

Judges hated and faxed off

TOMASZ SŁOMCZYŃSKI

Photographs were taken of us, which were then posted in KastaWatch with the caption 'These will be our next targets'

REBELLION

Protests took place on the streets of 250 towns and cities throughout Poland in July 2017, against the government's planned changes in the judicial system. 100,000 people protested in Warsaw on 21 July. One of the several protests organised at that time was the so-called chain of light, initiated by the Association of Polish Judges, 'Iustitia', implemented jointly with the Akcja Demokracja [Democracy Campaign] organization.

Bartłomiej Przymusiński, Judge of the District Court for Poznań-Stare Miasto:

"I agreed with many diagnoses of the Law and Justice party politicians that things needed to be changed in the courts, that changes were needed in the choice of judges to the National Council for the Judiciary and the positions of the presidents, because they had an increasingly greater say. This is what I believed in 2015, but when the battle for the Constitutional Tribunal started a year later, both I and other judges in Iustitia knew from the outset that we would be facing very difficult times. The Supreme Court was attacked the following year.

There was a festival in my town in Jarocin. Friends came to see me; among them were judges. We suddenly find out that a draft amendment to the Act on the Supreme Court will be put forward to the Sejm according to which judges are to be replaced during their terms of office. We feel as if someone has robbed us, robbed our whole house; this came as a shock. For us, the Supreme Court is the most valuable thing, it is ... like a temple. And we see that it is to be attacked with brute force. I then said: let's make a 'chain of light'. I came up with the idea to surround the court building with a chain of candles in protest.

We had concerns – how will it turn out, will we not be ridiculed?

The effects surpassed all of our imaginations. We hoped there would be several dozen people, maybe a hundred or two hundred, whereas a dozen or so thousand came.

The memory of that moment gives me strength today. I shall never forget that – the square in front of the Supreme Court, the people, Chopin's music, the emotions.

That summer was a special time. As if I had found out that war had broken out. And that we needed to go to the front. This is a sense of duty. There was also an element of fear that it might be better to stay at home, lock the door... Because how will it end?

But when I saw all these people at plac Krasińskich..."

Marta Kożuchowska-Warywoda, Judge of the District Court for Warszawa-Wola:

"What does the Supreme Court mean to a judge? When we were in the first year of our articles, when the president of the Supreme Court, Stanisław Dąbrowski, walked down the corridor, we stood to attention to say 'good morning'. On our own, no one told us to do so.

When the authorities wanted to try to dismiss the judges of the Supreme Court, I told myself – this is war.

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Why did I decide to object? I was a rebellious teenager and activist when I was in high school. I listened to punk rock and strongly identified with counterculture. I distributed the Anarchist Federation's leaflets at various demonstrations. And this has probably remained somewhere – a tendency to loudly object to what I think is inappropriate. Somewhere in our hearts, we are idealists.

Then, in July 2017, I felt that we would not give up. I did something that I would never have done under any other circumstances. I went to the Sejm to demonstrate with Judge Waldemar Żurek and went onto the stage there, and invited the people to go to the Supreme Court to make a 'chain of light'. And I almost died of fear because I was standing in front of a crowd of people, on stage, at a demonstration. And then I received the first wave of hate from Little Emi."

HATE

KastaWatch is an informal group of Twitter users (including Emilia Sz., the so-called Little Emi or Emi), who is running a smear campaign through slander and libel against the judges who oppose the changes in the judicial system introduced by the Law and Justice government.

Marta Kożuchowska-Warywoda:

"My photo, as I am standing on this stage near the Sejm, hit the headlines of 'Gazeta Polska'. A friendly editor called me and said that 'I have the lead story'. I didn't know what it meant 'to have the lead story' at that time. And the tweets under this photograph immediately started to get spread online by Emi. Information appeared on the bar on public TV that 'defenders of paedophiles and payers of alimony' are opposing the reforms of the judiciary. I suppose the first epithet referred to me. At the time, only one article was available on the web about me, which bore the title of: 'Judge released a paedophile'. At the detention session, it is true that I did not apply an arrest to a very young person, who tried to kiss a 12-year-old in a bus. It transpired that this person was mentally ill, who had escaped for a while from his parents' control. I was hailed as a 'defender of paedophiles' and felt as if someone had knocked me out. No, I didn't burst into tears, being one of those of those who don't cry. I gnashed my teeth. I felt rage. And that nothing will stop me anymore.

There were hates about me practically all the time, although they were not as painful as with respect to other judges. And this didn't normally make any sort of impression on me.

