

**POLISH PUBLIC
PROSECUTOR'S OFFICE:**

**RESTORING INDEPENDENCE
AND REVIEWING POLITICISED
CRIMINAL CASES IN POLAND**



OPEN DIALOGUE

February 2025

The **Open Dialogue Foundation (ODF)** was established in Poland in 2009 and is now headquartered in Brussels, with offices in Warsaw, Kyiv, and Miami, FL. Since its inception, ODF has been dedicated to protecting human rights, democracy, and the rule of law across the post-Soviet region. Initially, the Foundation focused on Ukraine, Kazakhstan, Russia, and—since 2016—Moldova. In 2017, this scope expanded to include Poland and other EU member states facing democratic backsliding due to illiberal, populist governments.

ODF advances its goals through international observation missions, with a particular focus on cases involving violations of fundamental rights. The Foundation also advocates for stronger human rights protections in global legislation, championing initiatives such as the Magnitsky Act and the inclusion of conditionality clauses in EU and international financial assistance to non-democratic states and hybrid regimes. ODF has extensive expertise in defending the rights of political prisoners and refugees, making it a key player in human rights advocacy.

Drawing from its fieldwork, ODF publishes analytical reports that are widely disseminated among EU institutions, the OSCE, the Council of Europe, the UN, foreign ministries, human rights organisations, and the media. The Foundation also actively collaborates with parliamentarians engaged in foreign affairs, human rights, and relations with countries under ODF's scrutiny.

ODF campaigns for reforms to international legal cooperation mechanisms, such as Interpol and, more recently, the Schengen Information System (SIS II), to prevent their misuse by authoritarian and hybrid regimes targeting political opponents. Additionally, the Foundation has been at the forefront of the fight against the financial exclusion of human rights defenders, who are often victims of the misapplication of Anti-Money Laundering and Counter Financing of Terrorism (AML-CFT) regulations. In this context, ODF also promotes Bitcoin as a financial lifeline for those affected.

Since Ukraine's Revolution of Dignity in 2013-2014 and Russia's aggression in the Donbas, ODF has been steadfast in supporting Ukraine's defence efforts. As of early 2025, the Foundation has delivered over €9.6 million worth of defence equipment and humanitarian aid, much of it directly to the frontlines. ODF was among the first NGOs to support refugees fleeing Ukraine, operating the "Ukrainian World" support center in central Warsaw from 2014 to 2016, and reactivating aid programs from the onset of Russia's full-scale invasion in 2022. In September 2024, ODF launched its latest initiative in Ukraine—supporting war veterans by providing advanced Polish bionic hand prostheses to amputees.

In Poland, ODF's efforts to defend the rule of law have evolved alongside the political landscape. Until October 2023, the Foundation focused on countering the erosion of judicial independence and the separation of powers, which had weakened civil rights protections and enabled political persecution, particularly through the misuse of the state prosecution service and law enforcement. These core values—integral to ODF's work in post-Soviet countries—remain central to its mission in Poland. Since the democratic transition in 2023, ODF has been supporting the new Justice Ministry and the National Prosecutor's Office in their pursuit of justice for victims of past abuses of power and in holding perpetrators accountable.

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CASES IN POLAND**

This study was prepared as a submission
to the European Commission's 2025 Rule of Law Report



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1. Introduction

Since assuming power in October 2023, Poland's new, Civic Coalition-led government has initiated efforts to restore the independence of the Public Prosecutor's Office, which had been compromised under the previous Law and Justice (PiS) administration and Prosecutor General Zbigniew Ziobro (collectively the United Right) to serve their political interests.

The sweeping subjugation of the Public Prosecutor's Office by Zbigniew Ziobro, despite not being as high-profile and critical from the EU's perspective as the assault on the judiciary (Constitutional Tribunal, Supreme Court, National Judiciary Council and common courts), was still one of the prominent aspects of the United Right's dismantling of the rule of law in Poland. It was also the institution which caused the most direct harm to Polish citizens in 2015-2023, as well as to EU Single Market competitiveness and NATO's eastern flank security.

