

Statement of the Judge of the Supreme Court Mr. Kamil Zaradkiewicz acting First President of the Supreme Court

We are witnessing a breakthrough in the functioning of the judiciary, awaited by the Polish society. As an important step towards the necessary changes, the nomination of candidates for the office of the First President of the Supreme Court must be organised and carried out according to the election regulations. The President of the Republic of Poland has today entrusted me with that duty. Due to the state of epidemic, that duty must be performed in keeping with the requisite security measures ensuring safe participation of judges in the General Assembly and protecting the safety of Supreme Court employees.

I have accepted the distinguished function of head of the Supreme Court at this difficult time and undertaken to discharge it according to the standards of independence and integrity, in keeping with the highest standards of the functioning of the judiciary.

I have committed myself to making best efforts while in office to ensure that the Supreme Court recommences its adjudicating duties in genuine compliance with the principles of independence of courts and judges, the supremacy of the Constitution of the Republic of Poland, and the principle of legality. Those core values have sadly been distorted in the past years, consolidating the negative perception of the judiciary, including the Supreme Court, among the general public.

Therefore, in the first place, I urge Judges to refrain from anything, including public statements, that could undermine trust in the independent judiciary, in particular anything demonstrating political motivations or lack of objectivity of judges. The power to adjudicate implies a special responsibility: those so empowered need to exercise restraint when availing themselves of the right to free speech and stay away from debates, including political ones, if their engagement could raise doubts as to the impartiality of judges and the independence of courts.

Guided by concerns about the independence of courts and judges and by the supreme constitutional and ethical standards, I ask the judges of the Supreme Court to discontinue public activities, in particular in the media, which exacerbate divisions and reinforce the negative image of the judiciary.

I address and urge not only judges but also representatives of the mass media, including journalists and commentators, politicians and representatives of the academia, to respect the principles of independence and to stop undermining the status of judges in contradiction to the Constitution of the Republic of Poland. I expect that you refrain from calling for specific judgments to be issued or otherwise interfering with judicial independence, also on the institutional level. The dialogue with public institutions, including European ones, evoked publicly on so many occasions, will not be more than empty words only in the absence of unjust and unjustified opinions and unfounded allegations. Those have been raised in the past years against many judges who have had the courage to oppose the pathological system of co-optation in the Polish judiciary, which the distinguished Polish expert in judicial law Professor Eugeniusz Wańkowski (1866-1942) dubbed a "closed caste" system.

I do hope it is time now, several dozen years after the Republic regained its sovereignty, that the judiciary would shed the stigma of the disgraceful legacy of judicial crime and untold injustice, a legacy that has not yet been accounted for. Bringing to justice those responsible for perpetuating the Communist system of injustice was a genuine challenge in administering justice and defending the judiciary against the influences of injustice. Few had the courage to object to the system of judicial oppression and to the impunity of its participants. In the prevailing opinion, the judiciary failed to live up to that challenge, the challenge to unequivocally stand up for truth, good, and justice, which largely contributed to the persistent negative image of the judiciary.

Despite the negative experience of the past years, I do hope that the introduction and consolidation of the standards of independence, which are essential for the proper functioning of the judiciary and which require the aforementioned attitudes, will enable the Supreme Court as a constitutional public body to deserve the positive assessment and trust of citizens. However, that will not be possible without judges who respect the principle of independence and stay apolitical. Those who cannot meet the standards in their function and instead follow and frequently manifest political motivations, typical of the period of the totalitarian Communist regime, should leave the judicial service.

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Judge of the Supreme Court, acting First President of the Supreme Court