

Dear Judges

Esteemed Participants

Jorge Luís Borges, the Argentinian genius, once said that "perhaps universal history is the history of a few metaphors."

In this context, speaking to all of you fellow judges and supporters of Rule of Law, among equals and friends, allow me to share some personal stories, memories of the March of 1000 Robes, metaphors of the essential values we stubbornly, as some will accuse us, defend, no matter what.

During the March, walking in the crowded streets of Warsaw, surrounded by judges from dozens of European countries, a Polish common citizen, an old woman, tears in her eyes, with an unforgettable dignified posture, voiced me some words in Polish impossible for me to understand besides one, repeated: "dziekuje", thank you, thank you.

A kind Polish colleague explained me that she was expressing gratitude for our solidarity to the persecuted independent judges and prosecutors in her country. The same attitude was repeatedly shown during the day by many other citizens, marching along with us, foreign judges.

This lady represents, for me, the concrete personification of judicial independence.

The meeting with this good woman on such a special day and the brief words we exchanged, with the help of an ad-hoc translator, are a vivid metaphor of our mission as judges.

To serve our fellow citizens, remembering always, especially to the other State Powers, the essential: judicial independence is not a privilege credited to judges but a guarantee, priceless and precious, for anonymous citizens, in any given country.

The second special moment of January 11th has to do with the words I had the unique opportunity to address to the "sea of people" present in front of the Parliament.

Those words, echoing our profound concerns, expressing what lived in our hearts, remain actual, more crucial than ever.

“I truly believe that for years to come the present March will be remembered.

Never so many countries, so many judiciaries from so diverse juridical cultures, converge on a single day, to a single place (...)

We, judges, who defend on each day, in each court, the Rule of Law instead of the Rule by Law. We who apply the Rule of Law and not the Rule of Men.

The European authorities must listen to the voice, humble but resilient, serene but determined, of the Polish Judges, of the European Judges.

The judges have spoken.”

Quoting Cicero, in yet another intended metaphor, I underlined how the indecision from EU institutions were causing terrible harm to judicial independence. In our days like in Ancient Rome, indecision continues to be “the thief of opportunity”.

A third memory befell just one day after, when returning home, I tried to redeem the intense memories experienced not only in the March but during recent months and years dialoguing with many Polish colleagues, experiencing, by their testimony, their stories and their sheer determination, how decisive is moral courage.

When judges are afraid, no citizen can sleep peacefully - Eduardo Couture warned many years ago.

The unceasing disciplinary procedures conducted by a political body poorly disguised as a court pretends exactly to generate a treacherous culture of fear.

The aim of our professional lives is determined by very few essential values. They must always be plural; pursued by a large community faithful to Rule of Law.

That is why the eloquent example of many of you, dear friends from Poland, defending the essential, overcoming menaces and fears, oblige each one of us to emulate your resilience.

Since day one, the European Association of Judges, along with the International Association of Judges, has revealed total solidarity to our Polish member, Iustitia, and to the brave colleagues, some internationally recognized but many, many others anonymous judges, that, in numerous occasions and arduous circumstances, remained committed to Rule of Law.

On an institutional level, in our periodical meetings with the European Network of Councils of Judiciary, Network of Supreme Courts Presidents, ACA – Europe, within United Nations, EU institutions, OSCE and CoE, in particular with our partners CCJE and GRECO, the mission of EAJ remains uncompromising: to denounce the attacks on judicial independence and to protect judges, prosecutors, lawyers, within or outside European Union, victims of their pledge to our essential values.

Allow me to quote the President of the European Commission, Mrs. Ursula Van der Leyden, when she wrote days ago to EAJ members: “I would like to underline my appreciation for your Association’s engagement in promoting the Rule of Law in European Union.” But, unfortunately, EAJ has not perceived the same levels of commitment from other European and national political authorities, particularly the ones that ignore the blunt disregard for the rulings of the European Court of Justice.

The upcoming hearing, next Wednesday, of Judge Tuleya is yet another deplorable example of how disappointing is the compliance from EU State members with our fundamental rules.

We must persevere, walking – like one year ago - on the right side of History. The Muzzle Law adopted 13 months ago should be urgently blocked to end the current dangerous intimidation of independent judges.

An EU’s Marshall Plan for Rule of Law – the message EAJ tried to convey in recent months remain decisive for the future of European judiciary.

Time and again, We, European Judges, stand tall. We, European Judges, stand proud.

José Igreja Matos

President of the European Association of Judges

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