The service was systemically abused to pursue (often only perceived) political and business opponents (along with the weaponisation of EU legal cooperation mechanisms and anti-money laundering and countering the financing of terrorism [AML/CFT] laws), quash dissent, and silence critical voices by instilling a chilling effect. In parallel, the prosecution service was used to shield ruling officials from accountability, including Prime Minister Mateusz Morawiecki, PG Zbigniew Ziobro or secret services heads Mariusz Kamiński and Maciej Wąsik, concealing the ruling coalition's own abuses of power, corruption, and other serious crimes.

The issues of malicious prosecution and AML/CFT abuse violate fundamental rights and the rule of law, undermining several EU principles and policies, including non-discrimination and consumer rights. Furthermore, these practices may undermine the integrity of the Single Market, compromise the Union's financial interests, and weaken its defence production capabilities.

As a result, since 2021 the Open Dialogue Foundation has published its annual report on the politicisation of the prosecution¹, targeted at EU and international institutions, as well as submitted input to several annual Rule of Law Reports and EU Justice Scoreboards.

Civil society in Poland strongly believes that the political abuses of the state prosecution service caused the most damage to numerous societal groups and individuals. What's often omitted, but should be of utmost importance to the European Commission, especially in the single market and security dimension, is that

1 <https://odfoundation.eu/report>

the numerous groundless criminal cases against business and entrepreneurs led to a serious deterioration of competitiveness and investment climate in the EU's 7th largest economy. These actions of the previous government, targeting business across industries and including the abuse of secret services, often resulted, among others, in financial losses following months of arbitrary pre-trial detention, significant frozen assets (incl. in other EU, EEA and EFTA states), compliance issues (KYC and AML) or depriving of access to financial services globally (de-banking), combined with a lack of remedies for restoring civil rights and business reputation.

This aspect of the rule of law crisis in Poland has been raised multiple times by the Parliamentary Assembly of the Council of Europe (only in the last 2 years in Motion for a resolution No. 15755², Written Declaration No. 744³, Written Declaration No. 768⁴, and most recently Written Declaration No. 799⁵), yet has been largely overlooked by EU institutions.

Hence, considering the impact of these unfounded criminal cases for the Single Market, we find it necessary to submit this report, particularly because we believe the new government is failing to adequately address the issue, as detailed below.

This analysis provides an overview of the repair efforts made by the new government and of supportive actions taken by civil society, notes areas where challenges persist, and examines the recently-initiated process of reviewing prosecution cases with irregularities stemming from political abuse. Lastly, it lists the main areas of concern, most notably in the single market dimension, and provides recommendations for improving the rule of law restoration process in this regard.

2 <https://pace.coe.int/files/31763/pdf>

3 <https://pace.coe.int/files/30206/pdf>

4 <https://pace.coe.int/files/31764/pdf>

5 <https://pace.coe.int/files/33794/pdf>

2. Efforts to restore prosecutorial independence

Upon taking office, the Civic Coalition-led government pledged to prioritise reversing the politicisation of the Public Prosecutor's Office. It seemed institutionally easier – considering the prosecution service's subordination to the government – than tackling the top courts, entrenched by the PiS-led government, and would bring direct relief to many victims. Key steps taken include:

2.1. Personnel changes and directives

Since his appointment as the new Minister of Justice and Prosecutor General, Adam Bodnar has gradually begun implementing personnel changes at various levels of the prosecution service.

In January 2024, he reinstated six independent prosecutors to the National Prosecutor's Office who had been demoted by Zbigniew Ziobro in March 2016.

On January 4, 2024, the Prosecutor General announced the revocation of delegations for 144 prosecutors assigned to the National Prosecutor's Office and regional prosecutor's offices during the PiS era. However, in April 2024, he stated that this decision had not yet been fully implemented.⁶ Subsequently, in response to a public information request, the National Prosecutor's Office reported that 49 prosecutors had lost their delegation to the National Prosecutor's Office, including prosecutors promoted by A. Bodnar, leaving approximately 100 prosecutors from Z. Ziobro's tenure still in place as of August 2024.⁷

On January 29th, 2024, the Prosecutor General, together with then-acting National Prosecutor Jacek Bilewicz, dismissed 10 provincial and regional prosecutors from their posts (revoked their from delegations).⁸

