

# **Ziobro closes up the system. There will be no real changes restoring the rule of law**

Renata Grochal, Newsweek (Polish edition), 23 January 2023

Link to the original publication in Polish:

<https://www.newsweek.pl/polska/polityka/ziobro-domyka-system-w-sadownictwie-przywracania-praworzadnosci-nie-bedzie/fntjev>

**In the shadow of the government's negotiations with Brussels on the activation of the funds for the National Recovery Plan, Zbigniew Ziobro is closing up the changes to the judiciary and the neo-NCJ is even giving judicial promotions to the protagonists of the hate scandal**

**Although the government is trying to come to an agreement with Brussels on the funds for the National Recovery Plan, this does not mean that the PiS team intends to take even one step towards restoring the rule of law in Poland.**

This is evidenced not only by the fact that the amendment to the Act on the Supreme Court, which is supposed to open the route to receiving the funds for the National Recovery Plan, is – according to many constitutionalists – inconsistent with the Polish Constitution, but also by the matter of judicial promotions.

## **Neo-NCJ pushes through neo-judges**

The new National Council of the Judiciary (the neo-NCJ) – whose status is being challenged by the Court of Justice of the EU and also the European Court of Human Rights, claiming that it is politicised – is appointing more judges to positions that become vacant. These are judges associated with the minister of justice, Zbigniew Ziobro.

Several days ago, the President appointed Dariusz Drajewicz and Rafał Puchalski appellate court judges. Drajewicz, a member of the neo-NCJ, was appointed judge of the Court of Appeal in Warsaw. His rapid career progression started in 2017, when he was promoted from district court judge to vice-president of the Regional Court in Warsaw. Before becoming vice-president, he had applied to work in this court 20 times, but without success.

**As long as Ziobro is at the head of the Ministry of Justice, there will be no real changes in the judiciary which would restore the rule of law.**

In turn, Puchalski, vice-president of the neo-NCJ of the second term of office, was a judge of the District Court in Jarosław until 2018. In 2018, Zbigniew Ziobro appointed him president of the Regional Court in Rzeszów and seconded him to adjudicate in the Court of Appeal there.

Both are protagonists of the so-called hate scandal, which was revealed by the portal, Onet.pl. They were to be members of a closed messaging group called '*Kasta*' [English: Caste], which spent its time devising ways of attacking judges who are independent of the authorities.

The President promoted Dariusz Pawłyszcz, privately partner of the head of the neo-NCJ, Dagmara Pawełczyk-Woicka, to the position of judge of the Supreme Court. Pawełczyk-Woicka, who was made president of the Regional Court in Kraków on Ziobro's nomination, was a schoolmate of the minister of justice. After Ziobro came to power, Pawłyszcz was made director of the National School of Judiciary and Public Prosecution and has been on secondment at the Ministry of Justice for several years.

## **Takeover of the Supreme Court**

Further appointments of neo-judges are expected to apply to the Criminal Chamber of the Supreme Court. The neo-NCJ can appoint as many as seven judges there, which will enable Zbigniew Ziobro to take control of the Criminal Chamber. The chamber is currently controlled by the so-called old judges, namely those appointed even before Ziobro took over at the Ministry of Justice. The chamber is headed by long-time Supreme Court Judge Michał Laskowski, who has repeatedly criticised Ziobro's changes in the judiciary. Laskowski's term of office ends in May.

A general assembly of judges of the Criminal Chamber is due to meet in February to nominate three candidates for the position of president, from among whom the president will choose Laskowski's successor. It is highly likely that this could be a neo-judge.

The politicised neo-NCJ could pump further neo-judges into the Chamber, which will increase their number from nine to as many as 16 (there are 22 legal judges in the Chamber). As Mariusz Jałoszewski, who has been following the changes in the judiciary for years, wrote in OKO.press, presidents of courts appointed by Ziobro have a good chance of being elected to the Criminal Chamber.

## **Ziobro takes full control**

It can be clearly seen that the government's efforts to try to come to an agreement with Brussels on the matter of the justice administration in Poland are merely a sham. In the shadow of these negotiations, the neo-NCJ is promoting more neo-judges who are to enable Zbigniew Ziobro close up the system and assume complete control over the judiciary.

Added to this, the President is more concerned that the judicial appointments he has handed out are not undermined than the rule of law being restored in Poland. Andrzej Duda has clearly stated that he will not sign any Act amending the provisions regarding the Supreme Court enabling the status of judges he has nominated, of whom there are already approximately three thousand, to be questioned.

As long as PiS is in power and Ziobro is at the head of the Ministry of Justice, there will be no real changes in the judiciary which would restore the rule of law.