

Krakow, 4 October 2023

STATEMENT OF JUDGES OF THE COURT OF KRAKOW, III and VI CRIMINAL DEPARTMENT IN RELATION TO THE PENDING DISCIPLINARY PROCEEDINGS AGAINST JUDGE DARIUSZ MAZUR.

The judges of the Regional Court of Krakow, III and VI Criminal Division - concerned with respecting the constitutional principles of a democratic state under the rule of law - would like to draw attention to the fact that disciplinary proceedings conducted under the Act of 27 July 2001 Law on the Common Court System should not constitute a tool restricting the freedom of expression enjoyed by every citizen, even if he or she holds the position of a judge.

Our position relates to the proceedings against SSO Dariusz Mazur in connection with the charge of disciplinary misconduct within the meaning of Article 107§1.5 of the aforementioned Act on the Common Court System, i.e. offence against the dignity of the office. The allegation is based on statements made by Judge Dariusz Mazur, spokesman of the Themis Judges Association, to the press on 16 and 19 July 2021 in connection with the decisions of the President of the Supreme Court 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 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 extremely important for citizens, including judges, it may require appropriate means of expression commensurate with the importance of the topic raised. Judge 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 our full support for Judge Dariusz Mazur, who actively participates in the public debate concerning the judiciary by presenting the voice of the judicial community:

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