



Polska Sekcja Międzynarodowej  
Komisji Prawników



Stowarzyszenie Sędziów Polskich IUSTITIA



Helsińska Fundacja Praw Człowieka

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## The Position of NGOs

regarding recent statements by state high officials against the Judiciary

It is with growing unease that we have noted statements by the highest state authorities, including the Minister of Justice–Prosecutor General and the President of Poland, slighting the good name of Polish courts – the third pillar of power in a democratic state with the rule of law.

The Constitutional Court has become the subject of virulent criticism through a series of released statements. Such criticism of Constitutional Court decisions by constitutional authorities as well as the ostentatious absence of the highest state officials at Court's events is a precedent detrimental to the building of respect for public institutions. It also undermines esteem for those making such statements and threatens the nation's legal stability. We find this practice to be wrong.

The subject of the groundless criticism is the decision of the Regional Court in Gliwice regarding the payment of a claim by the Międzynarodowe Targi Katowickie [*International Katowice Fair*] against the “Ergo Hestia” Insurance Company in Sopot. This matter concerned events occurring towards the end of 2001 and outset of 2002. The Minister of Justice imputed partial responsibility for the catastrophic collapse of a building in 2006, which resulted in the deaths of 65 people and injury to 141, to the judge reviewing the case. The Minister also requested immediate initiation of disciplinary proceedings against the judge, even though the sued insurer did not appeal the verdict in the case. Moreover, the Minister publicly accused the judge of corruption without reporting a reasonable suspicion of a crime, as required by law. Unsurprisingly, the accusation of the judge's dishonourable behaviour was completely baseless and made for political self-promotion. We do not accept such practices.

The Minister of Justice joined accusations of criminal offences made against a judge of the Court of Appeal in Łódź, the Disciplinary Commissioner of the Judges of Common Courts. As the accusations against the judge were shown to be clearly unfounded, the Minister subsequently remained silent. It is our conviction such practices are impermissible.

The President of the Republic of Poland, dissatisfied with the content of the oral statements of reasoning in the decision of the Lustration Court in the matter of Ms. Zyta Gilowska made by the Chair of the judicial panel, Judge Małgorzata Mojkowska, stooped to declaring that the reasoning provided by the judge was prejudiced by her social origins. We categorically oppose this kind of completely unsubstantiated imputation of the qualifications of a Court of Appeal judge by the President of the Republic of Poland.

The enumerated examples of acts by executive authorities are symptoms of the negative phenomena accompanying our public discourse in recent months and are unacceptable in a democratic country with the rule of law, striving to attain European standards.

Judicial authority, like any authority in a democratic state, is subject to control and criticism. However, when the President or Minister of Justice expresses such criticism, it must always be accurate and measured, devoid of political context and emotions. When this is not the case, the authority of the State is subject to irreparable damage.

***Polish Section of the International Commission of Jurists***  
***President of the Board, Zbigniew Lasocik***

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***IUSTITIA Polish Judges Association***  
***President of the Board, Maria Teresa Romer***

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***Helsinki Foundation for Human Rights***  
***President of the Board, Marek Antoni Nowicki***

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Warsaw, September 2006