

IUSTITIA REPORTS

Judges under pressure

- report on the methods of harassment of independent judges by the authorities

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The report applies to judges with respect to whom the Disciplinary Commissioner of the Judges of the Ordinary Courts, *Piotr Schab*, as well as his deputies, Judges *Michał Lasota* and *Przemysław Radzik*, as well as the deputy disciplinary commissioner appointed at the level of the regions, initiated investigations or disciplinary proceedings in connection with adjudicating and non-adjudicating activities. The list was prepared on the basis of source documents and direct interviews with the judges and, in one case, on the basis of information in the media.

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Introduction

A disciplinary system was established in Poland in 2017 as a part of the legal changes regarding the judiciary, which was supposed to ensure that judges are subordinated to the political will. The Disciplinary Commissioner of the Judges of the Ordinary Courts, *Piotr Schab*, and his deputies, *Przemysław W. Radzik* and *Michał Lasoła*, who were appointed by the Minister of Justice – Prosecutor General, targeted the judges who objected to the unconstitutional changes to the justice administration almost from the moment of their appointment. There may be numerous pretexts: a public statement, wearing a T-shirt with the inscription “*Konstytucja*” [Constitution], approaching the Court of Justice of the European Union with a request for a prejudicial ruling, or issuing a judgment which is not in line with the thoughts of the prosecutors or the political authority.

Disciplinary proceedings are not the only repression affecting judges who are demanding the observance of the principles of the rule of law in Poland by the remaining authorities.

Divisions and positions are eliminated for such judges or their job specifications are changed so that they have to adjudicate on matters with which they previously had no experience.

It is then easier to make a mistake, which creates an excuse for initiating disciplinary proceedings.

We are presenting a report constituting a compilation of the most flagrant cases of repression of Polish judges over the past year.

This report is not exhaustive.

There are more such cases about which we are unaware, some of which are in their initial phase.

However, we feel it casts some light on the scale of harassment of judges, effectively only because they are demanding that the other authorities comply with the Constitution.

Whoever has the courts has absolute power.

We, as judges, stand guard over the civic rights and freedoms provided for in the Constitution.

We are paying a high price for this and are prepared to pay the highest price.

We do not and will not agree to the politicization of the courts. We shall not allow citizens to be deprived of the right to a fair trial before an independent and impartial court.

But what will happen when we are gone?

Polish judges

1. Judge of the Regional Court in Katowice *Krystian Markiewicz*

Judges of the Polish Judges' Association, *Iustitia*, took part in the *Pol'and'Rock Festival* in Kostrzyn nad Odrą in August 2018. The judges met with the participants of the festival, held simulations of trials and organized numerous debates at which they explained the principles of operation of courts that are free of political influence and pressure to the citizens in an understandable way. The objective of this initiative was to provide legal education to the public and to arouse legal and civic awareness in the public, including among young people. The judges explained to the participants of the festival why the courts have to remain independent of the other authorities, including politicians, and what judicial impartiality and the rule of law are. This civic activity of the judges became uncomfortable for the ruling party, which had introduced a number of directly unconstitutional regulations, which were also in conflict with Community and international law, under the guise of the reform of the judiciary, the sole purpose of which was to subordinate the judicial authority to the executive and legislative authorities, including, in particular, through the direct influence of the minister of justice on the activities of the courts (politicization of the judiciary). Many judges openly and publicly criticized these changes, which resulted in a reaction of the disciplinary commissioner of the judges of the ordinary courts. This commissioner and his two deputies systematically started to work with the actual objective being to incite a freezing effect among the judiciary. Additionally, the commissioners instrumentally took advantage of the regulations on the disciplinary liability of judges. Within these activities, the disciplinary commissioners, seemingly conducting an investigation in disciplinary proceedings, began summoning the judges who took part in the *Pol'and'Rock Festival* to questioning as witnesses, and to submit written statements on the educational activity conducted during the festival. On 21/09/2018, *Krystian Markiewicz*, Judge of the Regional Court in Katowice, was questioned as a witness by the disciplinary commissioner in connection with the meeting with the participants of the *Pol'and'Rock Festival* in August 2018 in Kostrzyn nad Odrą.

In June 2019, *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, sent Judge *Krystian Markiewicz* a demand to submit within 14 days a written statement regarding a possible disciplinary misdemeanour involving unreliable statements in TVN24 about Judge *Jerzy Daniluk*.

Judge *Krystian Markiewicz* is the president of the Polish Judges Association *Iustitia*, which is an independent, apolitical and self-governing association, which associates almost one third of all judges in Poland (it has over 3500 members). Judge *Krystian Markiewicz* has repeatedly spoken up in the public debate on the condition of the rule of law in Poland, both in Poland and abroad and, in his statements, has always boldly defended the independence of the courts, the impartiality of the judges and the principles of a democratic state governed by the rule of law, openly criticizing the unconstitutional changes being introduced into the Justice Administration by the current ruling party.

Source: direct interview with Regional Court Judge *Krystian Markiewicz*, letter from *Przemysław Radzik*, Deputy Disciplinary Commissioner of Judges of the Ordinary Courts, of June 2019, RDSP 711-61, 62, 63/19.

2. Judge of the District Court for Poznań-Stare Miasto in Poznań *Bartłomiej Przymusiński*

Judge *Bartłomiej Przymusiński* is a member of the main management board of the Polish Judges Association, *Iustitia*, and simultaneously holds the role of the Association's press officer. Judge *Bartłomiej Przymusiński*, as the press officer of the *Iustitia* association regularly comments in the media on the situation in the Justice Administration, referring to the threats to the independence of the courts and the impartiality of the judges, as well as the condition of the rule of law in Poland arising from numerous unconstitutional reforms being introduced by the current ruling party. Judge Krystian Markiewicz has repeatedly spoken up in the public debate on the condition of the rule of law in Poland, both in Poland and abroad and, in his statements, has always boldly defended the independence of the courts, the impartiality of the judges and the principles of a democratic state governed by the rule of law, openly criticizing the unconstitutional changes being introduced into the Justice Administration by the current ruling party. In one of his statements to the media, Judge *Bartłomiej Przymusiński* critically assessed the procedure of selecting candidates to the post of judge of the Supreme Court conducted by the new National Council of the Judiciary, comparing it to a beauty contest. This was related, among other things, to the fact that the National Council of the Judiciary, which had been selected by politicians, interviewed the candidates for the post of judges of the Supreme Court behind closed doors, while the interview itself lasted 15 minutes, which obviously prevents an assessment from being made of the candidate's capabilities to assume such a high position in the hierarchy of the judiciary. Judge *Bartłomiej Przymusiński* concluded in his statement that interviewing candidates to the post of judge of the Supreme Court resembles a beauty contest and not a true procedure of recruitment to the highest court in Poland.

This statement encountered a reaction from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, who demanded that Judge *Bartłomiej Przymusiński* submit a written statement on his statements in a television programme in TVN24 regarding the new National Council of the Judiciary and the system of the Justice Administration.

Source: Letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 24/09/2018, RDSP 712-4/18, demanding the submission of a written statement within 14 days

Next, on 20/09/2018, *Bartłomiej Przymusiński*, Judge of the District Court for Poznań-Stare Miasto in Poznań was questioned as a witness by the disciplinary commissioner on allegedly having overstepped the limits of a judge's freedom of public speech regarding other judges and representatives of the constitutional bodies of public authority.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts of 05/09/2018, RDSP 714-61/18; direct interview with *Bartłomiej Przymusiński*, Judge of the District Court for Poznań-Stare Miasto in Poznań.

NATIONAL COUNCIL OF THE JUDICIARY

3. Judge of the District Court in Suwałki *Dominik Czeszkiewicz*

Dominik Czeszkiewicz, Judge of the District Court in Suwałki, is a typical line judge, who adjudicates on criminal cases and cases of misdemeanours. As a part of his responsibilities, he also performs arrest duties. As part of such duties, among other things, judges question the victims of crimes of a sexual nature, including children. The judge acquitted the activists from the Committee for the Defence of Democracy (KOD) from the allegation of breaching public order when they protested against the presence of three politicians, namely *Mariusz Błaszczak*, *Jarosław Zieliński* and *Anna Maria Anders* at the opening of an exhibition devoted to General *Władysław Anders* in Suwałki. The acquittal of the KOD activists was openly criticized by *Jarosław Zieliński*, Deputy Minister of the Interior and Administration, who supervises the police. The judgment issued by Judge *Dominik Czeszkiewicz* became an excuse for the disciplinary commissioner to take action.

