

Judges suspended after the July interim measure (C-204/21 R):

The judges suspended by the Disciplinary Chamber (4): Piotr Gąciarek, Judge of the Regional Court in Warsaw, Maciej Ferek, Judge of the Regional Court in Kraków, Maciej Rutkiewicz, Judge of the District Court in Elbląg and Krzysztof Chmielewski, Judge of the Regional Court in Warsaw.

Judges suspended under Article 130 of the Law on the Structure of the Ordinary Courts by the Minister of Justice (personally) (4): Adam Synakiewicz, Judge of the Regional Court in Częstochowa, Marta Piłśniak, Judge of the District Court in Warsaw, Marzanna Piekarska-Drązek, Judge of the Administrative Court in Warsaw and Joanna Hetnarowicz-Sikora, Judge of the District Court in Suwałki.

Judges suspended under Article 130 of the Law on the Structure of the Ordinary Courts by the presidents of the courts (appointed by the Minister of Justice) (6): Anna Głowacka, Judge of the Regional Court in Kraków, Krzysztof Chmielewski, Judge of the Regional Court in Warsaw, Maciej Rutkiewicz, Judge of the District Court in Elbląg, Agnieszka Niklas-Bibik, Judge of the Regional Court in Słupsk, Maciej Ferek, Judge of the Regional Court in Kraków and Piotr Gąciarek, Judge of the Regional Court in Warsaw.

Reasons for the suspensions:

Judge Piotr Gąciarek – when complying with the rulings of the Court of Justice of the EU and the European Court of Human Rights, Piotr Gąciarek, Judge of the Regional Court in Warsaw, issued a declaration on 6 September 2021 refusing to adjudicate with Stanisław Zdun, a neo-judge promoted to the Regional Court in Warsaw by the current, defectively appointed, new National Council of the Judiciary. This resulted in a decision of the President of the Regional Court in Warsaw (who is also the Chief Disciplinary Commissioner of the Ordinary Courts), Piotr Schab, who ordered the immediate stoppage of the judge's duties for 30 days on 13 September 2021. After that time the judge returned to adjudication and then, despite the CJEU's interim measure of 14 July 2021, on 24 November 2021, the Disciplinary Chamber (in a session held *in camera*, without informing the judge) decided to suspend the judge indefinitely and to reduce his salary by 40%.

Judge Maciej Ferek – Maciej Ferek, Regional Court in Kraków, was suspended in his official activities because he applied the rulings of the European courts and questioned the correctness of the appointment of judges in a procedure involving the current, defectively appointed, new National Council of the Judiciary in his rulings. The president of the Regional Court in Kraków (simultaneously a member of the neo-NCJ), Dagmara Pawełczyk-Woicka (Minister Zbigniew

Ziobro's schoolmate), ordered the immediate stoppage of his official activities on 22 October 2021. Next, despite the CJEU's interim measure of 14 July 2021, on 16 November 2021, the Disciplinary Chamber (in a session held *in camera*, without informing the judge) decided to suspend the judge indefinitely and to reduce his salary by 50%.

Judge Maciej Rutkiewicz – the president of the District Court in Elbląg, Agnieszka Walkowiak (nominated by Minister of Justice Zbigniew Ziobro) ordered the immediate stoppage of the judge's duties for 30 days on 9 November 2021. The reason for the order was that Judge Rutkiewicz discontinued the criminal proceedings being conducted against a prosecutor (the prosecutor who supervised the Amber Gold investigation) because he found that the consent to conduct the prosecution had not been effectively expressed (the immunity had been lifted by a resolution of the illegally functioning Disciplinary Chamber). Then, on 15 December 2021, the Disciplinary Chamber suspended Judge Rutkiewicz indefinitely and reduced his salary by 40%. The Disciplinary Chamber adjourned the hearing of the complaint filed by Judge Rutkiewicz (against the above resolution of the Disciplinary Chamber regarding his suspension) on 20 April 2022 until the consideration by the Chamber of Extraordinary Control and Public Affairs of the motion to remove the neo-judges of the Disciplinary Chamber from adjudicating because of the lack of their impartiality and independence.

Judge Krzysztof Chmielewski – the vice-president of the Regional Court in Warsaw, Mr Przemysław Radzik, suspended Judge Krzysztof Chmielewski on 15 December 2021, because he challenged the legality of a judicial appointment by the new National Council of the Judiciary in his ruling in one of his cases in accordance with the judgments of the CJEU and the ECtHR and removed a neo-judge from adjudicating *ex officio*. On 5 January 2022, the Disciplinary Chamber suspended Judge Krzysztof Chmielewski indefinitely and reduced his salary by 25%.

