

## **Report on the current situation of the judiciary in Poland – October 7<sup>th</sup> 2019**

### **The National Board of Polish Judges Association “Iustitia” resolution on demanding the right disciplinary spokespersons to undertake explanatory actions.**

Referring to the recent events and numerous media publications about the functioning of troll farm at the Ministry of Justice - a group of people under the leadership of the former Deputy Minister of Justice Łukasz Piebiak, whose aim was to create an organized hate campaign on long-term depreciation of other judges, including unlawfully disclosed sensitive data and official documents, as well as through the dissemination of negative information, manipulated content, slander and gossip The National Board of the Polish Judges Association "Iustitia" demands the explanatory action to be started. It should focus on the possible misbehaviour of judges Łukasz Piebiak, Jakub Iwaniec, Arkadiusz Cichocki, Konrad Wytrykowski, Dariusz Drajewicz, Maciej Mitera, Jarosław Dudzicz, Rafał Stasikowski, Ireneusz Wiliczek, Maciej Nawacki, Tomasz Szmydt, Przemysław Radzik and Michał Lasota and breach of the dignity of the office of judge in such a way that by acting jointly and in cooperation with each other and acted together they undertook actions aimed at harassing and discrediting Małgorzata Gersdorf the First President of the Supreme Court and many other judges, thus grossly violated the principles of professional ethics set out in paragraphs 2, 3, 3a, 4, 5 points II and 16 Set of Judges' Professional Ethics.

### **The National Board of Polish Judges Association “Iustitia” statement on the opinion of the Advocate General of the CJEU of September 24, 2019**

The Advocate General of the Court of Justice of the EU issued an opinion on 24.09.2019. He considered two questions for a preliminary ruling on the new system of disciplinary proceedings against judges in Poland to be inadmissible (questions issued by the Regional Court Judges: Ewa Maciejewska and Igor Tuleya). The statement of reasons for the opinion indicates that:

- disciplinary proceedings have not yet been initiated against judges asking questions for a preliminary ruling and in those specific cases in which questions have been asked,
- this makes the questions hypothetical, and the conviction of judges about the violation of judicial independence is subjective. The CJEU does not rule on hypothetical but rather specific and objective matters,
- as a rule, the system of disciplinary proceedings of judges is subject to the jurisprudence of the CJEU, but in these two cases the questions referred for a preliminary ruling were not sufficiently substantiated.

IUSTITIA acknowledges of the opinion of the Advocate General of the CJEU.

However, the National Board underlines that the deputy disciplinary spokesperson has started disciplinary actions against judges Ewa Maciejewska and Igor Tuleya. This was one of the reasons for the initiation of proceedings by the European Commission against Poland and the second stage of the procedure related to the violation of EU law by Poland in connection with disciplinary proceedings of judges. The judges' concerns were later confirmed, which, we hope, will be taken into account by the CJEU at the time of the decision. He also noted that, contrary to the position of the Polish government, according to the Defender, the areas covered by EU law "referred to in art. 19 paragraph 1, second paragraph, TEU, are connected with the Tribunal's competence to adjudicate on structural violations of the guarantee

of judicial independence, as art. 19 TEU is a concrete expression of the rule of law, one of the basic values on which, pursuant to Art. 2 TEU is based in the European Union.

**Prof. Krystian Markiewicz – the IUSTITIA`s Chairperson sues the Minister of Justice and employees of the Ministry, as well as the members of the National Council of the Judiciary for spreading organized hatred against him and the other judges.**

Yesterday a lawsuit against the State Treasury, represented by the Minister of Justice Zbigniew Ziobro and former deputy minister Łukasz Piebiak, judge employed in the Ministry of Justice Jakub Iwaniec, former President of the District Court in Gliwice Arkadiusz Cichocki, former Director of the Chancellery Department District Court in Rzeszów and NCJ member Rafał Puchalski. Krystian Markiewicz demands that they should pay 50,000 PLN to the House of the Senior Judge Foundation and the publication of an apology in the newspapers Rzeczpospolita and Gazeta Wyborcza as well as in TVN24, Polsat News and TVP Info.

- I have been waiting for a month for the reaction of the Prosecutor's Office and offices appointed to do so. Instead I have listened to the further spread of lies on the part of Ministry officials and the complete failure of anyone to take responsibility for the attack on me - said judge prof. Krystian Markiewicz, chairperson of the Association of Judges Iustitia - Unfortunately, I have waited in vain. I am suing the office of the Minister of Justice, occupied by Zbigniew Ziobro for a complete lack of supervision over the office he manages. Under his watchful eye was an organized group of employees who took confidential information and used it to harass me. Zbigniew Ziobro bears full responsibility for what is happening in the Ministry. If the Minister cannot draw conclusions from his mistakes himself, he must be reminded of this by an independent court.

**Akcja Demokracja - Action Democracy - Pact for the improvement and reform of the judiciary:**

With a sense of responsibility for the state of democracy and judiciary in Poland, and for the basic rights and security of our country's residents and our future and our future in the structures of the European Union, nationwide election committees hereby undertake to publicly, towards thousands of activists and activists of the Action Democracy and millions of female and male voters, to take all measures to ensure that in the forthcoming term of office of the Sejm (first chamber of Parliament in Poland) and Senate:

Restore the rule of law and constitutional order in Poland, based on the Constitution, acting on its basis and within its borders

To comply with all binding judgments of common and administrative courts of the Supreme Court, the Supreme Administrative Court and the Tribunals,

Carry out both justice and reform

Restore the independence of the Constitutional Tribunal and rebuild its authority

Create a National Council of the Judiciary independent of politicians and closer to the citizens

Ensure that courts are independent of politicians

Ensure prosecutors are independent of political pressure

Take care of efficient courts

Make courts accessible to people

The pact received the support of the Polish Judges Association "Iustitia" and the Association of Prosecutors "Lex Super Omnia." The pact was signed by representatives of election committees: the Left, the Civic Coalition and the Polish People's Party.