



**OSCE HDIM 2019 Working Session 10, 23 Sept. 2019**

**Statement of the Open Dialogue Foundation, presented by Joanna Cuper (Advocacy Officer)**

Ladies and Gentlemen,

As I believe you have already been aware of, the rule of law in Poland has been at risk. It's visible mostly in the judicial independence being under great pressure today. Judges are constantly attacked not only by representatives of the ruling camp, a group of politically dependent judges employed in the Ministry of Justice but also the so-called *national media* and great part of its public being heavily influenced by information aimed at slandering and smearing the judges independent from political orders.

Many of these judges have faced persecutions. Let me present you only some of the numerous front-page examples:

- judge Łukasz Biliński was transferred to another department after adjudicating repeatedly and lawfully in favor of anti-government protesters. This decision of the president of the court - openly subordinate to the Minister of Justice - is seen as a form of repression and warning to other judges adjudicating in similar cases;
- Judge Igor Tuleya has been repeatedly criticized in the media by politicians for adjudicating in cases described as political even before the verdict, which is perceived as intimidation of judges; national media show him in the worst possible light, in a biased manner and without due objectivity; he and other independent judges are offended and compared to communist apparatchiks, extraordinary caste and vermin, which should be exterminated - these are the words that politicians of Law and Justice directly use in the media;
- other judges like Krystian Markiewicz, Piotr Gąciarek or Monika Frąckowiak are harassed with hearings and disciplinary proceedings after their statements in the media, public speeches, press publications and interviews;
- judge Waldemar Żurek, was already accused and stands trial;
- judge Dariusz Mazur was legally harrassed, that is, dismissed of his function without justification; moreover, there happen searches in the cabinets of judges by secret services agents and controls of the files without the knowledge of judges conducted by presidents of courts;



- judges are also subjected to massive attacks from politicians, for example a billboard campaign showing inconvenient judges as thieves and pedophiles and a recently revealed massive campaign in social media against independent judges directly controlled by Deputy Minister of Justice Łukasz Piebiak.

As for the recommendations, I would like to ask you to pay more attention to the individual cases of judges persecuted, humiliated and even dehumanized for defending the lawful state. The system violates the rights of the individuals that's why the state of the rule of law in Poland should be assessed also via recognition of individual cases of politically motivated persecution of judges.

Thank you.