Judge Adam Synakiewicz – on 23 August 2021, the judge overturned the ruling of the District Court in Zawiercie because it had been issued by an improperly staffed court, which included a person appointed to the office of judge on the motion of the current, new National Council of the Judiciary. Judge Synakiewicz referred to judgments of the ECtHR and the CJEU. Minister of Justice Zbigniew Ziobro ordered the immediate stoppage of the judge's official duties for one month on 8 September 2021. Judge Synakiewicz returned to adjudication, whereas a motion to continue his suspension indefinitely was filed with the Disciplinary Chamber. It has not been examined to date.

Judge Marta Piłśnik – the Minister of Justice ordered the immediate stoppage of the performance of the official duties of the judge of the District Court for Warsaw-Śródmieście for 30 days on 15 September 2021, because, on 20 August 2021, the judge had issued a decision to dismiss the motion for pre-trial detention with respect to a prosecutor whose immunity the Disciplinary Chamber had lifted, after which she separated the prosecutor's case into separate proceedings because of the lack of effective authorisation to prosecute. The judge referred to the judgments of the ECtHR and the CJEU in her rulings.

Judge Marzanna Piekarska-Drążek – suspended in connection with an order issued in February 2021 by the Court of Appeal in Warsaw (with Appeal Court Judge Marzanna Piekarska-Drążek as the presiding judge), which ruled that Judge Igor Tuleya is still an active judge, who is entitled to adjudicate, because he had not been effectively suspended from his judicial duties by the Disciplinary Chamber. Minister of Justice Zbigniew Ziobro ordered the immediate stoppage of the judge's official duties for 30 days on 24 January 2022. He acknowledged that 'she had acted to the detriment of the public interest', by which she was supposed to have damaged 'the gravity of the court of appeal', 'breached the material interest of the service' and 'undermined public confidence in the administration of justice'.

Judge Joanna Hetnartowicz-Sikora – Minister of Justice Zbigniew Ziobro ordered the immediate suspension of Judge Joanna Hetnartowicz-Sikora of the Słupsk Regional Court in her duties for 30 days on 8 February 2022. The reason for removing the judge from adjudicating was that, during one of the proceedings, she challenged the status of a neo-judge appointed with the involvement of the current, new National Council of the Judiciary (referring to the case law of the ECtHR and the CJEU). Disciplinary proceedings are also being conducted with respect to the judge.

Judge Anna Głowacka – the president of the Regional Court in Kraków, Dagmara Pawełczyk-Woicka, nominated by the current National Council of the Judiciary, ordered the immediate suspension of Judge Anna Głowacka of the Regional Court in Kraków in her official duties for 30 days on 25 February 2022, because, in accordance with the judgments of the CJEU and the ECtHR, the judge challenged the legality of the appointment of a neo-judge nominated with the involvement of the current, new National Council of the Judiciary.

Judge Agnieszka Niklas-Bibik – the president of the Regional Court in Słupsk ordered the immediate suspension of Judge Agnieszka Niklas-Bibik in her official duties for 30 days on 29

October 2021, because the judge had applied the rulings of the European Courts and had challenged the legality of the appointment of neo-judges in a procedure involving the current, new National Council of the Judiciary in her ruling.

Interim measures:

- The ECtHR issued an interim measure on 8 February 2022 ordering the suspension of the consideration of the case of the indefinite suspension of Supreme Court Judge Włodzimierz Wróbel before the Disciplinary Chamber;
- The ECtHR issued an interim measure on 23 February 2022 ordering the suspension of a case before the Disciplinary Chamber regarding the indefinite suspension of Judge Marzanna Piekarska-Drązek of the Court of Appeal in Warsaw;
- On 22 March 2022, the ECtHR issued four decisions regarding Judge Adam Synakiewicz, Judge Joanna Hetnartowicz-Sikora, Judge Agnieszka Niklas-Bibik and (once again) with respect to Judge Marzanna Piekarska-Drązek. The ECtHR obliged the Polish government to inform the Court and the judges of the date of any session of the Disciplinary Chamber regarding their suspension 72 hours before the meeting.

Inicjatywa #WolneSądy

Warsaw, May 4th, 2022