



AEQUITAS NEWSLETTER (Nr 12)

August 9, 2025

THE COLLEGES OF THE DISTRICT COURTS IN SZCZECIN AND GDAŃSK GAVE OPINIONS ON APPLICATIONS FOR THE DISMISSAL OF PRESIDENTS AND VICE-PRESIDENTS

On August 5, 2025, the boards of the District Courts in Szczecin and Gdańsk reviewed the first motions submitted by the new Minister of Justice to dismiss court presidents and vice presidents.

The Board of the District Court in Szczecin granted the motions, while the Board of the District Court in Gdańsk did not, which generated significant media attention. The Minister of Justice's motions concerned the president of the Gdańsk-Południe District Court and the vice president of the Gdańsk-Południe District Court. In both cases, the first motions to dismiss them had already been submitted by Minister Adam Bodnar. The motion to dismiss the president of the Gdańsk-Południe District Court was submitted in September 2024. In October of that year, first the Assembly of Judges of the Gdańsk-Południe District Court and then the Board of the Gdańsk-Południe District Court opposed the Minister's motion. **The motion to dismiss the Vice-President of the District Court in Gdańsk was filed in May 2025. In June, the Assembly of Judges of the District Court in Gdańsk, and subsequently the Board of the District Court in Gdańsk, opposed the Minister's motion, unanimously in the latter case.**

We recall these facts because the August decision of the Board of the District Court was preceded by a tedious procedure, in which not only the Board but also the judges of the courts concerned expressed their views on the motion to dismiss the presidents.

Leaving aside the question of why the new Minister of Justice reiterated motions that had already been negatively reviewed by the judicial community, it should be emphasized that the Board's assessment was an individual, thorough assessment of specific individuals, excluding the recent frequent references to political disputes within the judicial community.

<https://niezalezna.pl/polityka/spektakularna-porazka-waldemara-zurka-kolegium-gdanskiego-sadu-odrzucilo-jego-propozycje-czystek-kadrowych/549077>

<https://wydarzenia.interia.pl/kraj/news-pierwszy-sad-sprzeciwia-sie-zurkowi-musi-sie-liczyc-vs-skand,nld,22172170>

<https://share.google/wxqjfiPIWvCzyvavU>

<https://oko.press/nominaci-ziobry-z-gdanska-murem-za-prezesami-neo-sedziami-ale-to-nie-jest-porazka-ministra-zurka?s=09>

<https://gs24.pl/prezesi-sadu-okregowego-w-szczecinie-odwolani-ale-z-waznym-zastrzezeniem/ar/c1p2-27847855>

INITIATIVE OF THE MINISTER OF JUSTICE WALDEMAR ŻUREK REGARDING THE DISMISSAL OF ELECTORAL COMMISSIONERS

The Ministry of Interior and Administration has requested the Chairman of the National Electoral Commission to dismiss judges from their positions as election commissioners who, according to the initiator

of these actions, Minister of Justice Waldemar Żurek, actively supported the election of judges to the National Council of the Judiciary and participated in the nomination process under the regulations in force after 2017.

According to the Electoral Code, an election commissioner may be dismissed before the end of their term of appointment in the event of failure to perform or improper performance of their duties as an election commissioner. The National Electoral Commission decides on the dismissal.

Candidates for election commissioners are nominated by the Minister of Interior and Administration from among individuals with a higher legal education and "who guarantee the proper performance of this function." According to applicable legal regulations, this position must be held by a person with a higher legal education, but does not have to be a judge.

The Chairman of the National Electoral Commission, Sylwester Marciniak, drew attention to the provisions of the Electoral Code and assessed that the justification for the recall motion was very general and did not fall within the premises covered by the Electoral Code.

<https://niezalezna.pl/polska/pkw-gasi-zapal-mswia-ws-komisarzy-decyzja-odlozona/549008>

https://x.com/MSWiA_GOV_PL/status/1952357050916262268?t=So5A1Mxq9Lw2BhGp00FfAw&s=09

COMPLAINTS FROM POLAND IN THE EUROPEAN COURT OF HUMAN RIGHTS

The Ministry of Justice has re-examined Poland's position in 160 complaints heard by the European Court of Human Rights between 2015 and 2023. A significant number of complaints concern changes in the justice system. The Ministry of Justice declares its recognition of ECtHR standards, particularly the right to a fair trial – Article 6(1) of the European Convention on Human Rights and Fundamental Freedoms.

The European Court of Human Rights issued 20 decisions, covering 110 individuals, which approved settlements or unilateral declarations by the Polish government recognizing violations of the Convention.

The Ministry of Justice declares that in situations where violations were obvious, amicable settlements may be reached.

Therefore, it is hoped that the Ministry of Justice will also take this position in the case of complaints by dismissed court presidents and vice-presidents that have already been filed with the ECtHR or will be filed in the near future in connection with the recent suspension of 46 court presidents and vice-presidents and the intention to dismiss them. Despite the passage of more than 4 years since the judgment of the ECtHR of 29 June 2021 in the case of *Bojara and Broda v. Poland* (application no. 26691/18 and application no. 27367/18) and after two changes in the position of the Minister of Justice, there is still no legal regulation granting dismissed presidents or vice-presidents the right to a court, which has consistently been a clear violation of the right of access to a court guaranteed under Article 6 paragraph 1 of the Convention.