On 13/04/2018, Regional Court Judge *Maciej Romotowski*, Deputy Disciplinary Commissioner at the Regional Court in Suwałki, opened disciplinary proceedings against *Dominik Czeszkiewicz*, Judge of the District Court in Suwałki. The commissioner's allegations applied to the delay in setting a time for questioning a child and the low level of adjudication in cases for issuing combined judgments. According to the disciplinary commissioner, Judge *Dominik Czeszkiewicz* set the date for questioning the child too late (10 days from the receipt of the prosecutor's request). As for the allegation of the low level of the judge's adjudication, the grounds for opening the disciplinary proceedings was information obtained from the deputy chairperson of the 2nd Criminal Division of the Regional Court in Suwałki, as well as an analysis of the judgments in eight cases.

Ultimately, on 28/05/2018, Judge *Maciej Romotowski*, Deputy Disciplinary Commissioner at the Regional Court in Suwałki, discontinued the disciplinary proceedings against Judge *Dominik Czeszkiewicz*. It was stated in the justification for the decision that the judge's conduct did not stand out from the norm at the court in Suwałki where this judge adjudicates. The disciplinary commissioner also acknowledged that it was the district prosecutor who had performed his duties wrongly. Furthermore, the commissioner drew attention to the poor organization of work at the 2nd Criminal Division of the District Court in Suwałki. Therefore, the district prosecutor in Suwałki and the chairperson of the 2nd Criminal Division of the District Court in Suwałki suffered the official consequences. Judge *Dominik Czeszkiewicz* was acquitted of all charges.

Source: Decision of Regional Court Judge *Maciej Romotowski*, Deputy Disciplinary Commissioner at the Regional Court in Suwałki, of 13/04/2018 on the opening of disciplinary proceedings issued in case SD 2/18; Decision of Regional Court Judge *Maciej Romotowski*, Deputy Disciplinary Commissioner at the Regional Court in Suwałki, of 28/05/2018 on the discontinuation of the disciplinary proceedings issued in case SD 2/18; Report of the Justice Defence Committee: "*Państwo, które karze*" [State that punishes]; direct interview with *Dominik Czeszkiewicz*, District Court Judge in Suwałki.

4. Judge of the Regional Court in Łódź *Ewa Maciejewska*

Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, acknowledged that the fact that the Polish court approached the Court of Justice of the European Union with a request for a prejudicial ruling in a case of the compliance of Polish regulations with European Union law can constitute grounds for opening disciplinary proceedings. The disciplinary commissioner referred to such conduct of the judge as a judicial excess. One of the judges who made such a request of the Court of Justice of the European Union was *Ewa Maciejewska*, Judge of the Regional Court in Łódź. Consequently, the deputy disciplinary commissioner summoned the judge for questioning.

Judge *Ewa Maciejewska* was questioned as a witness on 20/09/2018 by the disciplinary commissioner with regard to the request made by the Regional Court in Łódź to the Court of Justice of the European Union for a prejudicial ruling. The commissioner also wanted to establish whether other people influenced the judge's decision. The questioning of the judge as a witness during the investigational activities constitutes a gross breach of the law. This is because a judge cannot be questioned as a witness, moreover one who is accused, during investigative activities conducted by the disciplinary commissioner.

Source: direct interview with *Ewa Maciejewska*, Judge of the Regional Court in Łódź; Prof. *Katarzyna Dudka*'s legal opinion on the subjective application of Article 114 § 2 of the Act on the System of Ordinary Courts of 27/07/2001 (consolidated text: Journal of Laws of 2018, item 23).

Furthermore, on 29/11/2018, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts summoned *Ewa Maciejewska*, Judge of the Regional Court in Łódź to submit a written statement on the possible "judicial excess". According to the commissioner, an approach to the Court of Justice of the European Union by a Polish court, despite the conditions of Article 257 of the Treaty on the Functioning of the European Union, constitutes a judicial excess. Furthermore, the disciplinary commissioner demanded the provision of information on the judgments of *Ewa Maciejewska*, Judge of the Regional Court in Łódź, from the last three years.

Source: Letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 29/11/2018, RDSP 712-8/1-18, demanding the submission of a written statement within 14 days; Report of the Justice Defence Committee "*Państwo, które karze*" [State that punishes].

5. Judge of the Regional Court in Warsaw *Igor Tuleya*

Igor Tuleya, Judge of the Regional Court in Warsaw, is a member of the Warsaw branch of the Polish Judges Association *Iustitia*. The judge has repeatedly spoken up in the public debate on the condition of the rule of law in Poland and, in his statements, has always boldly defended the independence of the courts, the impartiality of the judges and the principles of a democratic state governed by the rule of law, openly criticizing the unconstitutional changes being introduced into the Justice Administration by the current ruling party. The judge regularly meets with citizens at meetings devoted to the subjects of the rule of law, the independence of the courts, the impartiality of the judges, the principles of a democratic state governed by the rule of law and human rights. During these meetings, Judge *Igor Tuleya* explains to the citizens the meaning of independent courts in a democratic state governed by the rule of law, as well as the role of impartial judges in the context of the protection of human rights and fundamental freedoms. Judge *Igor Tuleya* is an example of a steadfast judge demanding the independence of the courts, the impartiality of judges and the respect for constitutional, convention and community values. This judge issued judgments that were disadvantageous for the ruling party or applied to politicians from that camp. Judge *Igor Tuleya*'s educational and civic activities have encountered a systemic reaction from the disciplinary commissioner. The judge has been summoned for questioning as a witness and has been required to submit written statements.

In a letter of 09/08/2018, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts demanded that Judge *Igor Tuleya* submit a written statement on statements made in a TV programme "Fakty po Faktach" on 17/07/2018 in TVN24. In these programmes, the judge critically assessed the changes in the law regarding the National Council of the Judiciary and the judicial system.

Source: Letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 09/08/2018, RDSP 712-2/18, demanding the submission of a written statement within 14 days.

Furthermore, in a letter of 14/08/2018, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts demanded that Judge *Igor Tuleya*, Judge of the Regional Court in Warsaw, submit a written statement regarding the unpermitted disclosure of information from case VIII Kp 1335/17 that the judge was handling.

Source: Letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 14/08/2018, RDSP 712-3/18, demanding the submission of a written statement within 14 days.

Igor Tuleya, Judge of the Regional Court in Warsaw, was questioned as a witness by the disciplinary commissioner on 21/09/2018. The questioning applied to the judge's public statements about other judges and representatives of the constitutional bodies of public authority. The questioning of the judge as a witness during the investigation activities constitutes a gross breach of procedural law. This is because a judge cannot be questioned as a witness, moreover one who is accused, during investigative activities conducted by the disciplinary commissioner.

Source: Letter from judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 05/09/2018, RDSP 714-61/18; Prof. *Katarzyna Dudka*'s legal opinion on the subjective application of Article 114 § 2 of the Act on the system of ordinary courts of 27/07/2001 (consolidated text: Journal of Laws of 2018, item 23).

In a letter of 08/10/2018, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts demanded that Judge *Igor Tuleya* submit a written statement on the judge's involvement in a meeting with citizens held in Lublin on 30/09/2018. The commissioner wanted to know who the organizer of the meeting was, what the judge's role was in that meeting and whether politicians also took part in the meeting, including politicians standing for election in local elections.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 08/10/2018, RDSP 712-13/18, demanding the submission of a written statement within 14 days.

In a letter of 08/10/2018, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts demanded that Judge *Igor Tuleya* submit a written statement on the judge's involvement in a meeting at the European Solidarity Centre in Gdańsk on 28/09/2018. The commissioner wanted to know who the organizer of the meeting was, what the judge's role was in that meeting and whether politicians also took part in the meeting, including politicians standing for election in local elections.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 08/10/2018, RDSP 712-12/18, demanding the submission of a written statement within 14 days.

On 10/10/2018, *Igor Tuleya*, Judge of the Regional Court in Warsaw was questioned by the disciplinary commissioner as a witness in the case of the Regional Court in Łódź submitting a request to the Court of Justice of the European Union for a prejudicial ruling in civil proceedings against the State Treasury. Questioning of the judge as a witness during the investigation activities constitutes a gross breach of procedural law. This is because a judge cannot be questioned as a witness, moreover one who is accused, during investigative activities conducted by the disciplinary commissioner.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 21/09/2018, RDSP 712-8/18; Prof. *Katarzyna Dudka*'s legal opinion on the subjective application of Article 114 § 2 of the Act on the system of ordinary courts of 27/07/2001 (consolidated text: Journal of Laws of 2018, item 23).

