



**INTERNATIONAL ASSOCIATION OF JUDGES
UNION INTERNATIONALE DES MAGISTRATS
UNIÓN INTERNACIONAL DE MAGISTRADOS
INTERNATIONALE VEREINIGUNG DER RICHTER
UNIONE INTERNAZIONALE DEI MAGISTRATI**
PALAZZO DI GIUSTIZIA - PIAZZA CAVOUR - 00193 ROMA - ITALY

Rome, 27th of March 2023

to **Mr. António Guterres**
Secretary-General of the United Nations

copy to

Ms. Margaret Satterthwaite
UN Special Rapporteur on the independence of judges and lawyers

RE: Proposition to name January 11th “International Day of Judicial Independence - 1000 Robes March”.

Your Excellency,

The International Association of Judges (IAJ), was founded in Salzburg (Austria) on 6th September 1953. It is a professional, non-political, international organisation, bringing together national associations of judges approved by the Central Council for admission to the Association. The IAJ is organised in four Regional Groups. Ibero-American Group, African Group, North America, Australia and Asian Group and European Group.

The main aim of the association is to safeguard the judicial independence of the judiciary. The objects of the IAJ are recorded in its Constitution and Regulations as follows:

- to safeguard the independence of the judicial authority as an essential requirement of the judicial function and guarantee of human rights and freedom.
- to safeguard the constitutional and moral standing of the judicial authority.
- to increase and perfect the knowledge and the understanding of Judges by putting them in touch with Judges of other countries, and enabling them to become familiar with the nature and functioning of foreign organizations, with foreign laws and, in particular, with how those laws operate in practice.
- to study together judicial problems, whether these are of regional, national, or universal interest, and to arrive at better solutions to them.

The IAJ brings together 94 national associations or representative groups of Judges, from five continents. Its members include the Polish Judges Association (IUSTITIA).

Since 2015, the rule of law in Poland has been progressively undermined by the executive and legislative powers. Successive governments have, under the guise of “reforms”, introduced a number of amendments concerning the Polish judicial system in order to exert control over it in a way that would

facilitate the implementation of its policy agenda. These legislative modifications are comprehensively set out by the ECtHR in its judgments in *Xero Flor v Poland*²⁰ and *Grzęda v. Poland*, and include the following:

- a) An increase in the powers of the Minister of Justice, who is at the same time the Prosecutor General, in relation to the internal organisation of the courts, the appointment and dismissal of presidents and vice-presidents of the courts, and the areas of promotion and discipline.
- b) The transfer of the power to elect the fifteen judicial members of the National Council of the Judiciary (NCJ), which is responsible for the examination and assessment of candidates for the position of judge, from the respective assemblies of judges to the Sejm and the premature termination of the terms of offices of judges elected under the previous regulations.
- c) The modification of the organisation of the Supreme Court by creating two new chambers: (1) the Disciplinary Chamber and (2) the Chamber of Extraordinary Review and Public Affairs. The judges of these new chambers were appointed by the President of the Republic on the recommendation of the new NCJ.
- d) The lowering of the retirement age for Supreme Court judges from 70 to 65, with the grant of discretion to the President of the Republic to decide whether to allow judges to continue in office for periods of 3 year after that age.
- e) The introduction of significant changes to the rules of the disciplinary liability of judges, so as to considerably increase the role of the Minister of Justice / Prosecutor General in the area of judicial discipline and allow the content of judicial decisions to be classified as a disciplinary offence involving judges of the lower courts.
- f) The taking of steps by the Polish authorities to curb references to the Court of Justice for preliminary rulings on the question of the independence of the courts in Poland or to call into question the decisions of the Polish courts which have made such references.
- g) The introduction of new disciplinary offences and sanctions for judges, including for questioning the lawfulness of judicial appointments made with the participation of the new NCJ.

