

**Position of the Management Board of the Association of Judges “Themis”
regarding the repression of judges of the Warsaw Court of Appeal
of 8 September 2022**

The Management Board of the Association of Judges “Themis” expresses its outrage and adamantly protests against the harassment of judges of the Warsaw Court of Appeal by people holding administrative posts in the ordinary courts – Piotr Schab and Przemysław Radzik. In the past, as disciplinary commissioners, these people repeatedly made decisions in accordance with the direction set by representatives of executive, with the objective of prosecuting judges on disciplinary charges and repressing judges, whose only “offence” was that they issued rulings or took steps to protect the rule of law.

The recent actions of the above people, involving the groundless transfer of experienced judges, Ewa Leszczyńska-Furtak, Ewa Gregajtys and Marzanna Piekarska-Drązek, from the Criminal Division to the Social Insurance Division should be treated as further steps in this respect, this time with the use of administrative measures of repression.

Transferring a judge to another division, after many years of adjudicating in the criminal division, means not only that he or she has to assimilate knowledge in a new area of law, but also that the judiciary is deprived of the expertise and professional experience that the judge has in the area in which he or she has adjudicated for many years. Such action undermines the right of citizens to a fair trial before an independent, impartial and professional court. This is being done without any factual basis and without specifying the legal grounds, and only affects judges who have demonstrated their independence and concern for the observance of the law and have contested defectively appointed judges, who have been directed to issue rulings on behalf of the Republic of Poland by a body selected in a manner which is in conflict with the Constitution (the so-called neo-NCJ).

In the light of the established case law of the ECtHR (e.g. *Parlov-Tkalčić v. Croatia*, Application no. 24810/06), one of the attributes of judicial independence is the independence of judges from external pressure, including from their administrative superiors. We are of the opinion that judicial independence is directly threatened by a situation in which the administrative superiors of the judges (in this case the president and vice-president of the Court of Appeal in Warsaw) are simultaneously disciplinary commissioners, having been appointed to both positions arbitrarily by an active politician of the ruling camp – the Minister of Justice. The repertoire of the means of pressure they have at their disposal because of the combination of these functions enables them to exert pressure on judges and potentially also to politically control court decisions.

We express our solidarity with our repressed colleagues. We call for their immediate reinstatement to posts which are in line with their qualifications and professional experience, and we demand that those who contributed to their unlawful harassment are punished for this.