

Sardinia, Porto Conte, July 20, 2021

To:

Lawyers for Lawyers
Amsterdam Bar Association
International Commission of Jurists

Dear Sirs,

As I write these words of thanks, I am in Sardinia, near Alghero. Antoine de Saint-Exupery, the author of *The Little Prince* lived here. I am gazing at the same bay, the same mountains, the Mediterranean Sea and the sunset as the author of *The Little Prince* did. That is amazing. The Sardinians are so nice. They have a wonderful DOCG white wine called *vermentino di gallura*, which goes great with seafood and fish (though nothing can beat Sauvignon Blanc Reserve from Lawson's Dry Hills in Marlborough, New Zealand). I'm listening to my playlist with *What a Wonderful World* by Louis Armstrong, *Imagine* by John Lennon and *This Is Acting* by Sia (don't give up, no, no). I grow dreamy listening to Lennon:

"You may say I'm a dreamer
But I'm not the only one
I hope someday you'll join us
And the world will live as one"

I am so grateful to Lawyers for Lawyers for recognizing my fight to defend Pawel Juszcyszyn and Igor Tuleya as judges and their human rights. In particular, I direct my words of thanks to Maciek Bednarski who contacted me on behalf of Lawyers for Lawyers and then, together with Leroy Niekoop and Julia Smakman, spoke with me at length. Of course, I also extend my thanks to Leroy Niekoop and Julia Smakman of Lawyers for Lawyers. Leroy Niekoop gave me the news that my fight for the rights of Pawel Juszcyszyn and Igor Tuleya has also attracted the support of great organizations such as the Amsterdam Bar Association and the International Commission of Jurists, to whom I am also very grateful.

At the same time, as a Pole I have a feeling that something really bad has happened and is still happening in Poland. This is exemplified by my case as an advocate and professor from Poland being juxtaposed with the cases of advocates from countries such as Russia, Turkey, Belarus and many other countries of the same ilk. This warning signal should give us Poles food for thought. I am a business lawyer and people ask me why are they after you? The answer is simple. Why not me? I give instruction about the merits of freedom, equity and security, about the law as the law of everyday life and its context. Why me? Because I believe in what I teach, because I believe that every single one of my clients is a human being with his or her own problems, conditions and emotions. Because I have read too much about how freedom and human dignity were trampled in the past, and I have seen too much of what has happened in 21st century Poland since 2015.

Too many people think that discussing the rule of law is merely a theoretical discussion or a political dispute. These labels are so misleading. The rule of law is not a dead language like Latin,

an ornament in the discussions of constitutional legal experts. The rule of law dates back to the beginning of the world and the advent of mankind. It predates democracy and the Polish Constitution. Before creating man God established the rule of law (*ius naturale*). It is said that in the beginning there was chaos. This is not true. In the beginning there was the rule of law, which defined human dignity. The rule of law is very practical because it lays down the context of our lives, the lives of women, children, vulnerable people and minorities. There is nothing more connected to everyday life than the rule of law. Without the rule of law, fear abounds. Some people try to flee their fear by emigrating physically, intellectually or mentally. Their endeavor is doomed because evil will always track them down. Evil keeps you down or holds you by the throat. The rule of law protects human dignity as proclaimed in Article 30 of the Polish Constitution, which states: "A human being's inherent and inalienable dignity is the source of freedom and human and civil rights. It is inviolable and the public authorities are tasked with respecting and protecting it." Article 30 of the Polish Constitution elaborates on the Constitution's preamble stating that the law is to perpetuate "truth, justice, good and beauty."

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.

The Minister of Education and Science in Poland, a prominent politician belonging to the ruling Law and Justice party, has just announced that the top priority of his educational policy will be to promote the right attitudes. His advisor (supposedly a professor of philosophy) and he clarified that this will entail the "proper upbringing 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.

These words are inconceivable. They form part of why I am fighting for as an attorney representing Judge Juszcyszyn 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 by uncompromisingly upholding the rule of law.

The most beautiful thank you letter I have received for the knowledge I have tried to impart in a far from perfect manner invokes the words of Winnie the Pooh speaking about Rabbit: "I like talking to Rabbit because Rabbit speaks clearly about clear things, like [...] Teddy Bear eats what ...". So, I just try to do my job as a lawyer and professor by speaking clearly, calling a spade a spade.

I am very fond of the words uttered by Czesław Jaworski, a prominent Polish advocate who defended oppositionists during the communist era in Poland. He said: "A lawyer who fears adverse consequences to his own person cannot refrain 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".

The authorities in Poland are afraid that my activities 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 the judiciary, 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".

As I finish writing this letter on my last day in Sardinia, I am engrossed in reading *The Little Prince*. It aptly reminds us that freedom is our friend. That's why we have to fight for it because "Friends are like silent angels when our wings forget how to fly". That's why you have to fight to secure free courts and free media and fight for freedom, a veritable prerequisite for the dignity of all of us.

"You may say I'm a dreamer
But I'm not the only one"

I am joined by Lawyers for Lawyers, the Amsterdam Bar Association and the International Commission of Jurists and by all of those people who share my views on freedom.

The law sometimes slumbers, but it never dies.

My thanks to all of you.



Michał Romanowski