

Noticing the complex situation in Poland, we are deeply concerned about the disciplinary proceedings against judge Dariusz Mazur for some opinions on the functioning of justice (statements made 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.

The reactions of judges, through their representatives or professional associations, are legitimate and necessary, practically becoming an obligation when serious damage to the functioning of the judicial system is called into question.

According to the Opinion of the Bureau of the Consultative Council of European Judges (2019) following a request by the Romanian Judges' Forum Association as regards the situation on the independence of the judiciary in Romania: "74. *Judges certainly have the right to stand against any other policies or actions affecting their independence resulting from new legislation or amendments to the existing one or in the case of discriminatory or selective approaches during the selection or appointment of judges, or political engineering to provide for a decisive role of the dominant political force, for example, during elections/appointment by Parliament, or interference into the judicial administration through executive bodies, for example by the Ministries of Justice, as well as in other cases.*"

Art. 10 ECHR guarantees freedom of expression. In a large number of judgments, the European Court of Human Rights has recognised that judges also have the right to freedom of expression. The questions concerning the functioning of the justice system fall within the public interest, the debate of which generally enjoys a high degree of protection under Article 10, and that even if an issue under debate has political implications, this is not in itself sufficient to prevent a judge from making a statement on the matter (*Eminagaoglu v. Turkey*). The European Court of Human Rights also recognises that expressions of opinion by representatives of an association of judges on questions of justice enjoy special protection. The Court has recognized that the civil society makes an important contribution to the discussion of public affairs. Consequently, the applicant had not only the right but also the duty, as chair of this legally established organization (the main judges association), which continued to engage freely in its activities, to express an opinion on questions concerning the functioning of the justice system (*Eminagaoglu v. Turkey*).

We are fully supporting the struggle to maintain the independence and democratic ties of our colleagues in Poland and we express our full support for judge Dariusz Mazur, who actively participates in the public debate concerning the judiciary.

The Romanian Judges' Forum Association

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