Igor Tuleya, Judge of the Regional Court in Warsaw, is also the author of a request to the Court of Justice of the European Union for a prejudicial ruling. As in the case of Judge *Ewa Maciejewska* from Łódź, *Michał Lasota*, Deputy Disciplinary Commissioner of Judges of the Ordinary Courts demanded that Judge *Igor Tuleya* submit a written statement regarding a possible 'judicial excess'. According to the disciplinary commissioner the approach by a Polish court to the Court of Justice of the

European Union with a request for a prejudicial ruling in a case of the compliance of Polish law regarding the administration of justice with European Union law can constitute grounds for opening disciplinary proceedings.

Source: Letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 29/11/2018, RDSP 712-8/2-18, demanding the submission of a written statement within 14 days.

6. Judge of the Regional Court in Warsaw *Piotr Gąciarek*

Piotr Gąciarek, Judge of the Regional Court in Warsaw, is a member of the Warsaw branch of the Polish Judges' Association, *Iustitia*. The judge has actively participated in the public debate on the condition of the rule of law in Poland and, in his statements, has always boldly defended the independence of the courts, the impartiality of the judges and the principles of a democratic state governed by the rule of law, openly criticizing the unconstitutional changes being introduced into the Justice Administration by the current ruling party. Judge *Piotr Gąciarek's* boldness and determination meant that, when an Irish court was deciding on whether to hand over a Polish citizen on the basis of a European arrest warrant (*Celmer* case), and consequently the legal world of the whole of Europe, it received unambiguous and precise information directly from a practicing judge about the threats to the independence of the courts and the impartiality of judges arising from the analysis of the changes introduced in recent years in the Polish legal system. The judge regularly meets with citizens at meetings devoted to the subjects of the rule of law, the independence of the courts, the impartiality of judges, the principles of a democratic state governed by the rule of law and human rights. Judge *Piotr Gąciarek* supports judges and prosecutors with respect to whom the disciplinary commissioners take action through his presence both in front of the seat of the National Council of the Judiciary and during cases before the disciplinary court. Judge *Piotr Gąciarek* is the author of an online blog named "*Okiem sędziego*" [Through the eyes of a judge], in which he critically and simultaneously humorously describes the realities of the Justice Administration after the changes introduced by the current ruling party, because they strike a blow at the independence of the courts and the impartiality of judges. The judge's blog is very popular because of the accurate comparisons of the reality described with the canons of film, art and philosophy. The judge's texts have also recently appeared in the international press in English and French.

In a letter of 29/11/2018, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts demanded that Judge *Piotr Gąciarek* submit a written statement on the provision of a response to the Irish court about the assessment of the condition of the rule of law in Poland. The matter applied to the European arrest warrant issued for a Polish citizen who was staying in Ireland and was wanted in Poland. Judge *Piotr Gąciarek* described what the changes that were introduced by the ruling party into the judiciary involve to the judge in Ireland, criticizing all those regulations that constitute a threat to the rule of law. The judge then informed the media about his response because the president of the Regional Court in Warsaw had previously presented untrue information on the condition of the rule of law in Poland to the judge in Ireland. Judge *Piotr Gąciarek's* response granted to the Irish judge and the publication of this fact had the objective of providing reliable information on the situation in the Polish judiciary after the changes introduced by the ruling party. According to the disciplinary commissioner, Judge *Piotr Gąciarek* could have committed a disciplinary offence with such conduct.

TVN24 broadcast a documentary in the programme named "*Czarno na Białym*" in the spring of 2019, which described the vice president of the Regional Court in Warsaw, *Dariusz Drajewicz*. Attention was drawn in the documentary to his numerous additional occupations (lecturing at the National School of the Judiciary and Public Prosecution, examination of trainees, participation in meetings of the so-called

National Council of the Judiciary) combined with many days of absenteeism from work. The programme also presented statements from judges of the Regional Court in Warsaw, *Piotr Gąciarek*, *Marek Celej* and *Małgorzata Kluziak*, the former president of that court. These judges referred critically to both the work of Vice President *Drajewicz* and to the fact that he was appointed vice president of the regional court, seconded to the Court of Appeal in Warsaw, even though he had not adjudicated independently on even one case at regional court level. In the programme, the judges emphasized *Dariusz Drajewicz's* lack of qualifications to hold the function of vice president of the Regional Court and his nomination on the basis of his unclear acquaintanceship with Deputy Minister *Piebiak*.

On 06/06/2019, Judge *Piotr Gąciarek* received a letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, requiring that he submit a written statement within 14 days in the case of the suspicion of breaching the dignity of the office of judge through his statements in that programme. Judges ***Marek Celej*** and ***Małgorzata Kluziak*** received similar demands.

Source: Letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 29/11/2018, RDSP 712-20/218, demanding the submission of a written statement within 14 days; analysis of the blog named "*Okiem sędziego*" [Through the eyes of a judge]; interview with *Piotr Gąciarek*, Judge of the Regional Court in Warsaw.

7. Judge of the District Court in Łobez *Arkadiusz Krupa*

Arkadiusz Krupa, Judge of the Regional Court in Łobez, is a columnist for the monthly magazine of the Szczecin legal environment, "In-Gremio", and in his spare time he makes satirical drawings describing the realities of the legal and political world, frequently highlighting the absurdities of both realities. The judge's drawings are posted in the Internet in the Facebook profile named "Ślepym Okiem Temidy" [Through Themis' Blind Eye] and are published in national journals. Judge *Arkadiusz Krupa* took part in the *Pol'and'Rock Festival* in Kostrzyn nad Odrą, where, among other things, he conducted a simulation of a court hearing for educational purposes. This conduct drew the attention of the disciplinary commissioner.

On 05/09/2018, *Przemysław Radzik*, Deputy Disciplinary Commissioner of Judges of the Ordinary Courts, ordered the President of the District Court in Łobez to provide the results of the effectiveness of Judge *Arkadiusz Krupa*'s judicial work. The commissioner demanded the submission of an opinion on his work, as well as information on the stability of his adjudication, the punctuality of preparing justifications, the average number of cases in his case files, the punctuality of assigning cases, indicating any possible delays in this respect, as well as information on whether the judge had questioned any instructions of his supervisors, the organization of the work of the court or division where he holds office, indicating the form of such conduct. Finally, the disciplinary commissioner wanted information on any possible cases of tardiness of proceedings in cases that are in Judge *Arkadiusz Krupa*'s case files.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 05/09/2018, RDSP 714-61/18.

Furthermore, in a letter of 11/10/2018, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts called on *Arkadiusz Krupa*, District Court Judge, to submit a written statement regarding a possible disciplinary offence. According to the commissioner, at the *Pol'and'Rock Festival*, the judge held a parody of a court hearing in official attire, which breached the gravity of the office held and constituted a disregard for the office of judge. In reality, Judge *Arkadiusz Krupa* held a simulation of a hearing for the participants of the festival to show them how a court operates.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 11/10/2018, RDSP 714-61/18, demanding the submission of a written statement within 14 days; analysis of the Facebook profile – "Ślepym Okiem Temidy" [Through Themis' Blind Eye].

8. Judge of the Regional Court in Poznań *Sławomir Jęksa*

Sławomir Jęksa, Judge of the Regional Court in Poznań acquitted *Joanna Jaśkowiak*, wife of the mayor of Poznań of the charge of using indecent language in a public place, namely “I’m f...ed off” during a public manifestation in Poznań – the International Women’s Strike. Judge *Sławomir Jęksa* acknowledged that this act had been provoked by the situation in Poland, which the manifestation was addressing. In the oral justification, the judge concluded that “the accused used vulgar words, which were heard by children, which is an obvious wrongdoing, but what is happening in Poland is a much greater wrongdoing. We have a number of breaches of the Constitution related to restricting freedom of assembly, taking over constitutional institutions such as the Constitutional Tribunal, the National Council of the Judiciary and the Supreme Court, breaching the principle of the division of powers, refusing to publish judgments of the Constitutional Tribunal, applying the prerogative of mercy in pending criminal proceedings and introducing unauthorized people to the Constitutional Tribunal,” said the judge during the oral justification for the acquittal.

On 07/02/2019, Judge *Przemysław Radzik* Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts initiated disciplinary proceedings against *Sławomir Jęksa*, Judge of the Regional Court in Poznań and raised two charges against him. The charges applied to breaching the dignity of the office of judge through the pronouncement by the judge in the oral justification for the judgment and later in the written justification for a political manifest that applied to his views and assessments related to the constitutional activities of the state authorities. According to the commissioner, when passing judgment, the judge praised the act of the accused, by which he was supposed to have breached the principle of the apolitical nature of judges and the obligation to act in accordance with the judge’s oath.

