**How a member of the NCJ Ethics Committee helped “little Emi” draft an e-mail with a lampoon to the head of “Iustitia”**

Magdalena Gałczyńska, Onet portal, 8 October 2019

**Judge Rafał Puchalski helped the online hater choose the right words and phrases in an e-mail in June last year, which was later sent to thousands of members of “Iustitia”[[1]](#footnote-1) to discredit the head of the association, Krystian Markiewicz. Puchalski made specific editorial suggestions and was the person who approved the final content of “little Emi’s” smear e-mail.**

* + **A four-page lampoon about Judge Markiewicz was sent to the e-mail addresses of more than 2,000 members of the Iustitia Association on 25 June 2018. Among other things, the e-mails and letters contained suggestions that the judge urged a woman to have an abortion**
	+ **The lampoon was also sent to the judge’s home address. As we wrote on 19 August 2019, the address was provided to the online hater by the then Deputy Minister of Justice, Łukasz Piebiak**
	+ **It transpires that the “supervising editor” of the content of this e-mail, which was supposed to discredit Judge Markiewicz – was Judge Rafał Puchalski**
	+ **Puchalski is the president of the Regional Court in Rzeszów and a member of the Ethics Committee of the neo National Council of the Judiciary**

In a series of articles, Onet revealed that people working in the Ministry of Justice used the online hater to attack judges who are inconvenient for the ruling camp.

According to our information, hatter Emilia also kept in touch with judges from outside the ministry, including members of the neo National Council of the Judiciary.

Rafał Puchalski is a person who has not been so publicized in the smear campaign scandal revealed by Onet. He is a judge of the district court, who was appointed by Zbigniew Ziobro to be the president of the Regional Court in Rzeszów. The votes of ‘Law and Justice’ and ‘Kukiz’15’ also elected him a member of the neo National Council of the Judiciary. Together with ‘Law and Justice’ MP Krystyna Pawłowicz, he was in the Ethics Committee of the new Council.

Judge Puchalski is to assess the ethical standards of other judges, however – as transpires from Onet’s documents – it was he who helped “little Emi” to write the e-mail with the lampoon slandering the chairman of “Iustitia” Krystian Markiewicz.

**“Little Emi” and a member of the neo National Council of the Judiciary actively converse after midnight. Puchalski about the hater’s ideas: generally superb.**

25 June after midnight, namely literally “a moment” before sending an e-mail to thousands of members of “Iustitia” with an attachment constituting an attack on Markiewicz, “little Emi” writes to judge Puchalski [recorded in her telephone address book as “Rafał from the Minister” – ed.] that he “is having problems” with the final editing of the e-mail.

**We have retained the original spelling of the message [in Polish].**

**Emilia**: *Are you asleep?*

**Rafał From the Minister**: *I’m waiting*

**Emilia**: *I’m sorry. Lots of problems with this*.

**Emilia**: *I will not bore you*.

**Emilia**: *So I would have to rewrite these 4 pages manually*.

**Emilia**: *I don’t have the strength for that.*

**Emilia**: *They’ll be in the attachments*.

**Emilia:** *But ...*

**Emilia**: *The title of the e-mail is%.*

**Rafał From the Minister:** *Ok, that’s no problem. If only a nice lead will be made in the text.*

**Emilia**: *Title*.

Here the woman sends judge Puchalski the first version of the title (screen shot below)

**Emilia:** *E-mail introduction to the attachments*.

Emilia sends another screen shot.

**Emilia:** *Or* (the woman sends another fragment).

**Emilia:** *I am waiting for your decision as to whether to send it.*

**Rafał From the Minister:** *Sorry. I left for a moment. I am reading it. Just a second.*

**Rafał From the Minister**: *The last title is the best.*

**Rafał From the Minister:** *You just need to correct “the judge” for “the whole truth about the judge”.*

**Emilia**: *So we leave the content as an introduction to the attachments?*

**Emilia**: *Ok*.

**Emilia:** *I love spelling and stylistic errors*.

**Emilia:** *I’m sorry*.

**Rafał From the Minister**: “*Taught culture” could be exchanged for a “Taught pose”?*

**Emilia:** *And the subject of the e-mail can remain?*

**Rafał From the Minister:** *Yes*.

**Rafał From the Minister:** *I would just throw out “enough lies”.*

**Rafał From the Minister:** *Let it not be too long.*

**Rafał From the Minister:** *And in my opinion the continuation is more suggestive, namely that “certain values cannot be bought”.*

**Rafał From the Minister:** *Generally wonderful.*

**Emilia:** *Ok. Thank you.*

A moment later, the woman sends Judge Puchalski another version of the title and content agreed upon with Puchalski, which, together with the attachment containing the lampoon regarding Judge Markiewicz, will be sent to thousands of “Iustitia” members a few hours later.

Judge Puchalski still has some comments and advises Emilia, what else she should improve in the title or content of the e-mail.

