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DISMISSAL OF COURT PRESIDENTS AND VICE-PRESIDENTS BY MINISTER WALDEMAR ŻUREK

On September 15, 2025, the Ministry of Justice announced that Minister Waldemar Żurek had dismissed 25 presidents and vice presidents of common courts.

The circumstances and justification for the Minister's decision raise serious doubts regarding its compliance with the rule of law, the independence of the judiciary, and the transparency of public life, as it was made despite negative opinions from the boards, which, according to the Act on the System of Common Courts, should have a significant influence on such decisions and are internal bodies tasked with representing the judicial community and ensuring its autonomy. Ignoring their voices signals that the Ministry does not take the mechanisms of checks and balances seriously.

The Ministry's statement states that the dismissed judges participated in promotion procedures after 2018 or supported current members of the National Council of the Judiciary, which the Minister deemed unconstitutional. Dismissing judges on this basis, without an individual evaluation of their performance, is a political, not an administrative, action. Such practices lead to the politicization of the justice system, which is contrary to the principle of judicial independence.

Although the Ministry published a list of dismissed individuals, there is no detailed justification for each personnel decision. This lack of transparency raises doubts about the fairness of the process..

https://wiadomosci.onet.pl/kraj/waldemar-zurek-ignoruje-krs-oglasza-odwolanie-25-osob-z-wladz-sadow/jkby0sn

https://www.gov.pl/web/sprawiedliwosc/minister-sprawiedliwosci-waldemar-zurek-odwolal-prezesow-i-wiceprezesow-sadow-pomimo-negatywnej-opinii-kolegiow-sadow

https://share.google/d4Wws418F0FioSTju

https://niezalezna.pl/polska/czystki-sad-zurek-krs-ministerstwo-sprawiedliwosci/552150
https://www.prawo.pl/prawnicy-sady/minister-zurek-odwoluje-prezesow-sadow-bez-krs-mozliwe-konsekwencje-i-roszczenia,534946.html

"IMPROVING THE JUSTICE ADMINISTRATION" AT THE DISTRICT COURT IN RZESZÓW

We return to the matter of changes in the District Court in Rzeszów.

As of July 1, 2025, a section for first-instance cases was established in the 6th Commercial Division of this Court. The creation of this section was requested by Judge Marcin Świerk, President of the District Court in Rzeszów, and the order establishing it was issued by Judge Małgorzata Moskwa, President of the Court of Appeal in Rzeszów. Both are activists of "Iustitia."

Only judges recommended in the nomination process involving the National Council of the Judiciary, established after 2017, were appointed to the section. These judges filed appeals with the National Council of the Judiciary, which upheld their appeals. However, the President of the District Court refused to implement the relevant resolutions and, therefore, return to their previous scope of duties.

Additionally, a problem has also arisen in the Penitentiary and Supervision of the Execution of Criminal Judgments Section of the Second Criminal Division. Since August 2025, one prosecutor from the District Prosecutor's Office in Rzeszów has been filing motions to exclude or conduct independence and impartiality tests against a judge adjudicating in this section. This has led to cases pending before this judge being removed from the docket. So far, a total of 13 penitentiary cases and appeals against district court rulings in enforcement proceedings have been postponed for this reason.

Krzysztof Ciechanowski, spokesman for the District Prosecutor's Office in Rzeszów, admitted that its management did not issue official orders or guidelines requiring prosecutors to submit motions to exclude a judge or to conduct an independence and impartiality test in situations where a judge who participated in the procedure before the National Council of the Judiciary (KRS) established after 2017 was appointed to adjudicate. However, he also pointed out that submitting such a motion falls within the scope of the prosecutor's independence, as defined in Article 7, Section 1 of the Act on the Prosecutor's Office.

It should be added that the above actions are consistent with a series of decisions by the president of the Rzeszów District Court directed against judges appointed after 2017. Just last year, the president of the Rzeszów District Court transferred two judges from the 5th Civil Appeals Chamber to adjudicate in the 1st Civil Chamber (which hears cases at first instance). The National Council of the Judiciary accepted the judges' appeals against the new scope of duties, but its resolutions were also not implemented by the president of the District Court. A similar situation applies to a judge transferred from the 6th Commercial Chamber to the 1st Civil Chamber.

It should be noted that such proceedings have negative consequences for the parties in terms of the right to an efficient court without the risk of excessive length of proceedings and undermine citizens' trust in the justice system.

https://niezalezna.pl/polityka/sad-zurek-rzeszow-prokuratura/552087

NEW DISCIPLINARY JUDGE FOR THE COMMON COURT JUDGES

The Minister of Justice has appointed a new disciplinary prosecutor for common courts, Judge Joanna Raczkowska. She has served in the Warsaw-Mokotów District Court in the criminal division since 2015. Her short tenure and adjudication in the district court have meant that, until now, she has been known to the public only through her appointment.

As a reminder, the National Council of the Judiciary appointed Joanna Raczkowska as a judge of the Warsaw-Mokotów District Court in a competition in which 94 candidates participated. Before her appointment, **the judge served as a prosecutor in the military prosecutor's office and was married to the vice-chairman of the National Council of the Judiciary, Judge Colonel Piotr Raczkowski.** Notaries, attorneys, and judicial assistants participated in the competition. **The general assembly of judges of the Warsaw district voted against Joanna Raczkowska's candidacy, which did not prevent the National Council of the Judiciary from recognizing her as the best candidate for the position of judge.**

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INCREASE IN FUNCTIONAL ALLOWANCES FOR JUDICIAL DISCIPLINARY OFFICERS

In Issue 10 of the Newsletter, dated July 19, 2025, we reported on the Minister of Justice's planned reduction in functional allowances for judges, which was subsequently withdrawn.

The Ministry is currently planning a radical increase in allowances for the disciplinary prosecutor and his deputies, as these multipliers are to increase from 0.1 to 0.9 for the prosecutor and from 0.1 to 0.8 for his deputies.

It is interesting that in the spring of 2024, these multipliers were reduced from 0.8 to 0.1 for the prosecutor, and from 0.3-0.7 to 0.1 for the deputies.

These circumstances suggest that the amount of the allowances depends on the Minister of Justice who appointed the disciplinary prosecutor and his deputies.

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