



NEWSLETTER AEQUITAS (Nr 1)

May 17, 2025

RESOLUTION OF THE BOARD OF THE SUPREME COURT ON THE PUBLIC ACTIVITY OF JUDGES OF THE SUPREME COURT

On May 7, 2025, the Board of the Supreme Court adopted Resolution No. 2/05/2025 on ensuring the proper functioning of the Supreme Court. The Board indicated that **Supreme Court judges should not participate in the law-making process if it leads to involvement in political disputes. Judges may only conduct such public activities that are compatible with the principles of judicial independence and the impartiality of judges.**

The resolution refers to the involvement of members of the Iustitia Association in controversial projects of the Ministry of Justice regarding the removal of judges appointed after 2018.

DETERMINATION BY THE SUPREME COURT OF THE VALIDITY OF THE BY-ELECTIONS TO SENATE OF POLAND BY A RESOLUTION OF FULL CHAMBER OF EXTRAORDINARY CONTROL AND PUBLIC AFFAIRS

On May 8, 2025, the National Electoral Commission (NEC) by resolution no. 189/2025 corrected its resolution regarding guidelines for district electoral commissions, thus implementing two resolutions of the Chamber of Extraordinary Control and Public Affairs (IKNISP) of the Supreme Court (SN) of May 7, 2025 in the case nr I NSW 18/25 and of May 7, 2025 in the case nr I NSW 19/25. **The Supreme Court found the complaints regarding the issue of social observers identifying themselves with a scan of a certificate and using the mObywatel application to be justified.**

NEC introduced the changes indicated by the Supreme Court and did not question the legality of IKNISP, which directly indicates the selective application of the rulings of this Chamber by its members. Previously, NEC members did not recognize some of the rulings, indicating that IKNISP is not a legal court.

This approach has sparked controversy and concerns that it could paralyze the electoral process and undermine trust in electoral institutions. Such discretion could also pose a threat to democracy, as the NEC arbitrarily decides which rulings it recognizes and which it does not.

POSITION OF THE NATIONAL ASSOCIATION OF JUDGES AEQUITAS TO THE VENICE COMMISSION

On May 9, 2025, Aequitas sent the Venice Commission its **position on the draft law on restoring the right to an independent and impartial court** established on the basis of law by regulating the effects of resolutions of the National Council of the Judiciary adopted in the years 2018-2025, presented by the Ministry of Justice on April 24, 2025.

The opinion clearly, in points, shows the contradiction of the Minister's draft, as well as two previous drafts similar in assumptions and content prepared by the Codification Commission of the Judiciary and Public Prosecutor's Office, led by a member of the Iustitia Association, Judge Krystian Markiewicz, with the guidelines of the Joint Opinion of the Venice Commission and the Directorate General for Human Rights and the Rule of Law (DGI) on European Standards Governing the Status of Judges, adopted on 11-12 October 2024, the European Convention on Human Rights, the Charter of Human Rights Fundamental and the Constitution of the Republic of Poland.

Link to the position: <https://aequitaszrzeszenie.pl/stanowisko>

NEXT VERSION OF THE DRAFT ACT ON "RESTORING THE RULE OF LAW"

On May 13, 2025, another draft bill was published on the website of the Ministry of Justice on restoring the right to an independent and impartial court established on the basis of law by regulating the effects of resolutions of the National Council of the Judiciary adopted in the years 2018-2025. This time, the idea of abolishing the Professional Liability Chamber of the Supreme Court was withdrawn, the institution of the extraordinary complaint was abandoned and the test of judicial independence was restored.

The new draft aroused considerable surprise, because according to press reports, the members of the Codification Commission of the Judiciary and Public Prosecutor's Office, established specifically for this purpose, had no information about it, and moreover, the Ministry of Justice presented its draft bill of April 24, 2025 regulating the same issues to the Venice Commission just three weeks ago.

APPOINTMENT OF THE PRESIDENT OF THE REGIONAL COURT IN WROCŁAW

On May 13, 2025, the Minister of Justice appointed judge Marcin Sosiński to the position of president of the Regional Court in Wrocław - one of the largest courts in Poland. He received the support of only 34 judges, 58 were against. The second candidate received 78 votes, with 23 against. Once again, the Minister of Justice, contrary to his announcements, appointed to the position of president a person whose candidacy aroused opposition among the judges.

CHANGES IN THE LAW POSE THREAT TO COURTS? A VOICE FROM INSIDE THE SYSTEM - JUDGE KINGA ŚLIWIŃSKA-BUŚKIEWICZ TALKS ABOUT THE BEHIND OF THE SCENES OF THE FORMATION OF THE NATIONAL ASSOCIATION OF JUDGES AEQUITAS

On May 11, 2025, a member of the Aequitas National Association of Judges, a judge of the Court of Appeal in Poznań, Kinga Śliwińska-Buśkiewicz, gave an interview to Im.pl Internet portal. The issues discussed include: reasons for the establishment of the National Association of Judges „Aequitas”; status of judges appointed since 2018; current situation of the judiciary in connection with groundless questioning of the status of these judges and the impact of this practice on the situation of citizens; and the stability of the judiciary.

Judge Kinga Śliwińska-Buśkiewicz debunks the myth of the inconsistency of the composition of the National Council of the Judiciary established after December 8, 2017 with Polish Constitution, demonstrating that such a contradiction – contrary to the established narrative – does not occur, and that the European tribunals - the CJEU and the ECtHR have never questioned the status of judges appointed since 2018 in their judgments.

The interview also includes a **critical assessment of the draft acts on “restoring the rule of law in Poland”** currently promoted by the Minister of Justice and the Codification Commission of the Judiciary and Public Prosecution.

Link to the interview: <https://www.youtube.com/watch?v=TVO6lrGh7iY>