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[https://etpcz.ms.gov.pl/etpccontent/\\$N/9900000000000001_I_ETPC_026691_2018_Wy_2021-06-29_001](https://etpcz.ms.gov.pl/etpccontent/$N/9900000000000001_I_ETPC_026691_2018_Wy_2021-06-29_001)

WITHDRAWAL OF THE PROJECT REGULATING THE STATUS OF JUDGES APPOINTED IN THE YEARS 2018-2025 FROM THE OPINION OF THE VENICE COMMISSION OF THE COUNCIL OF EUROPE

Minister of Justice Waldemar Żurek announced the withdrawal of the so-called "Rule of Law Act" drafted by the Ministry of Justice, concerning the status of judges appointed after 2017, from the Council of Europe's Venice Commission, citing the need to "change the style of work on laws related to restoring the rule of law". According to the draft, prepared by the Ministry of Justice in April 2025, judges appointed in those years would be divided into three groups. The draft also envisages the abolition of two Supreme Court chambers established after 2018: the Professional Liability Chamber and the Extraordinary Control and Public Affairs Chamber.

According to the previous Minister of Justice, Adam Bodnar, there are doubts about the effectiveness of this move. He noted that the Venice Commission's opinion was commissioned by the Parliamentary Assembly of the Council of Europe, not directly by the Polish government. Therefore, in his opinion, the withdrawal of the draft by the Minister does not necessarily mean that the opinion will not be issued. He also noted that the lack of cooperation from the Polish government could hinder the Venice Commission's assessment of new draft laws.

The decision taken by the Minister of Justice, Waldemar Żurek, came after the Venice Commission had previously expressed concern about the then proposed (autumn 2024) changes to the Polish legal system regarding the status of judges.

<https://www.tysol.pl/a144443-waldemar-zurek-wycofal-z-komisji-weneckiej-projekt-tzw-weryfikacji-sedziow>

JUDICIAL DISCIPLINARY PROSECUTORS APPOINTED BY ADAM BODNAR WITHOUT ADMINISTRATIVE SERVICE AND LOCALITY

On August 5, 2025, the Presidium of the National Council of the Judiciary found that the Minister of Justice's decisions to appoint two disciplinary prosecutors for judges "are unlawful and have no legal consequences," which means the Council will no longer provide them with administrative support or office space. This decision stems from a conflict related to the Minister of Justice's dismissal of the disciplinary prosecutor and his deputy during their term of office, despite the lack of a legal basis.

<https://share.google/k8cdeWAw0XpvvxGQr>

COMPENSATIONS TO THE STATE TREASURY FROM SUPERIOR COURT JUDGES APPOINTED AFTER 2017 ?!

The Minister of Justice is revisiting the idea of the State Treasury filing recourse claims against Supreme Court judges appointed since 2018 and following whose judgments a complaint was filed with the European Court of Human Rights. In such cases, Poland has reached settlements totaling approximately one million euros by April 2025, although it is unclear how these cases would be resolved by the ECtHR and whether Poland would actually be charged with this amount.

It should be emphasized that the idea for this solution was proposed by the Iustitia Association of Polish Judges, which cited several hundred such cases.

Meanwhile, the largest number of complaints against Poland primarily concern the excessive length of proceedings, which is particularly problematic in family cases and prolonged lack of contact with children, or in criminal cases involving pre-trial detention.

Judge Kinga Grzegorzcyk from the District Court in Łódź, a member of the board of the Aequitas National Association of Judges, assessed the idea as a purely retaliatory action, which severely undermines the basic principles of democracy and judicial independence.

<https://www.prawo.pl/prawnicy-sady/roszczenia-wobec-sedziow-powolanych-od-2018-r,534285.html>

SENATOR ADAM BODNAR DEFENDED AGAINST WAIVING OF IMMUNITY

On August 7, 2025, the Senate did not consent to criminal prosecution of former Minister of Justice Senator Adam Bodnar in the case of a private accusation by Jacek Przygucki, a judge of the District Court in Suwałki and a member of the Aequitas National Association of Judges, for committing acts under Article 212 §§ 1 and 2 of the Penal Code.

Senator Jacek Trela did not read out the charges against Senator Adam Bodnar, but stated that no act had been committed because Adam Bodnar exercised his legal powers, and all the statements in his statement were true and did not harm the judge's reputation. Furthermore, he treated the filing of the indictment as a political act, as he believed Judge Jacek Przygucki should also have requested the waiver of the Prosecutor General's immunity, which seems very strange since Senator Adam Bodnar is no longer the Prosecutor General.

It is a pity that the case will not be submitted to an independent and impartial court, after all, "honest people have nothing to fear".

https://x.com/OZS_Aequitas/status/1953554667159310427?t=TOvadku8NcDp5cVDnvMFgQ&s=09
https://niezalezna.pl/polityka/bodnar-wystraszy-l-sie-procesu-sedzia-przygucki-zamknieto-mi-droge-dochodzenia-sprawiedliwosci/549338#goog_rewarded