The Polish Ombudsman intervened in Judge *Sławomir Jęksa*’s case.

Source: Recording of the judge’s oral justification announced in case IV Ka 818/18, which is generally available in the media; Decision of Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Ordinary Courts of 07/02/2019, RDSP 712-10/18, RDSP 711-10/19, issued with regard to opening disciplinary proceedings and pressing disciplinary charges on Regional Court Judge *Sławomir Jęksa*.

9. Judge of the Regional Court in Gorzów Wielkopolski *Kamil Jarocki*

Kamil Jarocki, Judge of the Regional Court in Gorzów Wielkopolski, is one of three judges, who submitted requests to the Court of Justice of the European Union for prejudicial rulings regarding the compliance of Polish regulations on the justice administration with European Union law. The disciplinary commissioner referred to such conduct of the judge as a judicial excess. In a letter of 29/11/2018, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts summoned Judge *Kamil Jarocki* to submit a written statement on the possible “judicial excess” involving the Regional Court in Gorzów Wielkopolski submitting a request to the Court of Justice of the European Union to provide a prejudicial ruling, despite the conditions of Article 267 of the Treaty on the Functioning of the European Union.

Source: Letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 29/11/2018, RDSP 712-8/1-18, demanding the submission of a written statement within 14 days.

10. Retired Judge of the Constitutional Tribunal *Jerzy Stępień*

Jerzy Stępień, former president of the Constitutional Tribunal will be liable for “active participation in a political rally on 06/05/2017. During the Freedom March, Judge *Jerzy Stępień* stated that “the ruling party had thrown away the Constitution”. According to the disciplinary court, he breached the principle of being apolitical by using these words. Judge *Jerzy Stępień* may lose part of the remuneration to which he is entitled as a former judge of the Constitutional Tribunal.

In the autumn of 2017, *Stanisław Rymar*, Judge of the Constitutional Tribunal, who is also a disciplinary commissioner, refused to open proceedings against Judge *Jerzy Stępień*. The disciplinary court overruled this decision, accepting the complaint from *Mariusz Muszyński*, vice president of the Constitutional Tribunal. On 12/01/2018, Judge *Stanisław Rymar* discontinued the proceedings with respect to the former president of the Constitutional Tribunal and a complaint was also received with respect to this decision. On 25/01/2018, the disciplinary court of the Constitutional Tribunal overruled the decision of the disciplinary commissioner of 12/01/2018 to discontinue the proceedings and ordered the commissioner to press charges on retired Judge *Jerzy Stępień* of active participation in a political rally on 06/05/2017.

Source: Media information: Polish Press Agency of 25/01/2018, at 15:05 hours; Newsweek Polska of 25/01/2018, at 18:00 hours.

11. Judge of the District Court in Gorzów Wielkopolski *Olimpia Barańska-Małuszek*

Olimpia Barańska-Małuszek, Judge of the District Court in Gorzów Wielkopolski is a member of the Polish Judges' Association, *Iustitia*, which has repeatedly criticized the changes introduced by the ruling party in the area of the Justice Administration. The judge repeatedly publicly expressed critical opinions about the actions of the legislative and executive authorities regarding the rule of law, human rights and the administration of justice. Judge *Olimpia Barańska-Małuszek* took part in the *Pol'and'Rock Festival* in Kostrzyn nad Odrą, together with other judges from the Polish Judges' Association, *Iustitia*. The judges met with the participants of the festival, held simulations of trials and organized numerous debates at which they explained the principles of operation of courts to the citizens in an understandable way. The objective of this initiative was to provide legal education to the public and to arouse legal and civic awareness in the public, including among young people.

The civic activity of the judge encountered a response from the disciplinary commissioner, who examined the judge's judicial work over the past few years.

In a letter of 11/10/2018, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, ordered Regional Court Judge *Olimpia Barańska-Małuszek* to submit a written statement on the disciplinary offences involving the use of offensive terms with respect to other judges and the minister of justice during her public appearance at the *Pol'and'Rock Festival* in August 2018 in Kostrzyn nad Odrą. According to the disciplinary commissioner, such conduct on the part of the judge breached the gravity of the office held and constituted a breach of the dignity of a judge. Furthermore, the disciplinary commissioner ordered Judge *Olimpia Barańska-Małuszek* to submit a written statement on the late preparation of a total of 26 written justifications to judgments that had been issued in 2016–2017 in excess of the statutory deadline.

As a result of these activities, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of Judges of the Ordinary Courts initiated disciplinary proceedings on 17/01/2019 with respect to District Court Judge *Olimpia Barańska-Małuszek* and presented 10 charges to the judge of having committed disciplinary offences involving the late preparation of a total of 10 written justifications for judgments that had been issued in 2016–2017. The initiation of disciplinary proceedings was preceded by a demand sent by Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, to the president of the respective court where the judge works to provide the results of the effectiveness of Judge *Olimpia Barańska-Małuszek's* judicial work.

On 29/01/2019, while Supreme Court Judge *Jan Majchrowski* who was the acting President of the Supreme Court managing the work of the Disciplinary Chamber at the time named the disciplinary court at the Court of Appeal in Lublin as the court that would consider Regional Court Judge *Olimpia Barańska-Małuszek's* case in the first instance.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 11/10/2018, RDSP 714-61/18,

demanding the submission of a written statement within 14 days; decision of judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts of 17/01/2019 issued in case RDSP 711-1/19 to open disciplinary proceedings against District Court Judge *Olimpia Barańska-Małuszek* and to press charges of the commitment of disciplinary offences; Report of the Justice Defence Committee: "*Państwo, które karze*" [State that punishes]; order of Supreme Court Judge *Jan Majchrowski* of 29/01/2019, DO 5/19.

Ultimately, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, discontinued the disciplinary proceedings initiated against Judge *Olimpia Barańska-Małuszek* and withdrew the charges.

12. Judge of the District Court for Poznań-Nowe Miasto i Wilda in Poznań *Monika Frąckowiak*

Monika Frąckowiak, Judge of the District Court for Poznań-Nowe Miasto i Wilda in Poznań, is a member of the Polish Judges' Association, *Iustitia*, which criticized the changes introduced by the current ruling party in the area of the Justice Administration. The judge repeatedly spoke out in defence of the principles of a democratic state governed by the rule of law and, in particular, the constitutional principles of the independence of the courts and the impartiality of judges, publicly criticizing the actions of the legislative and executive authorities in the area of the rule of law, human rights and the Justice Administration. Judge *Monika Frąckowiak* is also involved in activities in support of a civic society and the development of legal awareness on the part of the public. *Monika Frąckowiak*, Judge of the District Court for Poznań-Nowe Miasto i Wilda in Poznań, is also an active representative of the Polish Judges' Association, *Iustitia*, in international organizations, such as MEDEL.

Judge *Monika Frąckowiak* actively took part in the Light Chains in Poznań, which were civic manifestations in defence of the impartiality of the judges. During these manifestations, the judge publicly spoke out about the Constitutional Tribunal, including the illegal appointment of three people to this body. Furthermore, Judge *Monika Frąckowiak* publicly criticized Deputy Minister of Justice *Łukasz Piebiak* in one TV station and commented on a statement made by *Zbigniew Ziobro*, Minister of Justice before the European Parliament.

Judge *Monika Frąckowiak*'s civic activity encountered a response from the disciplinary commissioners.

Regional Court Judge *Antoni Łuczak*, Deputy Disciplinary Commissioner for the Regional Court in Poznań, took up an investigation of Judge *Monika Frąckowiak*. Everything started from a report made about the judge that was received by the new National Council of the Judiciary. The report referred to Judge *Monika Frąckowiak*'s public and media statements during the Light Chains in Poznań, the public criticism of Deputy Minister of Justice *Łukasz Piebiak* in one of the TV stations, as well as the judge's statements at the European Parliament regarding Minister of Justice *Zbigniew Ziobro*.

Source: Direct interview with *Monika Frąckowiak*, Judge of the District Court for Poznań-Nowe Miasto i Wilda in Poznań.

Judge *Monika Frąckowiak* took part in the *Pol'and'Rock Festival* in Kostrzyn nad Odrą, together with other judges from the Polish Judges' Association, *Iustitia*. The judges met with the participants of the festival, held simulations of trials and organized numerous debates at which they explained the principles of operation of courts to the citizens in an understandable way. The objective of this initiative was to provide legal education to the public and to arouse legal and civic awareness in the public, including among young people. The Disciplinary Commissioner also took an interest in this activity of Judge *Monika Frąckowiak*.

