

Warsaw 16 January 2023

**Declaration
of the judges of the Court of Appeal in Warsaw**

We, judges of the Court of Appeal in Warsaw, express our adamant objection to the position of the President of the Court of Appeal in Warsaw, Piotr Schab, refusing to implement the interim measure issued by the European Court of Human Rights in Strasbourg in the cases of judges of our Court: Appeal Court Judge Ewa Leszczyńska-Furtak (application no. 39471/22), Appeal Court Judge Ewa Gregajtys (application no. 39477/22) and Appeal Court Judge Marzanna Piekarska-Drażek (application no. 44068/22). In its decision of 6 December 2022, the Court ordered the suspension of the implementation of the decision to transfer the above from the Criminal Division to the Labour and Social Insurance Division. In a letter of 13 December 2022, the President of the Court of Appeal in Warsaw declared that he would not implement the interim measure that was ordered, acknowledging that the decision of the Court in Strasbourg is of a non-binding nature. This position breaches the obligations of the Republic of Poland arising from the Convention for the Protection of Human Rights and Fundamental Freedoms and constitutes a blow to the authority of our Court. We therefore call on the President of the Court of Appeal in Warsaw to immediately implement the interim measures ordered by the European Court of Human Rights.

Agnieszka Ambroziak

Paulina Astarowicz

Katarzyna Capałowska

Bernard Chazan

Alicja Fronczyk

Marzanna Góral

Marcin Graczyk

Edyta Jefimko

Anna Kalbarczyk

Ewa Kaniok

Aleksandra Kempczyńska

Ewa Klimowicz – Przygódzka

Magdalena Kostro – Wesółowska

Beata Kozłowska

Grażyna Kramarska

Małgorzata Kuracka

Przemysław Kurzawa

Bożena Lasota

Danuta Malec

Anna Michalik

Małgorzata Micorek-Wagner

Joanna Mrozek

Teresa Mróz

Robert Obrębski

Tomasz Pałdyna

Katarzyna Polańska-Farion

Anna Rachocka

Jacek Sadowski

Ksenia Sobolewska-Filcek

Anna Strączyńska

Marcin Strobel

Dorota Szarek

Renata Szelhaus

Marta Szerel

Bogdan Świerczakowski

Magdalena Tymińska

Dorota Tyrała

Agnieszka Wachowicz-Mazur

Marzena Wasilewska

Urszula Wiercińska

Joanna Wiśniewska-Sadowska

Agata Wolkenberg

Agata Zajac

Anna Zdziarska

CC:

1. President of the Court of Appeal in Warsaw;
2. First President of the Supreme Court;
3. President of the Criminal Chamber of the Supreme Court;
4. President of the Labour and Social Insurance Chamber of the Supreme Court;
5. President of the Association of Polish Judges 'Iustitia';
6. President of the Association of Judges 'Themis'.