Prosecutor General Bodnar has gradually implemented personnel changes at various levels of the prosecution service, appointing prosecutors who, in previous years, had fought for the rule of law. This has enabled the first steps to be taken in addressing abuses by the previous government, including initiating individual

6 <https://bip.brpo.gov.pl/pl/content/rpo-prokuratorzy-delegacje-odwolania-ms-odpowiedz>

7 <https://oko.press/zespol-prokuratorow-postepowania-przeciwnikom-pis>

8 <https://www.pap.pl/aktualnosci/zmiany-kadrowe-w-prokuraturze-adam-bodnar-odwolal-10-prokuratorow-regionalnych-i>

2. Efforts to restore prosecutorial independence

investigations into irregularities in the Justice Fund, the management of the Orlen oil company, the misuse of the Pegasus system, and the so-called hate scandal.⁹

In mid-March 2024 a new National Prosecutor, Dariusz Korneluk, was appointed to replace Dariusz Barski following a new, transparent competition procedure, which included a public interview of candidates by an official committee, preceded by a civic hearing organised by 5 civic organisations led by the Open Dialogue Foundation.¹⁰

In December 2024, Prosecutor General Bodnar delegated his three deputies “inherited” from PG Ziobro, Robert Hernand, Michał Ostrowski and Krzysztof Sierak, to the National Prosecutor Office’s field departments for organised crime and corruption (so-called “pezets”), moving them away from Warsaw. All three are loyal to Zbigniew Ziobro and – following a law introduced by PiS in July 2023, anticipating a change of government – they cannot be dismissed without written approval of the President. All three sued the new Prosecutor General for this move, claiming they were being de facto dismissed, which would thus violate that law.¹¹

In subsequent directives, Prosecutor General Bodnar introduced, among other measures, a new division of responsibilities between himself and his deputies (nearly all of whom were appointed by Minister Ziobro). On January 23, 2024, he reinstated for himself – in accordance with Article 13 of the Act on the Public Prosecutor’s Office – managerial powers over the supervision of the National Prosecutor and his deputies, as well as in matters concerning the appointment, dismissal, and delegation of prosecutors.¹²

By directive, the Prosecutor General authorised prosecutors to challenge the validity of the appointments of so-called “neo-judges” in common courts, enabling this argument to be used as grounds for cassation appeals or extraordinary complaints in cases where the standard of judicial independence and impartiality had been violated. Regarding “neo-judges” in the Supreme Court,

9 <https://oko.press/pol-roku-bodnara-sa-zmiany-w-prokuraturze-odwoluje-prezesow-ale-nadaj-je-st-schab-i-nielegalna-krs>

10 <https://en.odfoundation.eu/a/725524,turning-to-face-citizens-public-hearing-of-public-national-prosecutor-candidates/>

11 <https://wyborcza.pl/7,75398,31609405,zbuntowani-zastepcy-bodnara-pozywaja-za-przeniesienia.html>

12 <https://oko.press/bodnar-odpartyjnia-prokurature-rehabilituje-zdegradowanych-prokuratorow-o-granicza-ziobrow>

he determined that the irregularities in their appointments were evident. He stated that appointments to the Supreme Court involving the unconstitutional National Council of the Judiciary (KRS) constituted such a serious legal defect that it resulted in findings that the panel was unlawfully constituted or improperly composed. This, in turn, led to the annulment of judgments in criminal cases and the invalidation of proceedings in civil cases.¹³

2.2. Legislative proposals

The government proposed legislative changes to enhance the autonomy of the Public Prosecutor's Office, including safeguards against political interference and measures to protect prosecutorial discretion.

The most important of these is the reinstatement of the separation between the posts of Minister of Justice and and Prosecutor General, roles that had been merged under Ziobro, leading to increased political influence over prosecutorial decisions. The 2016 merging of the two positions has been harshly criticised e.g. by the Council of Europe's Venice Commission, which concluded that the new law does not meet international standards regarding the procedure for the appointment of the Prosecutor General and his powers, and will grant extremely broad powers to the Minister of Justice, fostering abuse and political manipulation. The re-separation bill, proposed by the new government, has in turn received strong support from the advisory body.¹⁴

Other measures include having the Prosecutor General – an active prosecutor with min. 20 years' experience – appointed by an absolute majority of the Sejm, upon approval by the Senate, with a fixed 6-year term. To distance the post even further from the executive power, candidates will be able to be nominated by at least 35 deputies or at least 15 senators, the National Council of Prosecutors, the General Council for Science and Higher Education and even non-governmental organisations whose statutory tasks include the protection of the democratic state of law, the rule of law and human rights.

