

Resolutions of joint assemblies of judges of the Regional Court in Krakow, District Court for Kraków-Śródmieście in Kraków and District Court in Myślenice

We, the Judges of the Regional Court in Krakow and the Judges of the District Court for Krakow - Śródmieście in Kraków and the Judges of the District Court in Myślenice, adopt the following resolutions:

1. We express our firm opposition to the decision of the Minister of Justice to dismiss the presidents and vice-presidents of the Regional Court in Krakow, the District Court for Kraków - Podgórze in Kraków, the District Court for Kraków - Nowa Huta in Kraków and the District Court in Myślenice.

These decisions do not contain justification and are not dictated by any substantive reasons, as the results of the Regional Court and the district courts of the Krakow circuit did not give basis to such changes.

We emphasize that it is the Minister of Justice who has the duty of securing the proper functioning of the courts. These responsibilities, both with regard to judges and office staff, have not been realised for years.

It is also unfair to link the decisions of dismissal of the presidents with the arrest of court directors, in a situation where the president of the court was in fact not entitled to exercise administrative supervision over the director, who was subordinate to the Minister of Justice in the management of the State Treasury assets. It is also unacceptable to include content that harms the personal rights of the judge in the messages published on the websites of the Ministry of Justice.

In connection with the arbitrary decision of the Minister of Justice, which forms part of unconstitutional activities aimed at subordinating the courts to the executive, we appeal to all judges not to accept proposals to take up the posts vacated in this manner and those persons who took such positions - to resign from them. Taking positions after those presidents and vice presidents of courts who have been dismissed in manner pursuant to art. 17 sec. 1 of the Act of 12 July 2017, is unworthy of the judge.

2. We believe that the measures taken so far by the executive and legislative authorities towards the justice system lead to its destabilization and, above all, to deprive it of independence, aiming at subordinating it to the political factors. Adoption of laws on the Supreme Court and on the National Council of the Judiciary in the proposed form will be tantamount to Poland's departure from the area of Western legal culture, as it will be tantamount to violating the basic standards of legal protection of citizens, in the form of the

right to a fair trial before an independent and impartial court resulting from art. 10 of the Universal Declaration of Human Rights, art. 6 of the European Convention on Human Rights and art. 47 of the Charter of Fundamental Rights of the European Union. At the same time, it will mean a great step towards returning to the times of the Polish People's Republic¹, by moving away from a system based on the principle of three-fold power to the system of monopoly, in which the authority of the decision-making center is built on the fear of citizens deprived of real legal protection.

That is why we are asking the President of the Republic of Poland Andrzej Duda to withdraw unconstitutional bills on the Supreme Court and the National Council of the Judiciary from the Parliament or, if they are passed, to veto them.

3. We appeal to all judges of common courts to consider the possibility of reading before the proceedings or after their completion, or otherwise publishing the following statement:

"We, the judges of common courts, upon receiving the appointment, vowed to uphold the law, to comply with justice in accordance with the law, adjudicate impartially according to our conscience, and to follow the principles of dignity and integrity in the proceedings. Today judges' independence has become a threat to the legislative and executive powers.

We call on the state authorities to: stop actions that undermine the foundations of a democratic state of law and subordinate the judiciary to political decision-making centers; end the campaign of libel against judges.

We ask citizens of the Republic of Poland to defend, within the limits of applicable law, the constitutional legal order. Without independent courts, there is neither democracy nor a proper level of protection of civil rights and freedoms, including in particular the right to a fair trial and respect for human dignity. "

4. We oblige the authorities of the Regional Court in Krakow to send these resolutions to the President of Poland, the Speakers of the Sejm and Senate, the Prime Minister, the First President of the Supreme Court, the President of the Supreme Administrative Court, the Chairman of the National Council of Judiciary, Presidents of Appellate and Regional Courts, the Chairman of the National Council of Prosecutors , The President of the Supreme Bar Council, the President of the National Council of Legal Advisors, the President of the National Council of Notaries, the President of the National Council of Bailiffs, and we oblige to publish the resolution on the website of the Regional Court in Kraków.

Kraków, on December 4th, 2017

¹ The official name of Soviet dependant Polish state, under the communist regime, in the years 1952-1989