STATEMENT

Warsaw, 31 October 2026

Statement of the Sovereignty Institute on the Constitutional Tribunal

The Sovereignty Institute (Instytut Suwerenności) firmly objects to the actions taken on 30 October 2026 against Poland's Constitutional Tribunal: the removal of its President and Vice-President by an order lacking any legal basis, and the deployment of police into the seat of a constitutional body. We consider these actions to be in breach of the Constitution of the Republic of Poland. Their effect is not the restoration of the rule of law, but a serious weakening of Poland's position at a moment when key decisions about its security are being made.

Legal assessment

1. **No statutory basis.** The President and Vice-President of the Constitutional Tribunal were removed under Article 130 of the Act on the System of Common Courts. That provision applies to judges of the common courts. The status of Constitutional Tribunal judges is governed by a separate act, which provides for no such procedure.
2. **Breach of judicial immunity.** Under Article 196 of the Constitution, a judge of the Constitutional Tribunal may not be held criminally liable without the consent of the Tribunal itself. The Minister of Justice has no role in this procedure.
3. **Breach of the President's competences.** The President and Vice-President of the Tribunal are appointed by the President of the Republic (Article 194(2) of the Constitution). The leadership of a constitutional body cannot be changed by an order issued by another judge and published on a website whose takeover the Tribunal has reported as unlawful.
4. **Force instead of procedure.** The police, as an organ of the executive, have no competence to decide who heads the Tribunal or who sits on it.

We do not dispute that the Tribunal has been deadlocked for months, or that the status of some of its judges is contested. However, the judgment of the Court of Justice of the European Union of 18 December 2025 grants no executive body the power to suspend the head of a constitutional body, nor does it override Article 196 of the Constitution. A dispute over the interpretation of the law is not settled by the use of force.

Consequences for Poland's position

The Institute's media monitoring shows that within 24 hours the events were reported by at least 11 news outlets from 8 countries. None presented them as a resolution of the Tribunal crisis. Russian state media spread them within about two hours under the label of a “coup”, stripped of their Polish legal context. The United States Ambassador described the situation as very serious and called on all sides to show restraint.

This comes one week before the Pentagon's recommendation on the US military presence in Europe, expected on 6 November, and at a time when the terms of peace in Ukraine are being discussed in formats without Poland at the table. A state's credibility in the eyes of its allies depends on whether its institutions function in a crisis. That credibility has just been weakened.

We also note the complete absence of any reaction from the European Commission. The institution that in 2016 launched its first-ever rule-of-law procedure precisely because of the Constitutional Tribunal is silent today as police enter the Tribunal's seat. Applying standards selectively undermines their authority across the whole Union and hands the strongest argument to those who wish to weaken it.

Our appeal

1. **To the Council of Ministers** – to withdraw the police from the seat of the Constitutional Tribunal immediately and to restore full access to the building for its organs and staff.
2. **To all parties to the dispute** – to adopt the principle that no use of force may take place in the seat of a constitutional body without a ruling by an independent court.
3. **To the parliamentary groups** – to take part in the consultations convened by the President of the Republic and to agree a cross-party act on the Constitutional Tribunal, with clear rules on the swearing-in of judges and their admission to adjudicate.
4. **To the Government and the Chancellery of the President** – to jointly confirm to the United States before 6 November that defence cooperation, including a permanent US military base, remains above the dispute over the Tribunal.
5. **To the institutions of the European Union and the Venice Commission** – to take a position consistent with the same standards they have applied to Poland since 2016.

Poland has institutions strong enough and experience enough to settle this dispute on its own. Sovereignty also means the ability to resolve one's own disputes without outside arbiters.

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