



AEQUITAS NEWSLETTER Nr 23

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DISMISSAL OF THE REQUESTS OF THE HUMAN RIGHTS OFFICER TO DISMISS JUDGES OF THE EXTRAORDINARY CONTROL AND PUBLIC AFFAIRS CHAMBER OF THE SUPREME COURT

The Supreme Court's Chamber of Extraordinary Control and Public Affairs dismissed 12 requests from the Commissioner for Human Rights to recuse judges of that Chamber from adjudicating. These requests were related to the judgment of the Court of Justice of the European Union (CJEU) of September 4, 2025 (C-225/22), which raised doubts in the Commissioner for Human Rights regarding the status of judges appointed to the Chamber of Control.

One of the aforementioned decisions, dated October 13, 2025 (II NSNc 67/24), indicates that the Commissioner for Human Rights failed to substantiate the grounds for recusing Supreme Court judges..

<https://x.com/biurorpo/status/1980975949060432078?s=46>

PROSECUTORS HAVE RECEIVED GUIDELINES REQUIRING THEM TO QUESTION THE STATUS OF JUDGES APPOINTED SINCE 2018.

Radio Wnet has obtained correspondence from Jarosław Onyszczuk, Director of the Presidential Office of the National Prosecutor's Office, to Regional Prosecutors, in which he announces that Prosecutor General Waldemar Żurek is ordering the development of guidelines obliging prosecutors to assess, in each court case, whether the participation of a judge appointed with the participation of the National Council of the Judiciary, established pursuant to the provisions of the Act of December 8, 2017, amending the Act on the National Council of the Judiciary, violates the Constitution.

This means, nothing less than, that a political activist, the Minister of Justice, taking advantage of his concurrent role as Prosecutor General, will force prosecutors at all levels to question the composition of courts in millions of cases handled by thousands of judges appointed with the participation of the National Council of the Judiciary, established pursuant to the

provisions of the Act of December 8, 2017, amending the Act on the National Council of the Judiciary. What will this bring? In the best-case scenario – if the motion to recuse a judge is dismissed – long months of waiting for the court's decision. If the motion is granted, the case will be reopened.

As everyone remembers, the same politician, the Minister of Justice, declares that his goal is to speed up trials in Poland. How one relates to the other – let the readers judge

<https://wnet.fm/2025/10/23/nasz-news-waldemar-zurek-wraca-do-koncepcji-wykonczenia-neosedziow-rekami-prokuratorow>

THE CONFERENCE IN THE SUPREME COURT OF POLAND INJUSTICE IN POLAND 1945-1989

On October 23, the Supreme Court hosted an academic conference entitled "The Dimension of Injustice – The Judiciary of the People's Democracy Period. Experiences from 1945-1989." The conference was not only an excellent lesson in history, but also in law. Speakers presented the history of the Polish judiciary during this difficult period, as well as the law that allowed the people's government to crack down on anti-communist resistance activists. The stories presented illustrated the profiles of judges, defense attorneys, and victims of the regime.

Particularly noteworthy were the papers presenting the teleological interpretation of law, which, instead of serving citizens, can be instrumentalized by the government to achieve the most nefarious goals.

The conference prompted a reflection that all lawyers should always remember: the instrumental use of law and the exclusive application of teleological interpretation certainly does not serve citizens, but can be an exceptionally dangerous tool in the hands of the government.