
Warsaw, 19 November 2019

POSITION OF THE OPEN DIALOGUE FOUNDATION IN THE CASE OF JUDGE DARIUSZ MAZUR

With the utmost concern we learned about the decision of the President of the Kraków District Court, Dagmara Pawełczyk-Woicka, dated 14 November 2019, who refused Judge Dariusz Mazur to conduct training for attorneys and undertake any additional activities until the end of 2019.

Judge Dariusz Mazur pointed out that the actual reason for this decision – contrary to the claims of the President of the District Court about the delays in the work of the department managed by him – was his participation in [the event organised by us on 26 September 2019 as part of the international conference of the Organisation for Security and Co-operation in Europe \(OSCE\) in Warsaw.](#)

As part of the event, Judge **Dariusz Mazur**, representing the “Themis” association of judges, together with Judges **Waldemar Żurek** and **Piotr Gąciarek**, as well as Prosecutor **Krzysztof Parchimowicz**, President of the prosecutors’ association “Lex Super Omnia”, presented to the members of national delegations of the OSCE Member States, accredited diplomats and human rights activists, the history and nature of systemic attacks on independent judges and prosecutors in Poland.

In his presentation, Judge Mazur described, among others, the attacks on judges conducted since 2016 using the Justice Watch account (@KastaWatch) on Twitter and pointed to the creation of a kind of atmosphere of a hunt for the judges by the leaders of the ruling party and the Ministry of Justice. He also presented the impact of the unprecedented hate campaign on the daily work and private life of judges.

As the organiser of the event, we feel obliged to take the position of strongly condemning all attempts to undermine judicial independence and civil rights of judges and prosecutors.

It is the right and duty of judges to uphold the rule of law – including defending their own independence and independence of the judiciary from political interference. In our opinion, the judges engaged in this process, as well as the prosecutors who oppose the degradation of the prosecutor's office to the role of an executioner of political orders, deserve the highest respect and support.

We consider this kind of malicious repression, performed under the pretext of combating the lengthiness of proceedings and merely serving as a form of retaliation, to be unacceptable in a democratic state. It is no secret that such actions have their origins in the politicised appointments of presidents of many courts in our country. These took place on the basis of the Act on the System of Common Courts of 2017, which was widely regarded as not complying with the constitutional guarantees of the separation of powers and the independent status of judges.

However, it is impossible to consider the speech of Judge Dariusz Mazur at the above-mentioned event as a violation of the principle of apoliticism of judges – its subject matter and further discussion related to it was devoted exclusively to the attacks on judges and prosecutors in the face of dismantling the rule of law in Poland. The participating speakers therefore spoke on behalf of their own professional groups, claiming their rights – and, consequently, the rights of all citizens – as well as guarantees of their protection in order to ensure the professional impartiality and fairness of judicial proceedings. The cause-and-effect sequence should not be reversed either: in fact, the extraordinary public activity of judges in recent years is associated with the urgent need to defend the Constitution and the right to pursue their profession in compliance with its standards.

We would like to further mention that the alarming speeches in this matter have shocked the foreign audience present in the hall, being met with great interest and sometimes even disbelief.

When dealing with the topic of human rights in unjust and non-democratic states we face similar repressions against judges, prosecutors and lawyers who oppose the authorities and the pressure exerted by them. This problem occurs, among others, in Russia, Turkey, [Moldova](#), Azerbaijan and Kazakhstan. Obviously, the presence of Poland – which until recently was considered to be a model of democratic reforms in the world – in this group is a particularly unpleasant situation.

Unequivocally condemning the decision of President Dagmara Pawelczyk-Woicka, we express our full solidarity with Judge Dariusz Mazur. We are very impressed with the attitude presented by him and other judges who put the dignity of their office above quick promotions and financial gratuities.

We trust that judges persecuted by political nominees will receive growing public recognition and strong reactions from citizens' initiatives, as well as from European and international institutions.

We will make every effort to make it happen.

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