One post on KastaWatch particularly hurt me. We, as the Iustitia association, organized meetings with lawyers at the Ombudsman's Office with the involvement of the public. One of the guests at such a meeting was Prof. Jerzy Stuhr. KastaWatch obtained the photographs. Under mine, there was a caption: 'The meeting was chaired by Judge Marta Kożuchowska, she has a particular interest in glass, shame it's not an interest in work.' This post hurt me the most.

Because I work a lot."

The name of my son, who was five at the time, appears among the haters. They wonder if I can be hurt 'through him'

Monika Frąckowiak, Judge of the District Court for Poznań-Nowe Miasto i Wilda:

"I wondered why I was being targeted. I am an ordinary district court judge. But I started to appear in the media and I started to represent Iustitia on the international arena.

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The campaign began on Twitter. 'We shall get you soon, Frąckowiak' that it is only a matter of time, a lot of vulgar words that I will not repeat. It's difficult to say what specific charges were being raised against me at that time. They were mainly insults.

A tragic feeling. I am glad that my parents and children don't use Twitter, that it doesn't reach them. But, of course, my children knew something was happening; they heard conversations and my older daughter asked: 'Mum, but the same won't happen to you as happened with those judges from Turkey who went to prison?' I told her that Poland is a democratic country, that we are in the European Union and that nobody puts anyone in prison for their views."

Katarzyna Kałwak, Judge of the Oleśno District Court:

"I am described in KastaWatch as a Twitter troll. A survey is being held about me in which people vote on whether I am a Twitter troll or not. And I don't even have an account there. And contemptuous entries are posted there about the fact that I was a court janitor. And, in fact, it is true that I started working in court as a janitor, but this is certainly no reason to show contempt. On the other hand, it is proof that people from KastaWatch have access to my personal files, because this information about the beginnings of my work in court comes precisely from there.

There is also a post in KastaWatch that my mother is Judge Zofia Kałwak, who was a judge in Communist times. Meanwhile, I have my husband's surname, my mother's name is different and she has never judged. Everything is made up, but people read it and think that perhaps there is a smidgen of truth in it.

Two weeks ago an anonymous note was created, which was written as if I had written it myself, that I, Katarzyna Kałwak, am collecting money to defend another judge, after all, my friend, because she will have to engage an attorney because she is facing disciplinary charges. And it goes on to describe how I had fun at Pol'and'Rock, that I expect to continue to be called the president of the court, because I cannot take it that I was dismissed and that I am getting ready for the Supreme Court. Of course, this is untrue. This anonymous note was sent to all judicial institutions throughout the country and to the ministry."



• **Monika Ciemięga** PHOTO. GRZEGORZ CELEJEWSKI / AGENCIA GAZETA



• **Krystian Markiewicz** PHOTO. GRZEGORZ CELEJEWSKI / AGENCIA GAZETA

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• **Bartłomiej Przymusiński** PHOTO. MACIEK JAŻWIECKI / AGENCJA GAZETA



• **Katarzyna Kalwak** PHOTO. GRZEGORZ CELEJEWSKI / AGENCJA GAZETA



• **Urszula Żółtak** PHOTO. MACIEK JAŻWIECKI / AGENCJA GAZETA

First there is slander, then national television publicizes it, and finally the prosecutor representing the 'irritated people' comes into play



• **Monika Frąckowiak** PHOTO. PIOTR SKÓRNICKI / AGENCJA GAZETA



• **Marta Kożuchowska-Warywoda** PHOTO. MACIEK JAŻWIECKI / AGENCJA GAZETA

Krystian Markiewicz, judge of the District Court in Katowice, president of the management board of the Association of Polish Judges, 'Iustitia':

"A lampoon was sent out about me a year ago. An alternative story of my life was created. Even the place where I was born was untrue. Some of the information applied to my first marriage. Of course, I do not treat my first marriage as something bad or shameful, but I believe it is my private matter. Likewise, I do not believe that matters regarding my current partner's private life should be discussed by others. Similarly, the information about my – let's say – professional, academic career was a pile of nonsense.

What does a person feel when reading such things about himself? Of course it's rage. It is even greater when it starts to involve loved ones, all the more so when the information is distorted, coloured or simply deceitful."

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Urszula Żółtak, Judge of the District Court for Warszawa-Mokotów:

"I first learned about the existence of KastaWatch in December 2018. The Civic Rights Congress organized by the Ombudsman was taking place. During this congress, 11 judges, including me, took a photograph of themselves in T-shirts with individual letters making up the word 'constitution'. Several days after this event, Little Emi uploaded this photograph to the internet and asked the question: 'Do you recognize these faces?' Then I saw that all of the people in the picture are presented with their names. Every name bears an offensive epithet. There was already a wave of fierce hate in the comments underneath. I thought – how did it happen that I was identified? This was my first photograph with Lustitia, I was completely unknown. It became clear to me that, behind the KastaWatch group, there are people who know us well, including judges. I started looking around at my colleagues from work, from my court, because I knew they had friends in the Ministry of Justice – who could have told them? It's a strange feeling when I am sitting next to my colleagues and wondering – which one?"