In a letter of 11/10/2018, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, summoned *Monika Frąckowiak*,

District Court Judge, to submit a written statement. According to the disciplinary commissioner, the judge breached the dignity of the office held at the *Pol'and'Rock Festival* by wearing official attire, namely a toga and chain with the image of an eagle, during the parody of the court hearing she held. The disciplinary commissioner treated the judge's educational activity as a breach of the dignity of a judge, whereas he named the simulation of the court hearing a parody. Ultimately, no disciplinary charges were pressed in this case. On 17/01/2019, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, informed Judge *Monika Frąckowiak* of the end of the activities regarding the suspicion that the judge had committed disciplinary offences involving the breach of the dignity of the office held during the public appearance at the *Pol'and'Rock Festival* in August 2018 in Kostrzyn nad Odrą.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts of 11/10/2018, RDSP 714-61/18, ordering the submission of a written statement within 14 days; letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts of 17/01/2019, RDSP 714-61/18.

The activities conducted by the deputy disciplinary commissioner in connection with Judge *Monika Frąckowiak's* involvement in the *Pol'and'Rock Festival* became an excuse for reviewing the judge's judicial work purely to find any shortcomings whatsoever enabling him to press disciplinary charges. To this end, on 11/10/2018, *Przemysław Radzik*, Deputy Disciplinary Commissioner of Judges of the Ordinary Courts, ordered the President of the District Court for Poznań Nowe Miasto i Wilda in Poznań to provide the results of the effectiveness of Judge *Monika Frąckowiak's* judicial work. The commissioner demanded the submission of an opinion on her work, as well as information on the stability of her adjudication, the punctuality of preparing justifications, the average number of cases in her case files, the punctuality of assigning cases, indicating any possible delays in this respect, as well as information on whether the judge had questioned any instructions of her supervisors, the organization of the work of the court or division where she holds office, indicating the form of such conduct. Finally, the disciplinary commissioner wanted information on any possible cases of tardiness of proceedings in cases that are in Judge *Monika Frąckowiak's* case files. Such actions by the commissioner are considered "trolling" of the judge's case files to find grounds for pressing charges.

As a result of the inspection of Judge *Monika Frąckowiak's* work, on 17/01/2019, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts opened disciplinary proceedings with respect to the judge. The commissioner presented 172 charges of disciplinary offences to the judge involving exceeding the statutory deadlines for preparing justifications for written judgments, bringing about tardiness of proceedings in civil cases and causing the invalidity of proceedings as a result of procedural errors.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts of 11/10/2018, RDSP 71461/18, ordering the president of the District Court for Poznań-Nowe Miasto i Wilda in Poznań to provide the results of the effectiveness of Judge *Monika Frąckowiak's* judicial work; Decision of Judge *Przemysław Radzik*, Deputy

Disciplinary Commissioner of the Judges of the Ordinary Courts of
17/01/2019, RDSP 711-2/19; Report of the Justice Defence Committee:
“*Państwo, które karze*” [State that punishes];

13. Appeal Court Judge in Gdańsk *Włodzimierz Brazewicz*

On 28/09/2018, *Włodzimierz Brazewicz*, Appeal Court Judge in Gdańsk, held a meeting that was open to the public at the European Solidarity Centre in Gdańsk with *Igor Tuleya*, Judge of the Regional Court in Warsaw. There was talk of the independence of the courts and judicial impartiality at the meeting. Other judges also took part in the meeting. Meanwhile, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts acknowledged that this was a meeting of a political nature, even though he did not take part in the meeting himself, whereas he obtained information on it from the media. Consequently, the disciplinary commissioner summoned Judge *Włodzimierz Brazewicz* for questioning. The judge was questioned on 06/11/2018 as a witness in the case regarding the involvement of judges in the meeting on 28/09/2018 at the European Solidarity Centre of an alleged political nature with the involvement of politicians, including politicians taking part in local elections. Such action on the part of the disciplinary commissioner is a gross breach of the law. This is because a judge cannot be questioned as a witness, moreover one who is accused, during investigative activities conducted by the disciplinary commissioner. Furthermore, the disciplinary commissioner initially even instructed Judge *Włodzimierz Brazewicz* about his right to refuse to answer a question if providing a response could expose the judge or a person close to him to liability for a crime or a fiscal crime (Article 183 § 1 of the Criminal Procedures Code). The deputy disciplinary commissioner of judges of the ordinary courts did not allow Judge *Włodzimierz Brazewicz*'s proxy to take part in the questioning, removing him from the room where the questioning took place. Judge *Włodzimierz Brazewicz* did not receive a transcription of his testimony even though *Michał Lasota* and *Przemysław Radzik*, the deputy disciplinary commissioners questioning him undertook to send him the transcription, which was minuted. In connection with the meeting at the European Solidarity Centre in Gdańsk, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Ordinary Courts, also summoned Judge *Igor Tuleya* to submit a written statement on his involvement in that meeting. One of the commissioner's questions was about whether politicians, including politicians taking part in local elections, took part in that meeting.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts of 08/10/2018, RDSP 712-12/18; direct interview with *Włodzimierz Brazewicz*, Appeal Court Judge in Gdańsk; Prof. *Katarzyna Dudka*'s legal opinion on the subjective application of Article 114 § 2 of the Act on the system of ordinary courts of 27/07/2001 (consolidated text: Journal of Laws of 2018, item 23); Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 08/10/2018, RDSP 712-12/18, demanding the submission of a written statement within 14 days.

Next, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, approached the President of the Court of Appeal in Gdańsk to provide the result of the effectiveness of Judge *Włodzimierz Brazewicz*'s judicial work, including statistical data, and to send an official opinion on the judge, as well as information as to whether any disciplinary activities had been taken with respect to the judge in 2002–2007. Just as in other cases, such actions of the commissioner had the

objective of searching for reasons to justify initiating disciplinary proceedings with respect to the judge.

Consequently, in a letter of 30/10/2018, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, ordered Judge *Włodzimierz Brazewicz* to submit a written statement regarding the late preparation of justifications and the notification of the media in connection with the judge being summoned to questioning as a witness. *Piotr Schab*, Disciplinary Commissioner of the Judges of the Ordinary Courts, did not explain the reasons for collecting data on the effectiveness of the judge's judicial work, including statistical data, the demand to send an official opinion on the judge or whether disciplinary activities had been taken with respect to the judge in 2002–2009 to Judge *Włodzimierz Brazewicz*.

Source: Letter from Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 30/10/2018, RDSP 712-18/18; Letter from Judge *Piotr Schab*, Disciplinary Commissioner of the Judges of the Ordinary Courts of 10/01/2019, RDSP 712-18/18; Letter from *Włodzimierz Brazewicz*, Appeal Court Judge in Gdańsk to Judge *Piotr Schab*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts of 10/12/2018; Letter from *Włodzimierz Brazewicz*, Appeal Court Judge in Gdańsk to Judge *Piotr Schab*, Disciplinary Commissioner of the Judges of the Ordinary Courts for case RDSP 712-18/18.

14. Judge of the Regional Court in Olsztyn *Dorota Lutostańska*

Dorota Lutostańska, Judge of the Regional Court in Olsztyn, was photographed wearing a T-shirt with the inscription “*Konstytucja*” [Constitution] on it in a memorial photograph with a group of other judges as a result of the centenary of Poland’s independence. On 23/11/2018, the Regional Court in Olsztyn, represented by Judge *Dorota Lutostańska*, upheld a judgment of a court of a lower instance refusing to open proceedings in a case of a misdemeanour from Article 63a § 1 of the Code of Misdemeanours. In this case, the accused were people who dressed the sculptures of Baby Pruskie in Olsztyn in T-shirts with the words “*Konstytucja, Jędrrek*” [Constitution, Andy]. Judge *Dorota Lutostańska* accepted that dressing the sculptures of the Baby Pruskie in T-shirts with the word *Konstytucja* [Constitution] was not socially damaging, while the accused wanted to manifest their views in this way in the public debate on respecting the constitutional standards in Poland. This judgment incited a reaction from the disciplinary commissioner, who acknowledged that, since the judge wore a T-shirt with the work “*Konstytucja*” [Constitution] in the memorial photograph, she should not adjudicate on a case of dressing the sculptures of the Baby Pruskie in T-shirts with the word “*Konstytucja*” [Constitution]. According to the disciplinary commissioner, the judge was not impartial and should not adjudicate on this matter. Therefore, in a letter of 23/01/2019, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, summoned Judge *Dorota Lutostańska* to submit a written statement in which the judge was to explain why she had not submitted a request to be excluded from participating in the criminal case regarding dressing the sculptures of Baby Pruskie in T-shirts with the word “*Konstytucja*” [Constitution]. According to the commissioner, the judge should not have adjudicated on this matter because she wore a T-shirt with such an inscription herself.

