

Kraków, 5 October 2023

**POSITION OF JUDGES OF ORDINARY AND ADMINISTRATIVE COURTS IN CONNECTION WITH  
PENDING**

**DISCIPLINARY PROCEEDINGS AGAINST Judge of Regional Court DARIUSZ MAZUR.**

The judges of ordinary and administrative courts - concerned with respecting the constitutional principles of a democratic state of law - would like to draw attention to the fact that disciplinary proceedings conducted under the Act of 27 July 2001 - Act on the Ordinary Court System should not be used as a tool to restrict the freedom of expression enjoyed by every citizen, even if they hold the position of a judge.

Our position relates to the proceedings against judge Dariusz Mazur in connection with the charge of disciplinary offence within the meaning of Article 107§1.5 of the aforementioned Act on the Ordinary Court System, i.e. offence against the dignity of the office. The allegation is based on statements made by SSO Dariusz Mazur, press officer of the „Themis” Judges’ Association and member of Iustitia Association, to the press on 16 and 19 July 2021 in connection with the decisions of the acting President of the Supreme Court, Małgorzata Manowska concerning the Disciplinary Chamber.

It is indisputable that there was a debate in the public space at that time regarding the legal and constitutional position of the Disciplinary Chamber of the Supreme Court, and it was a most legitimate discussion given the rulings of the Court of Justice of the EU and the subsequent decisions of the Polish legislator regarding the reform of the Supreme Court.

When the discussion is lively and its subject matter is extremely important for citizens, including judges, it may require appropriate means of expression, commensurate with the importance of the topic raised. SSO Dariusz Mazur, especially as a representative of one of the associations of judges, was entitled to participate in the public discussion, which is a manifestation of freedom of expression.

We express full solidarity and support for SSO Dariusz Mazur, who actively participates in the public debate concerning the judiciary, presenting the voice of the judicial community in this debate.