



Mr. Zbigniew Ziobro
MINISTER SPRAWIEDLIWOŚCI
Al. Ujazdowskie 11
00-950 Warszawa
Poland

Dear Sir:

MEDEL, Magistrats Européens pour la Démocratie et les Libertés, European wide Organisation gathering 16 Associations of Magistrates (Judges and Prosecutors) from 11 different countries in Europe, has had some preoccupying news related with the opening of an official investigation against members of the Associations of Prosecutors of Poland after the approval of an appeal, published by *Gazeta Wyborcza*, about the ethics and independence of public prosecutors from undue political interferences.

MEDEL, as an organisation having among its aims the protection of judicial independence, the respect for the values of democracy and the rule of law, the promotion of the European democratic legal culture and the democratisation of the Judiciary, is seriously concerned by these news.

As you know, the Guidelines on the Role of Prosecutors, adopted by the Eight United Nations Congress on the Prevention of Crime and the Treatment of Offender, on 27 August to 7 September 1999, recognize that Prosecutors like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional disadvantage by reason of their lawful action or their membership in a lawful organization. (Section 8). The aforesaid Guidelines also stress that "Prosecutors shall be free to form and join professional associations or other organizations to

represent their interests, to promote their professional training and to protect their status" (Section 9).

On other hand, Recommendation Rec(2000)19, of the Committee of Ministers of the Council of Europe to Member States adopted on 6 October 2000, includes as Section 6 that: *"States should also take measures to ensure that public prosecutors have an effective right to freedom of expression, belief, association and assembly. In particular they should have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organisations and attend their meetings in a private capacity, without suffering professional disadvantage by reason of their lawful action or their membership in a lawful organisation."*

We are sure that the Republic of Poland, as an important Member State of the United Nations and of the Council of Europe, recognizes these international standards, and accordingly we are looking forward to a prompt closing of such investigation threatening the fundamental rights of public prosecutors to freedom of expression and to take part in public discussions of matters concerning so directly their status, fonctions and rôle in a democratic society as those treated in the said appeal, whose contents are fully shared by our organisation.

Yours faithfully

Miguel Carmona Ruano
President of MEDEL
Audiencia Provincial de Sevilla
Palacio de Justicia
Menéndez Pelayo, 2
ES-41004 SEVILLA. SPAIN
miguel.carmona,ius@juntadeandalucia.es
m.carmona@poderjudicial.es
miguelcarmona@auna.com