Other judges of the Regional Court in Olsztyn stood up in the judge’s defence, expressing their disapproval of the activities of Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, in a resolution of the General Assembly of Judges of the Olsztyn Region of 21/02/2019. The judges pointed out that the disciplinary commissioner’s actions with respect to the judge apply to the area of impartiality and cannot be assessed by the commissioner. The judges of the Olsztyn region also stated in their resolution that the fact that Judge *Dorota Lutostańska* had worn a T-shirt with the inscription “*Konstytucja*” [Constitution] was purely a symbolic expression of being bound by constitutional values.

Source: Letter from *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 23/01/2019, RDSP 712-4/19; Resolution number 1 of the General Assembly of Judges of the Olsztyn Region of 21/02/2019.

On 24/02/2019, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, opened disciplinary proceedings against Judge *Dorota Lutostańska* and accused her of having committed a disciplinary offence involving her adjudication in a case regarding dressing the sculptures of the Baby Pruskie in Olsztyn in T-shirts with the inscription “*Konstytucja, Jędrrek*” [Constitution, Andy], in the situation when she had appeared in a memorial photograph wearing a T-shirt with the inscription “*Konstytucja*” [Constitution] with a group of other judges. According to the disciplinary commissioner, such a situation could have created doubts as to the judge’s impartiality, after the judge wore a T-shirt with the same symbol as that which

was presented on the sculptures of the Baby Pruskie. In the justification for the decision to press charges, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, directly stated that a T-shirt with the inscription “*Konstytucja*” [Constitution] was unequivocally related to a social and political movement. Obviously, the commissioner did not specify which movement he was referring to.

Next, the president of the Supreme Court managing the work of the new Disciplinary Chamber nominated the Disciplinary Court at the Court of Appeal in Łódź as the court with jurisdiction for considering Judge *Dorota Lutostańska*'s disciplinary case.

Source: Decision of *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 24/02/2019, RDSP 711-19/19; order of the president of the Supreme Court managing the work of the Disciplinary Chamber of 21/03/2019, case ref. DO 22/19.

15. Judge of the District Court in Starogard Gdański, *Piotr Wangler*, President of the District Court in Starogard Gdański

On 06/11/2018, the disciplinary commissioner questioned *Piotr Wangler*, Judge of the District Court in Starogard Gdański, as a witness in the case regarding the participation of judges in a meeting of an allegedly political nature with the involvement of politicians, including those taking part in local elections, at the European Solidarity Centre in Gdańsk on 28/09/2018. However, on 28/09/2018, a meeting with *Igor Tuleya*, Judge of the District Court in Warsaw, was held at the European Solidarity Centre in Gdańsk. The meeting was chaired by the Appeal Court Judge in Warsaw in Gdańsk, *Włodzimierz Brazewicz*. Judge *Przemysław Radzik*, Disciplinary Commissioner of the Judges of the Ordinary Courts, assumed in advance that the meeting in which judges were to participate was of a political nature, although he did not personally attend and only learned about the meeting from the media. Meanwhile, the topic discussed at the meeting was the independence of the judiciary and judicial impartiality. The questioning of Judge *Piotr Wangler* as a witness is a gross breach of the law. This is because a judge cannot be questioned as a witness, and certainly not as an accused, during investigative activities conducted by the disciplinary commissioner.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Ordinary Court Judges of 08/10/2018, RDSP 712-12/18; Prof. *Katarzyna Dudka*'s legal opinion on the subjective application of Article 114 § 2 of the Act on the System of Ordinary Courts of 27/07/2001 (consolidated text: Journal of Laws of 2018, item 23).

16. Judge of the Regional Court in Kraków, *Waldemar Żurek*

Regional Court Judge *Waldemar Żurek* was a member of the National Council of the Judiciary for two terms of office and, until March 2018, he was also press officer for that council. The Judge is a member of the Management Board of the main Association of Judges, Themis. He spoke repeatedly in the public debate on the condition of the rule of law in Poland; in his statements, he always boldly defended the independence of the courts, the impartiality of judges and the principles of a democratic state governed by the rule of law, and openly criticized the unconstitutional changes introduced in the area of the Justice Administration by the current ruling party. Judge *Waldemar Żurek* was removed from the function of the press officer for civil cases of the Regional Court in Kraków in January 2018. In July 2018, Judge *Waldemar Żurek* was transferred from the 2nd Civil Appellate Division to the Civil Division (1st instance), which was criticized by the Association of Judges, Themis, and the Polish Judges' Association, *Iustitia*, which described the decision as politically motivated harassment with regard to the Judge and as an attempt to intimidate judges who openly speak against actions intended to politically subordinate the Justice Administration. Judge *Waldemar Żurek* took part in meetings with Polish citizens at which current changes affecting the Justice Administration were discussed, including the independence of courts and the impartiality of judges.

Judge *Waldemar Żurek's* civic activities encountered the reaction of the disciplinary commissioner who, among other things, started to investigate the Judge's professional work to find a reason to instigate disciplinary proceedings.

In his letter of 08/10/2018, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, summoned Judge *Waldemar Żurek* to file a written statement on the Judge's participation in the meeting in Lublin on 30/09/2018, the nature of the meeting and, in particular to state who the organizer of the meeting was, what the nature of the Judge's involvement in the meeting was and whether politicians also took part in the meeting, including politicians taking part in the local elections.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 08/10/2018, RDSP 712-13/18.

On 22/11/2018, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, initiated disciplinary proceedings against the Regional Court Judge *Waldemar Żurek* and charged him with two disciplinary offences. The first charge was for not filing a tax return on the sale of a John Deere 440 Skider tractor. The second charge related to the non-payment of transfer tax in connection with the sale of the tractor.

Source: Resolution of Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 22/11/2018 issued in case RDSP 712-14/18 on the opening of disciplinary proceedings against Regional Court Judge *Waldemar Żurek* and charging him with committing disciplinary offences.

Furthermore, on 22/11/2018, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, initiated disciplinary proceedings against Regional Court Judge *Waldemar Żurek* and charged him with committing the offence of breaching the dignity of the office of a judge by the fact that he refused to perform judicial duties in the period from 01/09/2018 to 15/10/2018 in the 1st Civil Division of the Regional Court in Kraków. Judge *Waldemar Żurek* was transferred to that division against his will and appealed against that decision.

Next, on 07/01/2019, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, summoned Judge *Waldemar Żurek* to submit a written statement regarding a potential offence of breaching the dignity of the office of a judge by providing untrue information to journalists, who published the information, and to the prosecutor of the Regional Prosecution Office in Warsaw in case PO 1 Ds. 1/2017 during his questioning as a witness on 20/01/2017 and on 30/03/2017.

Source: Letter from Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 07/01/2019, RDSP 712-15/18.

17. Judges representing the Judges of the Kraków Appellate Jurisdiction

On 16/01/2019, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, demanded that the President of the Court of Appeal in Kraków, *Rafał Dzyr*, send a copy of the resolutions passed during the meeting of representatives of the judges of the Kraków Appellate Jurisdiction on 12/10/2018, a copy of the minutes of the meeting and a copy of the list of judges who attended the meeting of the judges of the Kraków Appellate Jurisdiction on 12/10/2018. In addition, the deputy disciplinary commissioner demanded information on the person or people who participated in the preparation of the draft resolutions that were passed at that meeting, including information as to whether the drafts had been prepared before the date of the meeting and, if so, when and by whom, at whose request and whether, at whose request and by whom they were distributed among the judges using their official e-mail.

The action of the disciplinary commissioner was caused by the fact that the Representatives of the Kraków Appellate Jurisdiction passed several resolutions at the meeting held on 12/10/2018 in which:

- they criticized the acts and omissions of the Minister of Justice and the legislative authorities, which had an adverse impact on the operation of the courts;
- they condemned the acts of the disciplinary authorities for the ordinary courts which had been appointed in a politicized manner, which included groundless questioning of judges as witnesses and accused, as well as checking the case files of the judges (so-called trolling of the divisions);
- they criticized the amendments to the Acts on the Supreme Court of 08/12/2017 and on the amendment of the Act on the National Council of the Judiciary and certain other acts of 08/12/2017 for not guaranteeing transparency of the selection process of candidates for the post of Supreme Court judge, leading to the politicization of the process;
- they expressed their disapproval for the decision of the current President of the District Court in Kraków, *Dagmara Pawełczyk-Woicka* to transfer Regional Court Judge *Waldemar Żurek* to another division of the Regional Court without substantive grounds and in breach of the law;
- they expressed their disapproval of the acts of the President of the Republic of Poland *Andrzej Duda*, involving the nomination of people selected for the Supreme Court as a consequence of the procedure that raised serious constitutional doubts and despite the safeguard applied by the Supreme Administrative Court and the proceedings regarding the Act on the Supreme Court that is pending before the Court of Justice of the European Union. The judges confirmed that the actions of the Polish President are destabilizing the legal situation and are reducing confidence in the courts and their decisions and, furthermore, it is causing a real problem of liability for the President before the Tribunal of State;
- they criticized the resolutions adopted in the Act on the amendment of the Act on the National Council of the Judiciary and certain other acts of 08/12/2017, indicating reservations of a constitutional nature.