On January 11th 2020 judges of all Europe gathered together in Warsaw to join Polish judges and Polish citizens to protest with them shoulder to shoulder because Polish Government and the majority in the Parliament introduced and are still introducing new laws which fundamentally undermine international standards of independence of judiciary and especially United Nations Basic Principles on the Independence of the Judiciary were adopted in 1985 by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders which were endorsed by the General Assembly in its resolutions 40/32, on November 29, 1985 and 40/146, on December 13, 1985.

“1000 Robes March” was a unique event that took place on 11 January 2020 in Warsaw under the motto: “Right to independence. Right to Europe.”

The March was a reaction to the proposed law, forbidding judges to examine the proper composition of court panels, especially with view to the nomination process of judges, under the sanction of being dismissed from office. This law was called “the muzzle law”.

It was the greatest demonstration of judges in contemporary Europe. 30 thousand people, including hundreds of judges from 22 European countries walked for a couple of hours the streets of Warsaw, from the Supreme Court, through the Presidential Palace to the Polish Parliament where they shouted out that they are Polish and European judges and that their place is in the family of democratic states of the European Union.

This March also gave rise to a new notion of identity among the judges from different countries, and solidarity in their struggle to maintain the rule of law all within the European Union and outside it. It resulted in intensified cooperation among the European judges.

Judges from the following countries participated in the 1000 Robes March:

1. Austria, 2. Germany, 3. Portugal, 4. Denmark, 5. France, 6. Croatia, 7. Greece, 8. Slovenia, 9. Spain. 10. Hungary, 11. Ireland, 12. Italy, 13. Norway, 14. Romania 15. the Netherlands, 16. Czech Republic, 17. Latvia 18. Bulgaria, 19. Turkey 20. Estonia 21. Belgium 22. Slovakia.

This event was noticed and praised in the whole globe by all those who are devoted and understand the importance of an independent judiciary for the rule of law for democratic order and, finally, for world peace; it was unprecedented in world history.

It also showed international solidarity of judges, not only in Poland, but also in other parts of the world.

Unfortunately, we witness in these days that the Polish case is not unique and that in many other parts of the world UN Basic Principles are ignored and distorted. At present we draw attention to recent developments in Israel, Hungary, Turkey, but also in many other countries.

On that day, January 11th 2020, judges were determined, and remain to:

- recall the fundamental importance of respecting the rule of law, which is intrinsically linked with the principle of democracy and the respect of human rights,
- underline that the rule of law entails the independence of the judiciary, which notably includes the separation of powers, by shielding the judiciary from politically motivated interferences, as well as impartial and independent judges,

and

- emphasize that the independence of judges is particularly secured through their appointment exclusively based on merit (qualifications, experience, integrity, ability, efficiency), and that a protection against unfair disciplinary measures must be guaranteed,

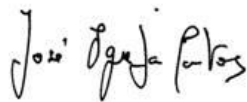
and raise their voice, to attract the attention of citizens and to warn members of the other two state powers that the independence of the judiciary, as it is established in various international documents, has no alternative.

To pursue this goal, we judges of 94 national associations, need support and recognition from international bodies who also in their basic documents and in their everyday endeavour to promote the rule of law, democracy, separation of powers and an independent judiciary.


For that reason, the IAJ, which has observer status with UN is honoured to propose that the United Nations proclaim January 11th as a “International Day of Judicial Independence - 1000 Robes March” to mark the daily brave and peaceful call of judges for an independent judiciary which all citizens of the world are entitled to.

We believe that accepting this proposal UN will send a strong message about how the UN Charter and Basic Principles are valued and are needed now and, in the future, more than ever.

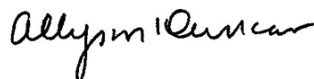
Sincerely Yours,



José Igreja Matos
President of the IAJ



Duro Sessa
President of the EAJ



Allyson Duncan
President of the ANAO



Marcelle Kouassi
President of the AFR



Walter Barone
President of the IBA