

Statement by Lech Wałęsa concerning the Supreme Court: There is no freedom without the rule of law

I would like to express my deep concern about the crisis caused by the far-reaching changes to the Polish judiciary. These raise fundamental doubts at home and abroad.

The violation of the independence of Polish courts threatens very negative consequences, for Poland, but also for the entire European Union. The EU, which is the anchor of the Polish *raison d'etat*, cannot function without free courts in each member state.

That is why I am calling on the Polish government, the European Commission and all political forces in Poland to do their utmost to prevent the irreversible consequences of the changes to the judiciary and the political crisis they have caused.

Only the verdict of an independent court can solve the problem of the independence of the Polish judiciary today. Political agreements cannot serve as a response to these dubious propositions, wherein the tripartite separation of powers, the fundamental principles of law and the Polish constitution are at stake.

That is why I favour asking the Court of Justice of the European Union to evaluate the most questionable changes to the judiciary system, as its judgments are binding both for the European Commission and for EU member states.

I support the European Commission in relation to the proceedings pending before the EU Court of Justice concerning the law on common courts, and I am awaiting the Court's decision. I am also calling on the European Commission to refer the law on the Supreme Court to the EU Court of Justice under Article 258 of the EU Treaty. Due to the reduction of the retirement age provided for in this law, about 40 percent of the Supreme Court's judges will have to end their calling prematurely on 3 July.

These provisions raise very serious legal doubts, and the Tribunal should be given the opportunity to judge them. I appeal to all political forces in Poland to support this legal path, which may lead to the protection of the rule of law in Poland and the EU, and to a resolution of the political conflict. I also appeal to the Polish government to refrain from taking any actions that would hinder such a solution.

Just as in 1980 there could not be freedom without solidarity, so today there cannot be freedom without the rule of law!

Lech Wałęsa, Gdańsk, 30 May 2018

[Lech Wałęsa: Wzywam Komisję Europejską, by skierowała do Trybunału Sprawiedliwości ustawę o Sądzie Najwyższym](#)

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