**Rafał From the Minister**: *Subject OK.*

**Rafał From the Minister:** *throw out the word “Truth” and capitalize the word “honesty”.*

**Rafał From the Minister**: *And you can go on.*

**Rafał From the Minister**: *I shall keep my fingers crossed*.

**Emilia**: *Ok. Good night*

**Rafał From the Minister:** *Good night*

Shortly after three o’clock on the night of 25 June 2018, Emilia informs Puchalski that she “has just finished” and that some of the e-mail addresses of the members and departments of “Iustitia” (which she received, as we wrote in August, from the then Deputy Minister of Justice Łukasz Piebiak – ed.) are out of date.

In response, “Rafał from the Minister”, or – as Onet established – Rafał Puchalski, a member of the National Council of the Judiciary, gives the woman his e-mail address to check all correspondence sent to the head of “Iustitia” and other members of the association.

The e-mail with the lampoon reached most branches of “Iustitia”, including the head of the association himself, Prof. Krystian Markiewicz, with a title and content that is identical to the amendments that were suggested to “little Emi” by Judge Puchalski.

**Rafał Puchalski does not answer questions. He writes about “an attempt to discredit him”.**

On Monday, after 2 pm, we asked Judge Rafał Puchalski by e-mail whether he knew Emilia Szmydt, whether he was on first name terms with her and whether they had jointly agreed on the title and content of the e-mail, which was finally sent to the branches of “Iustitia” to slander the head of this association, Krystian Markiewicz.

Here is the answer we received (we have kept the original spelling – ed. [in Polish]).

*“The content of the questions you are asking me clearly suggests that an attempt has been made to unlawfully discredit me... a thoroughly disgraceful attempt, because it is based on untrue assertions, the presentation of which should raise the question of the objective of such an act, especially if these assertions come from people bearing an influence on public opinion, as well as the opinion of the judicial environment. Your formulation of these questions requires me to consider the need to look for legal protection against the breach of my personal rights and to ask myself how far the people are able to go in the name of short-sighted objectives or unwarranted prejudices. I am devastated by the level of the discussion we have to participate in.”*

**However, it would be useless to look for a direct response to our questions.**

*“Being comfortable with the final result of the judicial proceedings, which, in this situation has become a necessity, I would like to emphasize that I am a victim of unlawful acts intended to insult me, acts lined with jealousy, prejudice, and perhaps also the desire to appear in the media or politics. Existing by undertaking activities which are so contrary to the principles of social coexistence that they should encounter a decided reaction from both me and you – journalists. After all, the basic task of all of us, including you – journalists is to serve the public and the rule of law,”* continues the judge from the neoNCJ.

*“Giving Article 12, para. 1, item 1 of the Press Law, which provides that a Journalist is required to observe special diligence and reliability in the collection and use of press materials, in particular by checking the truthfulness of the information received or providing their source, as the grounds, I appeal to your Editorial Office to maintain such reliability and publish materials with such far-reaching consequences for people, only after verifying their truthfulness, which has not currently taken place.*

*Please take into account that I strongly deny the suggestions arising from the questions, acknowledging that this is a ruthless attack on me not only as a judge but also as a human being*” – concludes Rafał Puchalski.

**NCJ press officer: if this is confirmed, Judge Puchalski should certainly not continue to be a member of the Ethics Committee.**

We asked the Council’s press officer, Maciej Mitera, for his assessment of the activities of Judge Rafał Puchalski, head of the Ethics Committee in the new National Council of the Judiciary.

“Should he remain the head of the Ethics Committee? Madam, in my opinion absolutely not. All the more so that this Commission is also dealing with many aspects of the so-called general hater scandal. However, I am only saying this as me, Judge Maciej Mitera, whereas the final decision will be up to the whole Council,” judge Mitera tells us.

“However, I would like to point out that, when Judge Puchalski was elected to this post, the presidium of the National Council of the Judiciary did not know that he could be involved in this scandal in any way,” he emphasizes. “The information revealed by Onet can substantially change this situation. I undertake to inform the Presidium of the Council about Onet’s findings regarding Judge Puchalski, so that appropriate decisions can be made,” the Council’s press officer points out.

“We certainly have to ask Judge Puchalski for clarification, according to the principle of listen to both sides. Regardless of the fact that I trust Onet, we must give Judge Puchalski a chance to explain his actions. We cannot force anyone to abdicate or resign, but I must honestly say that the situation you have described is at least shocking. In my opinion, the whole of the National Council of the Judiciary should take a stance here,” emphasizes Mitera.

When asked by us whether a person like Judge Puchalski, president of the Regional Court in Rzeszów, member of the National Council of the Judiciary and head of the Ethics Committee in the Council – after revealing his role in slandering the head of “Iustitia” – should remain a judge at all, Maciej Mitera does not answer directly.

“It is not for me to judge, but the matter is definitely very shocking. If we require high standards from judges, let it remain that way,” he says.

Here is the link to the original publication in Polish, including some screen-shots:

https://www.wiadomosci.onet.pl%2Ftylko-w-onecie%2Ffarma-trolli-w-ministerstwie-sprawiedliwosci-czlonek-komisji-etyki-NCJ-pomagal-malej%2Ffvn7hqw&usg=AOvVaw0eszrH28w7ZDlb3Gc3BbVK

1. Poland’s largest association of judges. [↑](#footnote-ref-1)