



AEQUITAS NEWSLETTER Nr 22

October 18, 2025

RESOLUTIONS OF THE COLLEGES OF THE SUPREME COURT OF OCTOBER 8, 2025 IN CONNECTION WITH THE RECENT ACTIONS OF THE PUBLIC PROSECUTOR GENERAL AND THE NATIONAL PROSECUTOR'S OFFICE

On October 8, 2025, the Supreme Court Board adopted two resolutions:

1. on ensuring the proper functioning of the justice system, including the Supreme Court, and
2. in response to recent actions by the Prosecutor General and the National Prosecutor's Office aimed at interfering with the independence of Supreme Court judges.

Resolution No. 6/10/2025 states that the **Supreme Court Board strongly objects to the unlawful actions of Prosecutor General Waldemar Żurek, which consist in sending letters to Supreme Court judges calling them to violate their oath and refuse to perform their judicial duties**, as well as in submitting motions in individual proceedings, unrelated to the law, that are actually intended to prevent the hearing of cases.

In Resolution No. 7/10/2025, the **Supreme Court Board expressed deep concern over the recent actions taken by the Prosecutor General and the National Prosecutor's Office aimed at interfering with the independence of Supreme Court judges**. It pointed out that these actions are being conducted without any legal basis and are therefore contrary to the rule of law enshrined in Article 7 of the Constitution of the Republic of Poland. The Board categorically opposed the use of the National Prosecutor's Office and other units of the common prosecutor's office subordinate to the Prosecutor General for political activities whose sole intention is to influence the activities of the constitutional bodies of the Republic of Poland, including the Supreme Court.

These actions include:

1. The appointment by the Minister of Justice and Prosecutor General of a special Team of Prosecutors, who, using threats of criminal and recourse liability, exert pressure on Supreme Court judges to cease adjudicating;
2. unlawful actions by prosecutors in proceedings pending before the Supreme Court, consisting in filing motions, unknown under Polish law, to "exclude" members of the adjudicating panel;

3. unprecedented, openly intimidating questioning of Supreme Court Judge Maria Szczepaniec in proceedings initiated at the request of then-Judge Waldemar Żurek in connection with a manifestly unfounded criminal charge of usurping the office of a Supreme Court judge.

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LETTER FROM THE PRESIDENTS OF THE SUPREME COURT CHAMBERS TO THE PROSECUTOR GENERAL

The presidents of the Civil, Extraordinary Control and Public Affairs, and Criminal Chambers of the Supreme Court responded to a letter from the Prosecutor General, in which he called on judges to cease performing judicial duties and indicated the possibility of the Polish State seeking repayment of compensation from those whose actions led to the award and payment of such compensation.

President of the Extraordinary Control and Public Affairs Chamber of the Supreme Court, Krzysztof Wiak, noted that the rule of law is one of the guiding constitutional principles, and that, pursuant to Article 7 of the Constitution of the Republic of Poland, public authorities operate on the basis of, and within the limits of, the law. However, the Prosecutor General's letter suggests a different understanding of the rule of law. He further noted that no international tribunals have questioned the status of judges appointed at the request of the National Council of the Judiciary after 2018.

Joanna Misztal-Konecka, President of the Civil Chamber, pointed out that complying with the Prosecutor General's letter would paralyze the work of the Civil Chamber, which hears civil, commercial, intellectual property, family and guardianship cases, as well as business registration and pledge registration. **The President described the Prosecutor General's actions as demonstrating a fundamental lack of respect for Supreme Court judges, a lack of respect for the independence of this court, and a misunderstanding of the separation of powers.**

<https://wnet.fm/2025/10/14/sedziowie-sadu-najwyzszego-nie-skladaja-broni-ostre-pisma-do-waldemara-zurka/>

NEW JUDICIAL APPOINTMENTS

On October 14, President Karol Nawrocki presented judicial nominations for the first time, both to common and administrative courts. The President's words that serving as a judge

is a service to the Republic of Poland are worth emphasizing, as well as his clear statement that there will be no tolerance for differentiation or discrimination against judges.

A judge, as the President emphasized, is a person appointed to this position by the President of the Republic of Poland. And it is the nomination that determines their status.

<https://wiadomosci.wp.pl/nie-godze-sie-na-to-nawrocki-zwrocil-sie-do-sedziow-7210745415404480a>

MINISTRY OF JUSTICE IDEAS CONCERNING JUDGES OVER 65

The Ministry of Justice announced that it is working on amendments to the Common Courts Act, which would allow judges to adjudicate until the age of 70 based on a declaration, without the consent of the National Council of the Judiciary, and would also allow retired judges to return to active service. The bill is intended to address the judicial staffing shortage. From this perspective, the bill's provision that a judge continuing to adjudicate after the age of 65 would have their caseload reduced by 25 to 75% raises concerns.

Similarly, in the case of a return to adjudication, the plan envisages simultaneous collection of both retired and active judges' salaries, depending on the caseload. Therefore, adjudicating by judges over the age of 65 would be both very expensive from a budgetary perspective and inefficient, given the very low workload. Therefore, it seems that this solution is not intended to support the justice system, but rather to promote a small group of judges. We will keep you updated on the project's developments.

<https://www.rp.pl/sady-i-trybunaly/art43176641-resort-waldemara-zurka-chce-przywrocic-przepisy-sprzed-rzadow-pis-chodzi-o-sedziow>
[share.google/j2T9aqPKjsuwTdJKF](https://www.google.com/share?url=https://www.rp.pl/sady-i-trybunaly/art43176641-resort-waldemara-zurka-chce-przywrocic-przepisy-sprzed-rzadow-pis-chodzi-o-sedziow)