Then, there were further campaigns against Lustitia; photographs were taken of us, which were then posted in KastaWatch with the caption 'These will be our next targets'. Each of us needed to expect that their photograph could end up with this group, that they would start to pull out some information, posts would be prepared about our appearance, intellect, fictitious facts about our personal lives, that a completely crafted post could appear about us, an unfavourable photograph, information about dozens of illegitimate children, lovers and now, how should we explain to everyone around that this is not true.

POLITICIANS

Monika Frąckowiak:

"The first television programme, in which I appeared, in February 2017, was 'Studio Polska' on public television, TVP Info, hosted by Magdalena Ogórek. The debate was supposed to apply to the condition of the judiciary in Poland. Live, with an audience, it looked like a battle of gladiators. The atmosphere was such that my friends later called me and asked if I was alright. Everyone attacked us because we were critical of the changes being introduced; it seemed as if they wanted to beat us up in that studio. But then, after the programme, when we went off air, the same people came up to us needing legal advice, a queue formed and we gave advice for two hours – alimony, divorce, 'judge, because you are probably not such a bad person'. We finished after midnight.

Someone else came up to me. After the programme was broadcast, still in the studio. This was Janusz Sanocki, MP, who said: 'You judges will be hung on street lamps one day.' His words made an impression on me, because, after all, he was a Polish MP. It was chilling: a representative of the authorities does not feel any embarrassment or objection to say something like that... No, I do not have any witnesses, if he denies it, this will be his word against mine."

I don't have a mistress, so there is nothing to write about, but it may not matter, as I can find out from a tweet that, even so, I have one...

Marta Kozuchowska-Warywoda:

"I found MP Krystyna Pawłowicz's words shocking. When examining my candidacy for the post of a judge of a voivodship administrative court, Ms. Pawłowicz stood up and said loudly that the reform of the judiciary was not taking place for people like me, who light candles in front of the courts, to be promoted. This was a turning point for me. We could have guessed

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earlier, but now it had become clear that the politicians have a black list of judges who they will not allow to be promoted."

Katarzyna Kałwak:

"The biggest blow to me was when I heard that I hate my fatherland. That is what Jarosław Kaczyński said, not about me personally, but about judges in general. But I am a judge, so he also said that about me. I took it personally. It affected me more than the dismissal itself."

FAXED OFF

Between 12 August 2017 and 12 February 2018, Minister of Justice Zbigniew Ziobro dismissed 75 presidents and 73 vice presidents of the ordinary courts, as well as 2 presidents and 8 vice presidents of military courts. The disciplinary commissioner at the new National Council of the Judiciary appointed in 2018 initiated a number of disciplinary proceedings against judges publicly criticizing the changes being introduced in the judicial system.

Monika Ciemięga, Judge of the District Court in Opole:

"I thought I was prepared for being faxed off. But these emotions were strong, surprisingly strong.

Faxing off is such a new term used in the Polish judiciary. It means a new way of dismissing presidents of courts in Poland from office.

There were large purges in Silesia on 11 November. Which appeal court will be next, which region will be next? There was a noticeable tension. I wondered if I would be faxed off. Because in such circumstances, it is shameful not to be faxed off, but, on the other hand, it is the tension that constantly accompanies the person. It was December, I was in the courtroom. I received a text message from the already faxed off vice president of the regional court; she already knew that I too... After the hearing, I went to the secretarial office, where I saw the fax; it was one sentence, without a word of explanation, without giving any reason for my dismissal. But instead, Deputy Minister Piebiak's huge signature; the signature was larger than the wording of the letter itself. Why was his signature so large? I have a theory about this, but it is rather unsuitable for publication.

I couldn't describe or name my emotions at that time. I couldn't because I have never been a victim of violence. Then, after a few weeks, I could name these feelings. It was violence. I am a family judge and I know how violence manifests itself in various ways. Such a form of aggression – which is symbolic – is used by a perpetrator with respect to the victim. A person subjected to such violence feels helplessness and powerlessness. As well as humiliation. Suddenly I felt all this on that December day. Such experiences were completely unknown to me before.

I don't remember if I cried. I really don't remember that. Probably not."

