

## **Ladies and Gentlemen!**

First of all, I would like to express my deepest gratitude for awarding me with the Scott Crosby Human Rights Award. I feel deeply humbled and honored. Human rights - the field in which the award was established, turn out to be the last foundation for the protection of the rule of law and citizens' rights and freedoms in Poland today.

Regretting that, due to sudden health circumstances, I am not able to be with you today and personally accept this honorable award, I would like to thank Dean Mikołaj Pietrzak, whose steadfast personal attitude remains a protective shield for Polish lawyers involved in the fight for the rule of law, that he agreed to read this speech on my behalf.

In December 2016, a vote on the budget in the Polish lower house of Parliament, the Sejm, was taking place under peculiar circumstances. Opposition deputies were prevented from participating in parliamentary debates. The debate was moved from the plenary hall to the so-called Column Hall (a smaller assembly room). Opposition members were physically blocked from approaching the podium and thus deliberately prevented from speaking.

Several MPs submitted a notification that the Speaker of the Sejm (the lower chamber of Polish parliament) and his subordinate officials had committed a crime. The politicized prosecutors refused to investigate the case. A year later, they admitted a complaint against this decision. The judge agreed with the applicants, ordered the investigation to be continued, and also informed the law enforcement authorities about the alleged crime that the leaders of the Law and Justice party could have committed, namely that they committed perjury while giving their testimonies. I was the judge in that case.

Nearly three years after the "Column Hall case", the Prosecutor's Office asked the so called „Disciplinary Chamber“ of the Supreme Court to remove my judicial immunity. They claim that by obliging it to continue the investigation, I failed to fulfill my official duties, exceeded my authority as a judge and disclosed and disseminated information from the discontinued preparatory proceedings. Indeed, I proceeded openly and journalists took part in my court's session. However, it is fully permitted by the Code of Criminal Procedure. I did not reveal any secrets. The sessions of the Sejm were reported

by media, and the undemocratic behaviour of the Law and Justice party caused a wave of social protests which were pacified by the police.

And then came November 18, 2020. The „Disciplinary Chamber” lifted my immunity and suspended me from official duties. After 25 years, according to that body, I ceased being a judge. I am facing a penalty of 3 years in prison. I did not participate in the hearing before this body. The so-called Disciplinary Chamber is not an independent court, and its members are no independent judges. The „judges“ are former prosecutors and those associated with the executive. This body should not proceed at all. This has been confirmed by the legally acting judges of the Supreme Court (the so-called „old judges”), as well as the Court of Justice of the EU. For all these reasons, on that day, I did not enter the courtroom where the Chamber was proceeding. Had I done otherwise, I would have legitimized lawlessness. I did not, and could not, do it.

Following these events, the Public Prosecutor submitted a motion to the, again, illegally acting Disciplinary Chamber of the Supreme Court to give permission to stop me in order to present me with charges and conduct my hearing.

On 22 April 2021, after two days of late-night proceeding, the Disciplinary Chamber did not consent to my arrest. However, this decision was appealed on 15 May 2021 by the Prosecutor. Thus, it may well be that, just as it happened with my judicial immunity which was lifted by the Disciplinary Chamber in the second instance, permission to stop me will be granted.

Feeling responsible for the proper performance of my judicial duties, I have undertaken numerous activities to demonstrate that as a result of illegal actions by the Polish government my right to a fair trial, right to privacy and freedom of expression, and my right to adjudicate are being violated. Two of my applications have been lodged to the European Court of Human Rights, which were already communicated to the Polish government by the Court.

Moreover, following the judgement of the Court of Justice of the EU of 15 July 2021, declaring that the rules regarding the Disciplinary Chamber of the Supreme Court violate the EU law, I submitted numerous motions to allow me to adjudicate again.

To date, however, I have not been allowed to resume my duties as a judge. This is a blatant, shameless violation of the decision of the Court of Justice of the EU.

If the Court of Justice of the EU continues to be ignored by the Polish authorities, if the illegal Disciplinary Chamber continues to operate and allows for my detention, I wonder:

What will happen to me next?

Judge Stanisław Zabłocki, a former President of the Polish Supreme Court, a recognized authority for all Polish lawyers, had appealed to Polish judges somewhat biblically:

„Let your words be: Yes, yes; no no. You have to be consistent. Clear signals must be given to the public. You cannot passively observe the bad things going on with the Polish legal system”.

That is why I will continue to tell the truth and till the end, even in prison, to defend the rule of law in Europe. In Europe? Yes, because my home country Poland is still in the European Union. I perceive the destruction of the Polish justice system as a destruction of Europe as a community of values and legal rules. I also remember the words of Martin Luther King who had said that „injustice in one place is a threat to justice everywhere.“

I thank the European lawyers for all their support. It is touching and extremely important not only to me personally, but also to all Polish lawyers, the defenders of the rule of law, the defenders of human rights.

**Thank you very much. For your attention.**