Source: Letter of Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 16/01/2019, RDSP 7121/19;

<https://iustitia.pl> – resolutions of the General Assembly of the Representatives of the Kraków Appellate Jurisdiction of 12/10/2018.

18. Judges representing the Judges of the Poznań Appellate Jurisdiction

On 16/01/2019, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, demanded that the President of the Court of Appeal in Poznań, Appeal Court Judge *Krzysztof Lewandowski*, send a copy of the resolutions passed during the meeting of representatives of the Judges of the Jurisdiction of the Regional Court in Poznań on 03/01/2019, a copy of the minutes of the meeting and a copy of the list of judges present at the meeting on 03/01/2019. Furthermore, the deputy disciplinary commissioner demanded information on the person or people who participated in the preparation of the draft resolutions which were passed at that meeting, including information on whether these drafts had been prepared before the date of the meeting and, if so, when, by whom and at whose request and by whom they were distributed among the judges using their official e-mail.

The actions of the disciplinary commissioner arose from the fact that the Judges representing the Judges of the Jurisdiction of the Poznań Regional Court passed a resolution at the meeting held on 03/01/2019 suspending the provision of their opinions on the candidates to the office of judges of the district courts in the area of the jurisdiction of the Regional Court in Poznań until the Court of Justice of the European Union responds to the requests for preliminary rulings submitted by the Supreme Court and the Supreme Administrative Court regarding compliance of the process of selecting judicial members of the National Council of the Judiciary and the procedure for appointing judges with the participation of that authority with the rules of EU law. The judges of the Poznań jurisdiction also supported identical positions taken in previous resolutions passed by judges in other regions at appellate and regional level.

Furthermore, the judges representing the Judges regarding the jurisdiction of the Regional Court in Poznań criticized the manner in which the recruitment was conducted for filling judicial vacancies published in *Monitor Polski* in 2018, item 283 in the Regional Court in Poznań, indicating that the majority of the candidates were selected according to a non-substantive key, which leads to a high risk of breaching the right to a fair trial which is guaranteed by Article 45 of the Polish Constitution, Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 47 of the Charter of Fundamental Rights.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 16/01/2019, RDSP 7121/19; <https://iustitia.pl> – resolutions of the Representatives of the Judges regarding the Jurisdiction of the Regional Court in Poznań of 03/01/2019.

19. Judge of the District Court in Oborniki, *Magdalena Lewandowska*

In a letter of 19/02/2019, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, summoned *Magdalena Lewandowska*, Judge of the District Court in Oborniki, to appear at the Office of the Disciplinary Commissioner of the Judges of the Ordinary Courts to be questioned as a witness. The disciplinary commissioner indicated that he is conducting an investigation into the resolutions passed by the assembly of representatives of the Kraków Appellate judges held on 12/10/2018 and the general assembly of judges of the Regional Court in Poznań held on 03/01/2019. In the opinion of the disciplinary commissioner, the judges included statements and assessments of the operation of the constitutional bodies of the State, including the President of the Republic of Poland, the National Council of the Judiciary and public authorities in the content of the resolutions, which were unacceptable and which breached the dignity of the office of judge, calling the judges not to abide by the legal order.

The date for questioning the judge as a witness was set for 11/03/2019.

Questioning of the judge as a witness during the investigation proceedings constitutes a gross breach of the law. This is because a judge cannot be questioned as a witness and, moreover as the accused, during the investigative activities conducted by the disciplinary commissioner.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 19/02/2019, RDSP 712-1/19; Prof. *Katarzyna Dudka*'s legal opinion on the subjective application of Article 114 § 2 of the Act on the System of Ordinary Courts of 27/07/2001 (consolidated text: Journal of Laws of 2018, item 23).

20. Judge of the District Court in Miechów, *Artur Onderek*

In a letter of 19/02/2019, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, summoned *Artur Onderek*, Judge of the District Court in Miechów, to the Office of the Disciplinary Commissioner of the Judges of the Ordinary Courts to be questioned as a witness. The disciplinary commissioner indicated that he is conducting an investigation into the resolutions passed by the general assembly of the Judges of the Kraków Appellate Jurisdiction held on 12/10/2018 and the general assembly of the judges of the Regional Court in Poznań held on 03/01/2019. According to the disciplinary commissioner, the judges included statements in the content of the resolutions that were unacceptable and that breached the dignity of the office of judge and assessments of the operation of the constitutional bodies of the State, including the President of the Republic of Poland, the National Council of the Judiciary and public authorities, and which incited the judges not to abide by the legal order.

The questioning of the judge as a witness was set for 11/03/2019.

The questioning of the judge as a witness during the investigation activities constitutes a gross breach of procedural law. Judges cannot be questioned as witnesses, and certainly not as a person charged in the course of investigative activities being conducted by the disciplinary commissioner.

Source: Letter from Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 19/02/2019, RDSP 712-1/19; Prof. *Katarzyna Dudka*'s legal opinion on the subjective application of Article 114 § 2 of the Act on the System of Ordinary Courts of 27/07/2001 (consolidated text: Journal of Laws of 2018, item 23).

21. Judge of the District Court for Gdańsk-Południe in Gdańsk, *Dorota Zabłudowska*

Dorota Zabłudowska, Judge of the District Court for Gdańsk-Południe in Gdańsk, is a member of the Polish Judges' Association, *Iustitia*, which repeatedly criticized the changes introduced by the ruling party to the Justice Administration. The Judge publicly expressed her critical opinions on the activities of the legislative and executive authorities regarding the rule of law, human rights and the justice administration. On 09/12/2018, Judge *Dorota Zabłudowska* received the Gdańsk Equality Award from the Mayor of Gdańsk, *Paweł Adamowicz*. The award was granted to the Judge for her heroic attitude and tenacity in her actions in support of human rights and the principle of justice. In the justification for granting the award, the prize-winner's outstanding achievements in building the community of the City of Gdańsk based on such values as equality, freedom and solidarity were also appreciated. The Mayor of Gdańsk *Paweł Adamowicz* died on 14/01/2019 from wounds inflicted by an assassin during the finale of the Grand Orchestra of Christmas Charity. A post stating: "such are the consequences of hate speech" was the reflection of Judge *Dorota Zabłudowska's* feelings after the attack on the Mayor of Gdańsk, *Paweł Adamowicz*. The Judge witnessed the stabber's attack on the Mayor of Gdańsk, *Paweł Adamowicz* during the finale of the Grand Orchestra of Christmas Charity.

On 30/01/2019, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, ordered Judge *Dorota Zabłudowska* to submit a written statement on a disciplinary offence involving the posting of an entry in the Twitter social network on 13/01/2019 stating: "These are the consequences of hate speech".

Furthermore, on 23/01/2019, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, summoned Judge *Dorota Zabłudowska* to submit a written statement on the acceptance of the Gdańsk Equality Award from the Mayor of Gdańsk, *Paweł Adamowicz*. According to the disciplinary commissioner, the acceptance of this award from a politician breaches the dignity of the office of judge.

On 06/06/2019, *Piotr Schab*, Disciplinary Commissioner of the Judges of the Ordinary Courts, posted an announcement regarding the response to the Polish Ombudsman's query about, among other things, Judge *Dorota Zabłudowska*, on the website <https://rzecznik.gov.pl>. In the announcement and in the letter addressed to the Ombudsman he included the phrase that Judge *Dorota Zabłudowska* accepted a financial gratification from the accused. Therefore, Judge *Dorota Zabłudowska* publicly demanded a correction of the disciplinary commissioner's announcement by indicating that the proceedings he was conducting applied to the acceptance of the Gdańsk Equality Award from the Mayor of Gdańsk.

Shortly afterwards, on 08/06/2019, Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, accused Judge *Dorota Zabłudowska* of a disciplinary offence from Article 107 §1 of the Act on the System of Ordinary Courts "by the act of accepting an award – including in the form of financial gratification – from an accused in proceedings before the same the 10th Criminal Division of the District Court for Gdańsk-Południe in Gdańsk, on 09/12/2018, in Gdańsk, being a judge of the District Court for Gdańsk-Południe in Gdańsk who adjudicates in the 10th Penal Division of the Court."

