



AEQUITAS NEWSLETTER Nr 24

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REQUEST OF THE PRESIDENT OF THE REPUBLIC OF POLAND FOR A REVIEW OF THE CONSTITUTIONALITY OF THE REGULATION OF THE MINISTER OF JUSTICE CONCERNING THE RANDOM CASES ASSIGNMENT SYSTEM

President Karol Nawrocki has filed a complaint with the Constitutional Tribunal against the regulation of the Minister of Justice, Waldemar Żurek, which changes the rules for the random assignment of cases to judges (SLPS) by amending the Rules of Procedure for Common Courts.

In the President's opinion, the Minister is interfering with statutory matters, which are reserved for the Parliament. The regulation violates numerous provisions of the Constitution of the Republic of Poland and could lead to political influence over which judge adjudicates a specific case. Furthermore, it constitutes an unlawful attempt to amend the law through an implementing act.

The Constitutional Tribunal will assess whether the regulation falls within the limits of statutory authorization, whether it constitutes an unauthorized modification of statutory provisions by the Minister, and whether it violates the principles of the separation of powers and the independence of the courts.

<https://wiadomosci.wp.pl/nawrocki-kieruje-rozporzadzenie-ministra-sprawiedliwosci-do-tk-7215760741411488a>

NOTIFICATION TO THE PROSECUTOR'S OFFICE ABOUT THE POSSIBILITY OF COMMITTING A CRIME BY THE MINISTER OF JUSTICE

On October 28, 2025, the Head of the Chancellery of the President of the Republic of Poland notified the media of a notification sent to the prosecutor's office regarding the possible commission of a crime by the Minister of Justice, Waldemar Żurek. The notification concerned an amendment issued by the Minister to the Regulations on the Operation of Common Courts, which, among other things, abolishes the principle of random assignment of cases to three-judge panels, as guaranteed by law.

According to the Head of the Chancellery of the President of the Republic of Poland, the Minister of Justice may have committed an offense specified in Article 231 of the Penal Code, namely, abuse of power or failure to perform duties by a public official. The notification indicated that the regulation was signed despite the lack of the legally required opinion of the National Council of the Judiciary and despite the contrary opinion of the Government Legislation Center and the opinions of legal and judicial circles.

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**OPINION OF THE HUMAN RIGHTS OFFICER
CONCERNING THE DRAFT ACT ON THE RESTORATION OF 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**

The Commissioner for Human Rights has presented his opinion on the draft bill on the Restoration of the Rule of Law. According to the Commissioner, the opinion is based on the incorrect assumption that individuals appointed to judicial offices after March 6, 2018, are not judges at all within the meaning of the law, including the Constitution. The opinion emphasizes that this assumption is not supported by the case law of the ECtHR or the CJEU, nor by the case law of Polish courts, including the Supreme Court and the Supreme Administrative Court. The bill does not properly implement the judgments of the ECtHR, the CJEU, the Supreme Court, the Supreme Administrative Court, or the recommendations of the Venice Commission.

In the Commissioner's opinion, it is particularly important to emphasize that in certain instances, the justification for the bill presents the content or effects of European case law in a manner inconsistent with the actual rulings of the relevant tribunal.

The above opinion clearly confirms what the Polish Association of Judges Aequitas has repeatedly pointed out: the use of so-called legal gossip in the public sphere. For several years, the status of judges nominated since 2018 has been questioned completely groundlessly, and the content of judgments of the ECtHR, CJEU, Supreme Court and Supreme Administrative Court has been described in a way that differs from their actual content.

https://x.com/BiuroRPO/status/1984221659927130460?t=CM5CDvs3lXBmNQ6_ZovljA&s=09

<https://x.com/rpprawo/status/1984229667759628427?s=46>

https://x.com/OZS_Aequitas/status/1984329645509263437

JUDGE RAFAŁ TERLECKI'S INTERVIEW WITH EDITOR JAKUB PILAREK IN "PRAWODAJNIA" IN RADIO WNET

We cordially invite you to listen to **the discussion between Rafał Terlecki, Judge of the Court of Appeal in Gdańsk and a member of the Aequitas National Association of Judges, and editor Jakub Pilarek, which took place on October 30th of this year in "Prawodajnia" program on Radio Wnet.**

Judge Rafał Terlecki explained in detail why, contrary to the statements of the Minister of Justice, invoking the Spanish model in the case of the National Council of the Judiciary—without amending the current Act on the National Council of the Judiciary—is not possible..

<https://share.google/OdBldiDA02frDSnoJ>

JUDGE KINGA ŚLIWIŃSKA-BUŚKIEWICZ'S INTERVIEW WITH EDITOR TOMASZ DRWAL IN THE PROGRAM "NA PIEŃKU Z DRWALEM"

We also encourage you to listen to **the conversation between Kinga Śliwińska-Buśkiewicz, a judge of the Court of Appeal in Poznań and a member of the Aequitas National Association of Judges, and editor Tomasz Drwal in the program "Na pieńku z Drwalem".**

The conversation focused on, among other things, daily court work and the behind-the-scenes of the Polish justice system..

<https://www.youtube.com/watch?v=6UfLfaSDIDk>