

**DISCIPLINARY COMMISSIONER**

**OF THE ORDINARY COURT JUDGES**

Warsaw, 17 January 2020

**COMMUNICATION**

**of the Disciplinary Commissioner of the Ordinary Court Judges**

I declare that the Deputy Disciplinary Commissioner of the Judges of the Ordinary Courts, Judge Michał Lasota, initiated an investigation on 16 January 2020 in the case of the justified suspicion of the commitment of disciplinary offences under Article 107 § 1 of the Law on the System of Ordinary Courts of 27 July 2001 (Journal of Laws No. 52 of 2019), involving a breach of the dignity of the office by judges of the Regional Court in Olsztyn, who, on 7 January 2020, as public officials, members of three-person benches adjudicating in seven cases in that Court, overstepped their powers in such a way that, by awarding themselves the right to determine and assess the manner in which constitutional state bodies operate with regard to the method of selecting some members of the National Council of the Judiciary and the method of appointing a judge by the President of the Republic of Poland at its request, as a result of which, in undermining the provision of Article 55 § 1 of the Law on the System of Ordinary Courts and ignoring the judgment of the Constitutional Tribunal of 25 March 2018, case ref. K 12/18, on the compliance of the Act on the National Council of the Judiciary of 12 May 2011 (Journal of Laws of 2018, item 389, as amended), they issued a decision to present legal issues to the Supreme Court, the content of which constituted unlawful interference in the statutory method of appointing judges to benches, which could have led to a breach of Article 178, para. 1 of the Constitution and breached the provision of Article 82 § 1 of the Law on the System of Ordinary Courts, specifying the obligation to behave in accordance with the judicial oath, including, in particular, the obligation to uphold the law, and thereby satisfying the features of a crime under Article 231 § 1 of the Penal Code, constituted action to the detriment of the public interest in the form of the correct functioning of the justice administration.

(-) Regional Court Judge Piotr Schab

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