

**President of  
the Regional Court in Krakow  
SSR Dagmara Pawełczyk - Woicka**

Adm.SO.-447-68 / 19

In reference to previous correspondence regarding the return of posters with the following demands of the Associations:

- "1. the immediate reinstatement of Judge Paweł Juszczyzyn,
2. the appointment of a non-political National Council of the Judiciary,
3. the liquidation of the political system of repression of judges, i.e. the dissolution of the Disciplinary Chamber of the Supreme Court and the dismissal of the Disciplinary Commissioner for the Ordinary Court Judges, Piotr Schab, and his deputies, Michał Lasota and Przemysław Radzik,
4. the assurance of the right to an independent trial for citizens in cases in which the membership of the panel is found to be defective as a result of the involvement of the neo-NCJ in the nomination procedure,
5. the respect and enforcement of the judgments of Polish and European courts by the legislative and executive authorities, including the judgment of the CJEU of 19/11/2019. "

- posted on December 11-13, 2019 in the building of the Regional Court in Kraków, and removed at the order of the Director of Regional Court Piotr Słaby and forwarded by him to the Police Station;

**and also** in the absence of a response to our letter of 31/01/2020 a request for you to stop pointless actions consisting in conducting by the Police, and then, as was apparent from media reports by the Krakow Prosecutor's Office<sup>1</sup>, explanatory proceedings in this case,

and regarding the **content of the interview** you gave on 2/3/2020. for Interia.pl, and from which it appears that you learned that "two judges were identified, I received such notice. (...) if the judge does not respect the law, I think he should face disciplinary consequences. That is why I asked the deputy disciplinary commissioner at the Court of Appeals to initiate explanatory proceedings in this case<sup>2</sup>. ";

**and finally** towards the information contained in the article of 03/03/2020 in the Krakow "Gazeta Wyborcza"<sup>3</sup>, and repeated on the "Niezależna.pl" website<sup>4</sup>, that the notification you submitted concerns - **Judge Dariusz Mazur and Judge Maciej Czajka:**

- as JUDGES of the Krakow district courts and the Kraków Regional Court

We express our disapproval for such action of the President of the Regional Court in Kraków and in a gesture of solidarity with the above-mentioned Judges, we inform that there were many judges hanging posters and **we submit a list with the names of 73 judges, including 65 judges who hanged posters and 8 judges supporting them** (supporting the action, co-financers, encouraging to hang) along with an indication of the place of hanging.

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<sup>1</sup> <https://krakow.wyborcza.pl/krakow/7,44425,25628631,sedziowie-scigani-za-rozwieszenie-plakatow-z-postulatami-wstrzymania.html>

<sup>2</sup> <https://fakty.interia.pl/autor/remigiusz-poltorak/news-sedzia-dagmara-pawelczyk-woicka-upolitycznienie-nowej-krs-to,nld,4353103>

<sup>3</sup> <https://krakow.wyborcza.pl/krakow/7,44425,25753876,prezes-sadu-w-krakowie-chce-dyscyplinarnego-postepowania-wobec.html>

<sup>4</sup> <https://m.niezalezna.pl/314476-rozwieszali-w-sadzie-plakaty-wspierajace-juszczyzyna-czekaja-ich-konsekwencje>

The number of signed Judges is greater than the number of secured posters (54), as some Judges hung posters jointly or on the doors of common offices, and - despite the efforts of the court authorities - not all were removed.

**We emphasize** that we disclose the names of everyone who hanged posters, because **we are outraged by your actions**, because despite explaining the reasons for hanging the posters in previous letters, you aim to draw disciplinary consequences against the two selected Judges, in a situation where they were not alone and intentions of them and other people hanging posters were presented to you.

The choice of these Judges: **Dariusz Mazur and Maciej Czajka** does not seem to us accidental, because they are judges known for their independent thinking and unambiguously presenting in recent years their opposition to unconstitutional actions aimed at violating the independence of the courts and the independence of judges. **We treat the notification regarding the indicated two judges as a harassment towards them and an attempt to cause a chilling effect on us all.**

In this situation, we are not afraid to disclose our names.

We emphasize once again that **we have not committed a petty offense** under Art. 63a§1 of Petty Offense Code. Posters were hanged in a state of necessity, and their demands were the result of fears of many judges from all over Poland, including us, about the possibility of holding their office without political pressure, in compliance with the Constitution and the resulting principle of the separation of powers and in accordance with the standards arising from EU treaties adopted by Poland, taking into account both European and national law, and **are an expression of concern for the preservation of the rule of law in Poland, the independence of the courts and the independence of judges, as well as the right to a fair trial**, which are necessary to guarantee an adequate level of protection of rights and civil liberties whose observance is currently under threat. Acting in defense of the Constitution is not a socially harmful act within the meaning of Art. 1§1 of the Petty Offense Code. The placement of posters did not constitute an advertising campaign, but **resulted from the need to disseminate the joint demands** of the mentioned Associations contained in the posters, which, as we assumed as judges of the local Courts, **should also be in the field of interest of the authorities of the Regional Court in Kraków**, which should undoubtedly support us in our concern independence of the courts and independence of judges. This applies especially to **Ms. Judge as a member of the National Council of the Judiciary**, i.e. the body that should safeguard the above values.

For the reasons given, **we demand that you withdraw the notification of the offense by judges Maciej Czajka and Dariusz Mazur.**

Again, we count, although without much conviction, that along with indicating the details of all the Judges participating in hanging posters, **there will be no** negative consequences for us, including no further explanatory / disciplinary proceedings. However, in defense of the Constitution and European law, as well as guaranteeing citizens the right to a fair trial before an independent and impartial court, we are also ready to face the consequences of unjustified proceedings before politicized central disciplinary authorities. There is only one way to close our mouths - to fulfill our demands, which is necessary to restore the rule of law in Poland.

Association of Judges THEMIS

IUSTITIA / Kraków

Association of Family Court  
Judges Pro Familia

*(signatures of representatives of judicial associations)*

Attachments:

- a list with the signatures of 65 Judges hanging posters and 8 Judges supporting them