



The UIA Institute for the Rule of Law

Jacqueline R. Scott

Director General - UIA-IROL (Institute for the Rule of Law)

Directrice générale - UIA-IROL

Directora General - UIA-IROL

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Mr. Zbigniew Ziobro

Minister of Justice of Poland

Ministry of Justice

Al. Ujazdowskie 11

PL-00 950 Warsaw

Poland

Transmitted by email: kontakt@ms.gov.pl

Dear Minister,

I write to you in my capacity as Director General of UIA-IROL (the Institute for the Rule of Law of the International Association of Lawyers). The mission of the UIA-IROL is to promote the Rule of Law and support and defend, in particular, lawyers, judges and human rights defenders who are harassed, threatened and/or persecuted in the exercise of their professions, the independence of the legal and judicial professions, and the UN Basic Principles on the Role of Lawyers, especially in defense of human rights.

UIA was established in 1927, being the oldest and one of the largest international organizations of lawyers, law societies and bar associations. Through its collective members (bars, federations, and associations) and individual members, it represents approximately two million lawyers from more than 110 countries. UIA has recognized consultative status at the United Nations and participatory status at the Council of Europe.

We have recently been apprised of the circumstances under which the practicing lawyer Mr. Roman Giertych was arrested on October 15, 2020. The arrest of a lawyer in front of the courthouse on the eve of an important and politically controversial court hearing, where the lawyer was to act as a barrister, raises great concern for the legal profession, specifically and for justice, generally. Upon his arrest, it is our understanding that his house was searched, without the presence of the Dean of the Bar, as is required by law. Thereafter, Mr. Giertych fell severely ill, was transported to the hospital and remained unconscious for several days. As we have been informed, the prosecutor read to Mr. Giertych the charges against him while he remained unconscious, which obviously violates the basic defense rights of an accused person.

UIA-IROL

(UIA) International Association of Lawyers – 20 rue Drouot – 75009 Paris (France), Association Loi 1901 n° W751207624
Tél. : +33 1 44 88 55 66 / Fax : +33 1 44 88 55 77 / E-mail : uiacentre@uianet.org / Web : www.uianet.org

We have also received information regarding the suspension by the prosecutor of Mr. Giertych's license to practice law in Poland. Such suspension – without affording Mr. Giertych the right to defend himself in a fair trial, respecting his rights of due process – is a violation of the Rule of Law and cannot stand.

UIA-IROL expresses its grave concern about the manner of the arrest and suspension from practice of Mr. Giertych by the Polish Authorities.

Therefore, UIA-IROL respectfully calls upon the Polish Government to uphold its national and international obligations with regard to the rule of law, respecting the right of due process and the independence of the exercise of the legal profession, as specified in Article 6 of the European Convention on Human Rights, and Articles 16 to 21 of the United Nations Basic Principles on the Role of Lawyers.

We thank you for your attention to this very important matter. We look forward to hearing from you soon regarding the above.

Yours sincerely,



Jacqueline R. SCOTT
Director General - UIA-IROL