Monika Frąckowiak:

"It started with an anonymous note which was sent to the National Council of the Judiciary, and was then handed over to the disciplinary commissioner to handle proceedings against me. Someone reported my critical statements about the ministry in the media and on the international forum and, generally, that my behaviour was 'unworthy of a judge'. Indeed, I called Deputy Minister of Justice Łukasz Piebiak 'a shameful figure of the Polish judiciary' – this was my fiercest statement. Then there was the second disciplinary action, for participating in the Pol'and'Rock festival, where I conducted a simulated court hearing

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wearing a gown and a judge's chain – and this was also supposed to be 'unworthy of a judge'. Both disciplinary proceedings made me laugh; it didn't matter to me at all at that time.

At first, I treated my disciplinary actions and hates in the internet lightly, but over time, everything taken together, with the MP's words, started to mean that the weight of these experiences was increasingly greater. In addition, at that time, I worked increasingly more at *lustitia*, after which I sat at work for 12 hours to catch up with my arrears.

In this hot period I had a flight to Frankfurt. When I got on the airplane, I was 'struck in the face' with information that the disciplinary commissioner wanted the president of the court to provide all data on my cases, my justifications and opinions about me for four years. I felt trapped and knew that nothing good would come of this. I felt that even I, a judge, appearing on television, supported by *lustitia* and tens of thousands of people coming out onto the street in defence of the courts, am essentially helpless, with no chance against the state apparatus. I cried all the way to Germany. This was such a moment, but I quickly got over it.

Shortly afterwards, the disciplinary commissioner instituted another, third case against me. I wrote a declaration in which I rebutted the allegations.

This was in February of this year. First, information appeared on KastaWatch: 'Charges have already been pressed against you and now they will sort you out' and, the next morning, the disciplinary commissioner's statement appeared repeating the charges that I had rebutted earlier. In short, the point was that I am late with the justifications of judgments, that I do not work enough and that I work badly. This spread over the internet. The next day I was supposed to go on holiday and then I felt terrible. Such allegations in the eyes of many of my acquaintances... They did not say it directly, but I felt it: that they think that perhaps there is some truth in this, that I am a bad judge, that I am lazy. This hurt the most, much more than the hates on Twitter. I was going skiing to the Czech Republic and I was crying all the way. Then I was skiing, dreaming about landing in a snowdrift, covering myself with snow, burying myself and staying there.

It took me a month and a half before I came to my senses. But today I am stronger."

SCANDAL

Facts were disclosed in August 2019 which became known as the 'emigate' or 'piebiakgate' scandal. The media (the Onet.pl portal and 'Gazeta Wyborcza') publicized the fact that the members of the KastaWatch group were inspired, guided and rewarded by deputy minister Łukasz Piebiak and an official in the Ministry of Justice, Jakub Iwaniec, as well as by other judges who had been promoted (including to National Council of the Judiciary) by Minister of Justice Zbigniew Ziobro.

Monika Ciemięga:

"When I found out about the outbreak of the scandal, on one hand, I wasn't surprised, I expected it. But it still shocked me – and most of all, that someone wanted to involve Krystian Markiewicz's several-year-old child in this. Attacks on families, on children... This is the worst part."

Krystian Markiewicz:

"The name of my son, who was five at the time, appears among the haters in the correspondence that had been published. They wonder if I can be hurt 'through him'.

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Entering someone's private life, writing about it and disseminating such stories to the world – this is really wicked. A child is sacred to every parent, every normal parent. That is the case with me. Throwing my son into this hating, disgusting circulation is the worst of the worst.

And all this prepared and conducted by my former colleagues; I mean Łukasz Piebiak and Jakub Iwaniec, who are cowards. They are miserable cowards. Let them come to a discussion if they are brave enough. What can they say other than hating me and Iwaniec texting me: 'By what right, judge rag picker, are you speaking on our behalf?' Well, that's all they are capable of. They are careerists who are destroying the state of Poland."

Marta Kożuchowska-Warywoda:

"After the outbreak of the scandal, it transpired that my former judge colleagues were behind these posts. You ask me how I felt when this came to light... I can't tell you directly because it's unsuitable for publication. But I admit that, at that time, I felt the desire to resolve the case in a very simple, I would say – masculine way. Perhaps it is wrong, but if you ask me about my emotions, my feelings, they were precisely like that."

FEAR

Katarzyna Kałwak:

"Honestly speaking, I wasn't very concerned about this hating. I read it and thought: God, what bad language, what sleazy people. Perhaps someone had a bad day, doesn't like me, I irritate him, tough. A group of frustrated people and that's it.

