

The position of judges associations regarding the current situation  
of the system of justice in Poland

Significant changes in the system of justice took place at the end of August and beginning of September 2018. They were very dynamic and indeed showed a great determination of the authorities and the ruling party for the “reforms” to be introduced before the European institutions and Courts had a chance to voice a categorical position on Poland.

The politicised National Council of the Judiciary, whose members are judges elected by politicians, organised a session before the originally planned dates and, on 23 -24 and 27-28 August this year elected candidates to the position of judges of the Supreme Court. As to the candidates to the Disciplinary Chamber, the majority are prosecutors of different tiers, and are subordinate directly to the Minister of Justice – Prosecutor General. Other candidates are also personally associated with Zbigniew Ziobro (either by working at the Ministry of Justice or representing the minister in litigations against him).

Despite the ruling of the Supreme Court in effect of the prejudicial questions, suspending some of the provisions amending the act on the Supreme Court, the President of the Republic of Poland is continuing with the procedure regarding judges who have reached the retirement age of 65. He has thus completely ignored the Court’s rulings and with his decisions is further exacerbating the chaos in which judges of the Supreme Court have found themselves. In addition, the public call made by the President inviting judges to run for the vacancies in the Chamber of Labour and Social Insurance of the Supreme Court, also includes the position now occupied in that Chamber by the First President of the Supreme Court, Prof Małgorzata Gersdorf. We should mention here the words which have been said by both politicians (deputy Piotrowicz) but also judges (Maciej Nowacki), who are members of the politicised National Council of the Judiciary, which are negative, slanderous, offensive and disrespectful of the Supreme Court judges. Calling them “thieves” and threatening them with disciplinary proceedings for their lawful adjudicative activities – i.e. the move to ask prejudicial questions – is a show of complete disrespect for the representatives of the judiciary, lack of understanding of the rule of law and an unacceptable practice of those in power against the community of judges.

Disciplinary prosecutors have, in recent times, become visibly more active. The steps they have been undertaking – with no legally founded basis and aimed against judges who are members of judges associations – are to create a “freezing effect”. Requesting judges to give statements explaining their participation in a public debate and presenting a position on issues important for the citizens (judges also being part of the society) is a contradiction of democracy in public life and a violation of the rule of law. These are indeed attempts at intimidating judges who are publicly standing in defence of the Constitution, the independence of courts, impartiality of judges, and who are taking part in educational activities, raising awareness in the society about the dangers evoked by violating the Constitution and the separation of powers.

We appeal to all to take actions which will help ensure the protection of judges standing in defence of European values.

*Stowarzyszenie Sędziów Polskich Iustitia*

*Stowarzyszenie Sędziów Themis*

*Stowarzyszenie Sędziów Rodziny w Polsce*

*Stowarzyszenie Sędziów Rodziny Pro Familia*

*Ogólnopolskie Stowarzyszenie Sędziów Sądów Administracyjnych*