

Statement of the Association of Polish Judges “Iustitia” of 14 July 2018

We regretfully observe the proceedings of the body that claims to be the National Council of the Judiciary (KRS) – composed of judges elected by two political parties. Members of this body, including judges, speak the language of ruling politicians and support the activities of the party aimed to strike independent judges. The latter, who fight for fundamental rights, are accused of political activity and the KRS blocks their promotion to higher courts. One notable example is the case of judge Marta Kożuchowska-Warywoda. A member of parliament, Krystyna Pawłowicz, also sitting on the new politically- dependent KRS, accused her – with the approval of other members of this body – of protesting in front of courts and visiting the European Parliament, the Commission and the Court of Justice of the EU.

To repudiate the First President of the Supreme Court – judge Małgorzata Gersdorf, who shall remain in office until April 2020 – has become the key to judicial career success. The new KRS has issued negative opinions on several judges of the Supreme Court, enjoying great respect and authority. We are distrustful of the reliability of the nomination proceedings conducted by this body.

Recently announced competitions for Supreme Court judges positions, under the notice of the President of the Republic of 24 May 2018, are null and void. This results not only due to the fact that this procedure is unconstitutional, but also because the notice – contrary to Article 144(2) of the Constitution – is not countersigned by the Prime Minister. As a consequence, the appointment of judges of the Supreme Court will have no legal force. This argument was confirmed by the judgment of the Constitutional Court (full bench) of 23 March 2006 (case K 4/06).

Today we heard the voice of judges from all over Poland. All of them agree with the above statement. In the next few days, we will inform about our position whether to participate in these competitions – guided by the interest of the State and the protection of citizens’ rights.