Source: Letter from the Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts of 30/01/2019, RDSP 712-6/19, signed by Judge *Piotr Schab*; Letter from Judge *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 23/01/2019, RDSP 712-3/19; personal interview with *Dorota Zabłudowska*, Judge of the District Court for Gdańsk-Południe in Gdańsk, letter and resolution of *Michał Lasota*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 08/06/2019, RDSP 711-75/19.



22. Judge of the Regional Court in Gorzów Wielkopolski, *Alina Czubieniak*

Alina Czubieniak, Judge of the Regional Court, was sentenced in a disciplinary action by the judges of the new Disciplinary Chamber of the Supreme Court for issuing a resolution that was correct, just and compliant with the Constitution. By issuing this judgment, the Disciplinary Chamber of the Supreme Court grossly breached the principle of the rule of law, encroaching onto the area of a judge's jurisdiction which, as a rule, is excluded from the assessment of the disciplinary commissioner. The case applied to a nineteen-year-old man detained on the charge of sexually molesting an underage girl. The suspect was mentally handicapped, illiterate and could not read or write. After being detained, during the questioning, he had no defence attorney; he was only given a file of documents written in legal language and was informed of his rights and duties. The law enforcement authorities considered the illiterate man to have been correctly instructed in this way. The District Court applied a temporary arrest to the nineteen-year-old. At the hearing, the suspect had no defence attorney. Only after the preventive measure was applied was a defence attorney appointed for the suspect and the attorney immediately appealed against the decision regarding the arrest. The case was then referred to the Regional Court in Gorzów Wielkopolski, to Judge *Alina Czubieniak's* case files. The judge overruled the decision on the temporary arrest, acknowledging that both the Constitution and the European Convention on Human Rights and Fundamental Freedoms guarantees everyone the right to legal defence. Judge *Alina Czubieniak* decided that the suspect's right of defence was obviously breached and that the hearing on the temporary arrest has to be repeated, while the suspect has to have the defence guaranteed at both the level of the Constitution and the Convention. After the case was referred for re-examination, the suspect was represented by a defence attorney and a preventive measure in the form of his temporary arrest was applied. At a later stage of the case, it transpired that the perpetrator was completely insane, which led to the discontinuation of the proceedings and sending the suspect for treatment and being subjected to electronic monitoring.

Piotr Brodziak, Deputy Disciplinary Commissioner for the Court of Appeal in Szczecin initiated disciplinary proceedings against Judge *Alina Czubieniak* and accused her of committing a disciplinary offence involving overruling the decision to temporarily arrest the suspect. According to the disciplinary commissioner, the judge's decision was wrong and had the effect of the suspect being released to enjoy his freedom for 15 days. Furthermore, the disciplinary commissioner accused Judge *Alina Czubieniak* of having erroneously acknowledged the suspect's right to a defence attorney as early as during the first questioning by the prosecutor.

In its judgment of 23/01/2018, the Court of Appeal – Disciplinary Court in Wrocław – acquitted Judge *Alina Czubieniak* of having committed the disciplinary offence of which she was accused by the disciplinary commissioner. In the justification for the acquittal, it was indicated that the accusation of the disciplinary commissioner was completely groundless and that the judge had made the right decision to overrule the temporary arrest of the suspect. The Disciplinary Court confirmed Judge *Alina Czubieniak's* just decision that the suspect had been deprived of the right to defence at the hearing at which the decision to temporarily arrest him was made. At that time, the Minister of Justice, *Zbigniew Ziobro*, took an interest in the case, who, jointly with the

central disciplinary commissioner of the judges appealed against the decision of the Wrocław Court of Appeal. The appeal was referred to the new Disciplinary Chamber of the Supreme Court. In March 2019 the Disciplinary Chamber of the Supreme Court with a three-person panel (a notary public, a legal counsel and a juror) overruled the acquitting judgment of the Court of Appeal in Wrocław and penalized Judge *Alina Czubieniak* with an admonition. The judgment was discussed for 15 minutes. The judge announced that she would appeal to a different panel at the same Disciplinary Chamber, and would also possibly file a complaint with the European Court of Human Rights.

Source: Judgment of the Court of Appeal – Disciplinary Court in Wrocław of 23/01/2018, acquitting Judge *Alina Czubieniak*; declaration of the judges of the Polish Judges’ Association, *Iustitia*, of 28/03/2019 on the announcement of the disciplinary commissioner, Judge *Piotr Schab*, of 27/03/2019.

23. Judge of the Regional Court in Łódź, *Rafał Maciejewski*

Rafał Maciejewski, Judge of the Regional Court in Łódź, posted an article on the website <https://sedziowielodzcy.pl/> named “*Przypadek Wydziału Iks*” [The Case of Division X]. In the article he criticized the case of inefficiency of the president of a make-believe court president made up for the purpose of the article and the lack of quality of managing that court. Judge *Rafał Maciejewski* accused the president of the make-believe court of failing to react to the personnel issues in the division and criticized the so-called National Council of the Judiciary. *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, decided that Judge *Rafał Maciejewski* described the situation of the Regional Court in Łódź, even though in no part of the article did the judge suggest that he was describing one of the divisions of the Regional Court in Łódź.

The Judge’s article encountered a reaction from the disciplinary commissioner.

In a letter of 18/04/2019, Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, initiated disciplinary proceedings against the Regional Court Judge *Rafał Maciejewski* and charged him with the commitment of two disciplinary offences. The first allegation applied to the fact that in his article, “*Przypadek Wydziału Iks*” [The Case of Division X] posted on the website <https://sedziowielodzcy.pl/>, the judge described the situation in and operations of one of the divisions of the Regional Court in Łódź, including the problems related to the recruitment of staff. According to the disciplinary commissioner, when posting this information, Judge *Rafał Maciejewski* did not abide by the official procedure, as, in cases regarding problems with the functioning of and recruitment of personnel to the division, he should have approached the President of the Regional Court in Łódź, as well as breaching the principles of ethics of the judicial profession. In reality, Judge *Rafał Maciejewski* had reported the problem in the division in an official letter to the President of the Regional Court in Łódź a month before writing the article. The second accusation applied to the refusal to perform the duties of the chairperson of the 10th Commercial Division of the Regional Court in Łódź on 01–07/04/2019. Judge *Rafał Maciejewski* refused to fulfil the order of the President of the Regional Court and appealed against the decision of the President of the Regional Court to the National Council of the Judiciary. Despite the appeal, the disciplinary commissioner did not wait for the appeal to be examined and charged Judge *Rafał Maciejewski*. The conduct of Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, is an example of censorship and suppression of the criticism of solutions in the area of the Justice Administration, to which judges have the unquestionable right. The attitude of the disciplinary commissioner shows that he expects the statements of the judges to be censored by the superior authorities, such as the court president. Therefore, the disciplinary commissioner is suppressing criticism of the actions of the people in charge of the courts. The conduct of the disciplinary commissioner is in conflict with the constitutional and convention rights of freedom to express opinions and views and to disseminate information.

Source: Decision of Judge *Przemysław Radzik*, Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, of 18/04/2019 issued in case RDSP 711-39/19 on initiating disciplinary proceedings against Regional Court Judge *Rafał Maciejewski* and charging him with committing disciplinary offences; TV

programme "Czarno na Białym" of 17/06/2019 titled "Małżeństwo sędziów na celowniku rzecznika dyscyplinarnego" [Judges' Marriage in the Sights of the Disciplinary Commissioner's Gun].

Official repressions outside disciplinary proceedings

Other than the actions mentioned above performed within disciplinary proceedings, judges who protect the independence of the courts are also persecuted with instruments related to court management. Such actions are taken by representatives of various authorities related to the judiciary and the newly appointed presidents of courts who cooperate with them. The members of the current management board of the Polish judges' Association, *Iustitia*, are among the large group of judges affected with such forms of repression.

In March 2019, the Ministry of Justice liquidated the division in which **Bartłomiej Przymusiński, the Association's Press Officer**, adjudicated, thereby depriving him of the function of the head of the division. In April 2019, the body that purports to be the National Council of the Judiciary transferred **Tomasz Marczyński, Vice President of the Association**, without his consent, to a part-time position in another division of the court, thereby breaching the fundamental principles of fair proceedings. He was also removed from the position of deputy manager of the division.

Source: Order of the Ministry of Justice of 29/03/2019 on liquidating certain divisions in district courts and amending the order on establishing divisions in district courts; interview with Judge *Tomasz Marczyński*.