



Dr hab. Tomasz Przesławski

Supreme Court/ Disciplinary Chamber

Supreme Court of the Republic of Poland

Dear Professor Przesławski,

Once again we are writing to you on behalf of the Human Rights Committee of the European Criminal Bar Association (ECBA), regarding the pending disciplinary proceedings against Judge Igor Tuleya. According to the information available, Judge Igor Tuleya's case will be heard before the Disciplinary Chamber of the Supreme Court on Wednesday 18/11/2020 at 12.00 pm.

We refer to our previous statement regarding the case, sent officially to you on 2 October 2020. We reiterate that the charges to be brought against Judge Tuleya, in our view, impermissibly contravene crucial provisions of domestic and international law.

Namely, according to the information and reports received by the ECBA, the proceedings are aimed at waiving his immunity in order to press criminal charges for illegally publicly pronouncing his judgment issued on 18 December 2017 in which he ordered an investigation concerning possible crimes committed during the session of the lower chamber of Parliament in December 2017. Judge Igor Tuleya is to be arraigned because he pronounced his verdict in the case publicly, although the proceedings had been closed to the press and public.

The principle of the publicity of the judicial decisions is a strong institutional guarantee and at the same time a form of the manifestation of "judicial transparency". In that sense, publicity, it can be said, is a guarantee of the independence of judges and their subordination only to the law, a prerequisite for an unbiased, full and complete investigation of all the circumstances of the case and for making a legitimate, fair judicial decision. Fairness and openness are intrinsically linked in such a way that removing openness in itself puts the fairness of the proceedings in serious jeopardy.

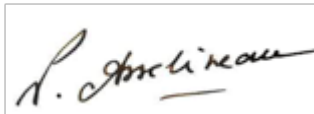
Finally, the ECBA strongly urges the authorities to take all the necessary measures to guarantee the independence of the judiciary and, namely, that all judges in Poland are able to perform their duties without any restrictions, improper influences, inducements, pressures, threats or interferences, direct or indirect, from any quarter and for any reason, in order to preserve the integrity of the administration of justice and the rule of law.

For your information a copy of this letter will be published on our website and social media.

London, 17 November 2020

*Alexis A. Anagnostakis*

Alexis Anagnostakis, the ECBA Human Rights Officer



Vincent Asselineau, Chair of the ECBA