

Warsaw, July 14, 2021

On July 6, 2021 I submitted to the District Court for Warsaw-Mokotów my answer to the private bill of indictment filed against me by Przemysław Radzik, Deputy Disciplinary Prosecutor of Common Court Judges. He alleges that I have defamed him by contending that by acting in his role as Deputy Disciplinary Prosecutor he ordered the District Court in Bydgoszcz to hand over the case file in which the decision was made to reinstate Judge Paweł Juszczyżyn for the purpose of exerting a chilling effect. In a letter to Commissioner Věra Jourova dated May 4, 2021, I wrote: "the facts prove that the expression by a Polish and European judge of a legal view incompatible with the expectations of the Polish executive branch places that judge in jeopardy of disciplinary and criminal proceedings being brought against him. In the cases of Judge Juszczyżyn and Judge Tuleya, these actions are being taken in the form of court proceedings. These practices are characteristic of an authoritarian state." I also wrote: "Mr. Radzik (successfully) petitioned the so-called Disciplinary Chamber of the Polish Supreme Court to suspend Judge Juszczyżyn for 'declaring war on his country', which is supposed to lead to leveling criminal charges against Judge Juszczyżyn." I stand by everything I said. I have presented my reasoning in my answer to the indictment and my answer has been analyzed by Mariusz Jałoszewski, a journalist (<https://oko.press/slynnny-radzik-sciga-prawnika-tulei-i-juszczyżyna/>).

Milton Friedman used to say, "Let me share some facts with you". The facts are as follows:

- the Deputy Disciplinary Prosecutor demanded that the case file of Judge Juszczyżyn be sent to him;
- the Disciplinary Prosecutor employs similar practices against other judges;
- the neo-National Council of the Judiciary ("NeoKRS"), which should ordinarily be tasked with defending the independence of judges adopted a disgraceful resolution on May 28, 2021 in the matter of the ruling of the District Court in Bydgoszcz. In this resolution the NeoKRS accused the judges of committing a clerical offence under Article 231 § 1 of the Criminal Code and implored the President of the Republic of Poland, the Minister of Justice and the Prosecutor General "to take all possible measures [...] to avoid confusion in how it is construed, which would be highly dangerous [...]". This appeal sounds ominous and threatening, given that it is addressed to the Minister of Justice and Prosecutor General. It evokes the worst possible associations with the methods used by authoritarian and totalitarian systems.

If you read the indictment against me with a discerning mind and in light of the actions taken by the Disciplinary Prosecutor and his Deputies, including Przemysław Radzik, you will readily arrive at the conclusion that Przemysław Radzik, who has taken actions against other judges that are similar or identical to the ones he has taken against Judge Juszczyżyn has defamed himself through actions of his own design. The Romans used to say "*Volenti non fit iniuria*" ("to a willing person, no injury is done") to describe situations like his.

It is not objectively possible to humiliate Przemysław Radzik in the public opinion or undermine the trust placed in him as a judge because he is one of the people ardently engaged in establishing these operating practices as the Deputy Disciplinary Prosecutor of Common Court Judges.

Poland has been undergoing a transition and gradually creeping away from a liberal democracy to an authoritarian system since 2015. Human freedom lies at the core of every liberal democracy. In contrast, at the core of an authoritarian system (donning the facade of a democracy) solely lies the will of the ruling party's leader, which is implemented through ideological indoctrination under penalty of criminal law. Jan Tokarski, author of "*The Moment of Thucydides*" points out that this type of ideology uses words as if they were magic spells to impart the power of an anesthetic drug to them.

Let me share with you one more recent fact. The Minister of Education and Science has just announced that the top priority of his educational policy will be to promote the right attitudes. His advisor provides further insight into his intentions by saying that this will entail the "proper education of women, namely, educating girls in womanly virtues" and that "Today we can observe a very dangerous moral and religious phenomenon in culture, namely [...] the spiritual corruption of women, consisting in the awakening of pride in women, which manifests itself through vanity, self-interest, egotism, fighting the objective order of things to place oneself at the pinnacle.

His words are inconceivable. How many more facts do I need to share for people to grasp what I am fighting for as an attorney representing Judge Juszczyzyn and Judge Tuleya?

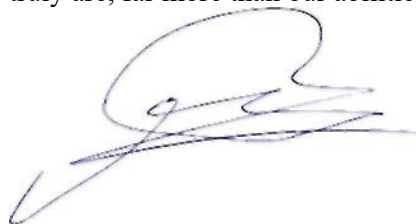
To squash a liberal democracy replete with human freedoms and rights - also meaning women's rights - at its core, judges must first be subjugated or cowed into submission. Ideological indoctrination is deeply encoded in the DNA of authoritarianism. That is why we need independent judges to defend us.

The words uttered by advocate Czesław Jaworski are close to my heart: "A lawyer who fears adverse consequences to his own person cannot allow himself to be dissuaded from presenting important arguments in a case [...]. The Bar [...] is one of the most important institutions charged with protecting human rights. It is a way of life and a lifestyle alike. You should not become a lawyer simply to be a lawyer. You have to have a desire to be free and be a lawyer".

Przemysław Radzik and the NeoKRS are afraid that my activity as an advocate will trigger a snowball effect. That is the real reason they want to punish me.

I confess. My goal is to trigger a thawing effect on judges, jolt people out of their silence and offer encouragement to those people for whom freedom and tolerance are as important as the air we breathe and as the health we cherish. Too many people have failed to take due notice of what is currently transpiring. Let's hope their fate does not entail waking up belatedly from this "drug induced state of anesthesia" administered by the authorities or discovering to their incredulity that what they had previously considered totally impossible has become possible.

Professor Albus Dumbledore wisely advised Harry Potter, "It is our choices, Harry, that show what we truly are, far more than our abilities".



Prof. Michał Romanowski
Advocate accused of precipitating a chilling effect among judges