



**Resolution 2/23  
of 26th March 2023**

**Permanent Presidium of the Forum for Cooperation of Judges  
on the harassment of judges for following the case law of the European Courts.**

The Permanent Presidium of the Forum for Cooperation of Judges notes with indignation the removal of Judge Piotr Gaćiarek from his judicial work by the President of the Regional Court in Warsaw. Such actions are a manifestation of the obvious harassment of another judge in response to his compliance with the case law of the European Courts.

The case-law of the Court of Justice of the European Union and the European Court of Human Rights is binding upon the Republic of Poland by virtue of its membership of the European Union and the Council of Europe respectively. It is a guarantee of the security of economic turnover and the security of the State. Furthermore, it forms part of the Polish legal order.

Resorting to repression and harassment of Polish judges for complying with that case-law undermines the system of a democratic state governed by the rule of law based on the tripartite division of powers. Consequently, it undermines confidence in economic transactions and thus in the State. It thus directly harms the Polish *raison d'état*.

We are convinced that the persons responsible for such actions should bear both disciplinary and compensatory responsibility, and, in view of the exhaustion of the elements of the crime under Article 231 of the Criminal Code. - also criminal liability.