Statement by Former Presidents of the Constitutional Tribunal on the Crisis in the Constitutional Tribunal

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The judges lawfully appointed to the Constitutional Tribunal by the Sejm have taken the necessary steps to restore the functions and status of this constitutional institution, which is essential to the rule of law and the protection of citizens' rights and freedoms.

The Tribunal has been mired in a profound crisis for more than ten years. Its adjudicating panels include persons whose appointments were defective, while excluding lawfully elected judges. The Constitutional Tribunal is headed by a person selected through an improper procedure, and its work has recently been brought to a complete standstill by the failure to convene the General Assembly of its Judges. Judgments of Europe's foremost courts – the European Court of Human Rights and the Court of Justice of the European Union – requiring measures to restore the Tribunal's role as an independent and impartial institution remain unimplemented. Until this is achieved, citizens are denied effective protection of their rights and freedoms and cannot avail themselves of the individual constitutional complaint. This alarming situation called for decisive action to rebuild the authority of the institution and restore public confidence in it. That purpose is certainly not served by the conduct of the President of the Republic of Poland, who, together with Judge Święczkowski, has for many months prevented the judges appointed by the Sejm from taking office and who yesterday made a direct attempt to infringe the autonomy of the constitutional court.

Nothing can justify inaction when the constitutional crisis deepens with each passing day, with all the adverse consequences this entails for the rule of law and for citizens.

The steps now being taken by the judges are intended to restore the functioning of the Constitutional Tribunal in accordance with the Constitution. The judges must be allowed to achieve this aim and to follow the necessary lawful procedures, above all by convening the General Assembly of the Judges of the Constitutional Tribunal and adopting resolutions on the applications submitted to the Tribunal by the Prosecutor General to lift the immunity of Judges Bogdan Święczkowski and Bartłomiej Sochański.

There is no other path to ending the constitutional crisis and restoring the Constitutional Tribunal to the society it serves.

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