

Mrs. Danuta WISNIEWSKA-CAZALS
Consultative Council of European Prosecutors
- CCPE -
Council of Europe
F – 067075 Strasbourg CEDEX France

Brussels, 16 July 2007

Dear Mrs. WISNIEWSKA CAZALS

On behalf of Mr. Miguel CARMONA RUANO, Chairman of the European Association “Magistrats européens pour la Démocratie et les Libertés MEDEL” I would like to inform you about a serious conflict between Mr. Zbigniew ZIOBRO, Minister of Justice and General Public Prosecutor, one of the main leaders of the Prawo i Sprawiedliwość Party, and the Association of Prosecutors of Poland. The Association of Prosecutors of Poland is a member of MEDEL, the European organisation of national associations of Judges and Public Prosecutors. Therefore MEDEL stands up in support of our colleagues and their cause.

The Association of Prosecutors of Poland held their 9th Annual Congress on 23rd June 2007 in Poznan and adopted a resolution on ethics, mission and independence of public prosecutors. By this resolution the members stressed that they are serving neither a political party nor the Polish government but the people. They stated that public prosecutors should act neither against their professional ethics nor against their oath of office taken upon nomination.

On February 21st, 2007, a few months before the Association members had adopted the resolution Mr. ZIOBRO spoke in Parliament to propose the government’s draft legislation on the Prosecutor’s Office meeting with public criticism from Mr. Krzysztof PARULSKI, Chairman of the Association of Public Prosecutors of Poland, whereupon the Minister ordered to open a disciplinary proceeding against Mr. PARULSKI, but without sufficient grounds. The proceedings were dropped on 11 April as no breach of law could be stated.

Now the Minister of Justice – General Public Prosecutor – asked Mr. PARULSKI to hand over the full list of all the Association members present at the meeting. Mr PARULSKI refused and resigned from his post as military prosecutor. Thereupon Mr. ZIOBRO

started an official disciplinary proceeding against him because of this resolution and his personal position defending the Association's right to an independent public prosecutor's office.

Since many months there has been a debate in Poland about changing the law on the status of the prosecution within the system of the public power and about enhancing the influence of the Minister of Justice - as member of government - on the activity of the prosecution. During this process Mr. PARULSKI has spoken numerous times in the media and at the Polish Parliament, often criticizing the legislative draft proposed by the government.

The resolution adopted by the Annual Prosecutors' Conference on 23rd June 2007 in Poznan, Poland, focussed on ethic principles to be observed by prosecutors in their professional activity. This appeal was published on 7 July 2007 in the "Gazeta Wyborcza", a daily news paper with an all-Poland circulation (please find enclosed).

The Prosecution Office in Warsaw recently initiated proceedings against Mr. PARULSKI on the grounds of misuse of official authority by state officials. The Association of Prosecutors of Poland sees this as an infringement of the constitutional principles of freedom of speech, of assembly and of association as well of the independence of prosecution by the heads of the Prosecution Office in Poland who are government representatives. Such action would lead to put pressure on the Association's representatives and force them to give up acting for the benefit of the Association's members. At this moment the existence of our Association is put at risk and the status of its representatives uncertain.

We would like to ask you to take appropriate action with the Polish Minister of Justice and General Public Prosecutor to remind him of the principles and freedoms applicable to public prosecution common to all Member States despite a certain undisputable variety of status and role of public prosecutors in the national justice systems. Beyond, judiciary can be independent only if a certain independence of prosecution is secured, as well.

Thanking you in advance for your support and understanding,

Kind regards,

Christian Lange