That is what I thought, but this has changed recently, when the mechanisms of this procedure were exposed. Now, after the outbreak of the scandal, after the role of Deputy Minister Piebiak and others was revealed, I started to be afraid. Yes, I am afraid now, because I saw that behind these posts were officials from the Ministry of Justice and I see that there is no decisive action from the prosecutor's office, that the prime minister and the government do not see this as an attack on the state, on the judiciary and there is no immediate response. I am afraid for the public interest – because the judges are deprived of protection – but I'm also afraid of a mass attack on me. After all, there may be information in my personal files about sick leave, some holiday request to improve my health, for example, because I will be sick. And this is how everyone around me, the whole environment in Poland will learn about my sickness and a television programme will be made on this topic.

The mechanism can be clearly seen in certain examples of slandering us, judges: first there is slander, then national television broadcasts it, and finally the prosecutor representing the 'irritated people' comes into play. And that is how civil death is served to a person. And this is what I am afraid of. I'm afraid of being bugged, but I cannot protect myself from them. I know that the state apparatus has services that it can use against me and whatever I do I will not defend myself against it."

Bartłomiej Przymusiński:

"For me, the departure of several people from Iustitia to the ministry, regardless of which party is in power, is betrayal. This is a move to the other side of the force, because we are the ones who watch the ministry's hands.

Several people with whom I worked went to work with Minister Ziobro's justice apparatus. How does this sound? Like from the times of the People's Republic of Poland? I do not care about that. I believe that assuming the office of president in place of a dismissed court president is unworthy. It is unworthy to accept a position as a result of a political decision.

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There cannot be anyone among my friends who is in this team – Minister Ziobro's group of nominees. I wouldn't trust such a person. Specific financial gains go hand in hand with the acceptance of the function of president. There are three such people in my immediate environment. We were colleagues. We are not anymore. The worst will come when people start to be ruled by fear. It will be the beginning of the end when the judges start to live in fear. And we are millimetres from that. I would be lying if I said I am never scared but I think I am ready for a great deal.

When you go to war, you have to assume that you will not return. In our case, expulsion from the profession of judge means such a 'death on the front'. And we have to take into account that this may be the price for our objection. But perhaps the price will be higher. We see many similarities with what is happening in Turkey and, after all, judges have been imprisoned there.

I am also aware of the fact that I can be the next target of the hate attack. You cannot prepare for this emotionally, but I know I have nothing to be ashamed of. There is nothing deeply hidden anywhere. I don't have a mistress, so there is nothing to write about, but I understand this may not matter, as I can find out from a tweet that, even so, I have one... There is war and you don't know if this missile will hit you this time or fall next to you. Missiles are flying around, while you are running straight ahead."

Monika Frąckowiak:

"For me, the most important thing is for my daughters to know that their mother once stood on the right side. I want them to be proud of me."

Monika Ciemięga:

"Today I accept that I may stop being a judge, but I still oppose what is happening and, even if this comes to nothing, our testimony will still remain. We need to bear witness. I always explain to myself that fear cuts deeper than swords – that is from the 'Game of Thrones'. I did not watch the film, but I read the book with bated breath. Vacláv Havel's words are important to me: 'Hope is not the conviction that something will turn out well but the certainty that something makes sense, regardless of how it turns out.'

I told my husband which lawyer to call if necessary. No, I'm not kidding."

Marta Kożuchowska-Warywoda:

"I'm not optimistic. I do not believe that victory will come lightly, easily and pleasantly. It will not be so, that we will wake up one day, for example in October, and everything that is bad will be behind us. You cannot just undo, cancel changes; the processes have already started. We have illegally appointed judges; they have already passed a number of judgments... And I feel unbelievable sadness that all this has happened. Sadness because I am convinced that no ruling party whatsoever will want to deprive itself of the power it has now gained as a result of the changes in the judiciary. I do not believe that any party will voluntarily give up the ability to influence the courts and judges. I do not believe that politicians – from one option or another – will be defenders of the rule of law. What can change? We have always protested against the temptations of politicians with respect to the judiciary. Just that they used to shoot us with an air rifle, whereas now they are rolling over us with a road roller. Perhaps one day we shall return to the state in which they will again 'only' be shooting us with an air rifle."

Urszula Żółtak:

"KastaWatch struck accurately; it was obvious that they had psychologically figured out people. These strikes really hurt. These people felt confident, they had everything: positions, opportunities, the entire apparatus of the authorities to use for their own purposes. Why am I

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speaking in the past tense? Precisely. KastaWatch is still working, it is still spreading hatred."

I am described in KastaWatch as a Twitter troll. A survey is being held about me in which people vote on whether I am a Twitter troll or not. And I don't even have an account there.