

Dear Head of Cabinet Ms Renate Nikolay, Deputy Head of Cabinet Mr Daniel Braun, Member of Cabinet Ms Simona Constantin,

I am writing most urgently to ask you to convey to Commissioner Jourova at the earliest possible opportunity our appeal for a **public statement today** demonstrating her critical attention to the [ongoing process at the Constitutional Tribunal of Poland to decide on the constitutionality of the provision in the Law on the Ombudsman for Human Rights stating that an outgoing Ombudsman will remain in office until the Sejm and the Senate can agree on a successor](#). The law considered possibly incompatible with the Polish Constitution mandates what is established practice in Poland and across Europe, a practice not contested for other offices of a similar nature in Poland.

Hearings in the case took place on Monday 12 and Tuesday 13 April, after nine postponements. The **verdict is expected tomorrow**, on Thursday 15 April. Reports from the proceedings communicated in various media indicate that they were conducted in the inquisitory manner of a show trial, where the performance of the widely lauded Ombudsman Mr. Adam Bodnar was questioned, apparently to build a case for a verdict on the incompatibility of the law with the Constitution based on his exercise of his duties. [Judges in the panel have connections to the incumbent party in government PiS, whose representatives in the Sejm initiated the process. Unwarranted replacements were made in the panel during the process](#). The conduct of the judges in court demonstrated the very appearance of dependence and partiality incompatible with the criteria presented in the [CJEU ruling of 19. November 2019](#). We expect the ruling to confirm the complaint launched by the PiS members of the Sejm.

What is at stake here is not Mr. Bodnar's job, but the ability of the Office of the Ombudsman to continue to play its role in the defense of citizen's rights, of democracy and rule of law. The critical role played by the Office of the Ombudsman under the leadership of Mr. Bodnar could not be made more clear than was demonstrated on Monday, when the [Court of Competition and Consumer Protection in Warsaw suspended the permission for the state-owned energy company PKN Orlen to gain control over Polska Press, which owns 20 out of Poland's 24 regional daily newspapers, 120 regional weeklies, and hundreds of websites](#), after intervention by the Ombudsman.

The Ombudsman is currently engaged in a large number of legal proceedings in Polish Courts and in the Court of Justice of the Union, interventions which may be withdrawn if Mr. Bodnar's interim tenure is ended.

We believe Commissioner Jourova's interventions may prove critical for the protection of rule of law and human rights in Poland at this point.

Yours sincerely,

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