismiss the Public Prosecutor. Then, against the law, he appointed Jacek Bilewicz to the non-existent position of "Acting Public Prosecutor" under Polish law.

Strong opposition to Bodnar's actions was expressed by Polish regional prosecutors and prosecutors of the Public Prosecutor's Office who indicated that Adam Bodnar's actions have no legal effect and constitute an attempt to circumvent the law.

The fact that Minister Bodnar broke the law and violated the Rule of law constitutes a serious threat to the democratic standards. These actions both undermine trust in the institution of the prosecutor's office and question the legitimacy and effectiveness of the justice system.

The Parliamentary Assembly should thoroughly investigate the violation of the rule of law in Poland and call for international solidarity in the common pursuit of the protection of European values.

Signed (see overleaf)

Signed:

ROMANOWSKI Marcin, Poland, EC/DA
ARENT Iwona, Poland, EC/DA
BAKUNETS Pavlo, Ukraine, EC/DA
BARTULICA Stephen Nikola, Croatia, EC/DA
BOGUCKA Anna, Poland, EC/DA
BRABANDERE Bob, De, Belgium, EC/DA
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