



MEDEL DECLARATION

SOLIDARITY WITH MS JUSTICE AILEEN DONNELLY, IRISH HIGH COURT JUDGE

On March 12th, 2018, Irish High Court Judge Ms Justice Aileen Donnelly has asked the Court of Justice of the European Union for a ruling on the effect of the recent legislative changes in Poland.

The referral was made in the European Arrest Warrant case of a Polish citizen who is wanted to face trial in Poland on drug trafficking charges and was arrested in Ireland.

The decision taken by Ms Justice Aileen Donnelly is a consequence of the attacks on the independence of the Judiciary carried out by the Polish Government, constantly denounced by MEDEL.

The Irish Court decision states that those attacks were “*so immense*” that one is forced to conclude that “*the common value of the rule of law*” has been “*systematically damaged*” and “*democracy in Poland*” has been breached.

This decision is in line with all the alerts MEDEL has constantly been making for several years.

In its declarations of July 18th, 2017 and December 18th, 2017, MEDEL has openly stated that the changes introduced by the Polish Government had completely eliminated constitutional guarantees of judicial independence and made an appeal to the competent EU institutions to take all possible steps to protect the rule of law in Poland as a member state of the European Union.

Despite the European Commission’s triggering of article 7 of the EU Treaty, Polish authorities have not step back and continue their strategy of putting the Judiciary under control of the Executive. The situation is totally unacceptable, and the decision of Ms Justice Aileen Donnelly is a clear reaffirmation of the importance of an independent Judiciary.

As MEDEL has repeatedly alerted since its contribution to the *Assises de la Justice*, organised by the European Commission in November 2013, mutual trust – which is the basis of the common area of justice, freedom and security – is endangered when there are not positive minimum standard rules for safeguarding the independence of the Judiciary in Europe.

Although it is exclusively founded on a solid juridical reasoning, Polish authorities in their attacks to the decision have only focused on the crimes the Polish citizen is being accused, not being able to contradict the juridical fundamentals of the decision.

Shamelessly, at the same time, conservative media in Poland have started an outrageous campaign of personal attacks against Ms Justice Aileen Donnelly, without any connection to the juridical reasoning of her decision.

Seen all the above, MEDEL, gathered in Berlin in its Council of Administration:

- reaffirms that mutual trust in Europe can only be built upon common standards of independence of the Judiciary, as it has been stressed by the High Court of Ireland in its March 12th, 2018 decision;
- expresses full solidarity with Ms Justice Aileen Donnelly and condemns all personal attacks carried out by conservative Polish media in recent days;
- appeals once again to the Polish authorities to re-assess the legislation approved and to observe the European values shared by the family of European States;
- urges the European Institutions to approve positive minimum standard rules for safeguarding the independence of the Judiciary in Europe.

Berlin, March 17th, 2018