Furthermore, a Social Council would be created to offer advice and expertise to the PG. The prosecution's budget would also become independent

13 <https://wyborcza.pl/7,75398,31464904,nowe-wytyczne-bodnara-dla-prokuratorow-w-w-sprawie-neosedziow.html>

14 [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2024\)034-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2024)034-e)

of the general state budget by depriving the finance minister of his influence over it, thus increasing its financial autonomy from the executive power.¹⁵

The draft bill (amendment) on reforming and depoliticising of the prosecution services is ready and has been approved by the Commission for the Codification of the Judicial and Public Prosecution System (an advisory body in the Ministry of Justice), with only minor modifications ensuring even greater independence of the institution.¹⁶

The Minister of Justice also initiated work on amending the provisions concerning pre-trial detention, proposing additional restrictions on its use. These include requiring prosecutors to demonstrate additional grounds (such as a risk of flight or obstruction of justice), imposing time limits on detention, and eliminating the provision allowing a prosecutor to object to a court's decision to replace detention with bail. In response to the widespread misuse of pretrial detention in economic cases, as highlighted by business organisations, the minister also announced plans to expand the use of electronic monitoring during the investigation stage, allowing a suspect who is an entrepreneur to continue running their business.¹⁷ A similar function is intended for the proposed introduction of a new preventive measure in the form of house arrest.¹⁸

2.3. Disciplinary proceedings and suspensions

In connection with ongoing disciplinary proceedings and suspected abuse of authority, the Prosecutor General, by early 2025, suspended five prosecutors widely known for their subordination to the previous political administration and for fulfilling its expectations. The suspended individuals include former Regional Prosecutor in Lublin Jerzy Ziarkiewicz, Prosecutor Jakub Romelczyk of the National Prosecutor's Office, Prosecutor Iwona Tryfon-Wilkoszewska of the Warsaw Praga-North District Prosecutor's Office, former Regional Prosecutor in Gdańsk Teresa Rutkowska-Szmydyńska, and Deputy Prosecutor General Michał Ostrowski.

15 <https://serwisy.gazetaprawna.pl/orzeczenia/artykuly/9590294,niezalezna-prokuratura-z-zaleznym-budzetem-eksperci-sugeruja-inne-roz.html>

16 <https://wyborcza.pl/7,75398,31237092,odpolitycznianie-prokuratury-komisja-kodyfikacyjna-za-rozdzieleniem.html>

17 <https://www.wprost.pl/kraj/11741425/rewolucja-w-tymczasowych-aresztowaniach-bodnar-ujawnil-szczegoly.html>

18 <https://www.money.pl/gospodarka/lepiej-w-domu-niz-w-areszcie-resort-bodnara-szykuje-zmiane-w-prawie-7097887639620192a.html>

3. Challenges and areas of limited progress

As disclosed by the National Prosecutor's Office in August 2024, in response to a public information request from the Open Dialogue Foundation, 24 disciplinary proceedings were initiated under similar circumstances.

It should be noted, however, that while these actions are justified, they are far from sufficient and raise concerns given the scale of political abuses in recent years and the number of prosecutors responsible for them. Lists of such individuals, along with detailed justifications, have been published by the Lex Super Omnia association, the Paragraf Państwo association, and the Open Dialogue Foundation.

2.4. Joining EPPO

In February 2024 the European Commission approved Poland joining the European Public Prosecutor's Office (EPPO), with 24 European prosecutors to operate in Poland, adding an extra layer of accountability.¹⁹ The move was previously opposed by then-Prosecutor General Zbigniew Ziobro, who had feared his prosecution being supervised and forced to cooperate with EU counterparts, with several serious cases of abuse of EU funds being attributed by European Anti-Fraud Office (OLAF) to representatives of the then-ruling camp and even Ziobro himself.²⁰

3. Challenges and areas of limited progress

Despite these initiatives, several challenges have impeded full restoration of prosecutorial independence:

3.1. Entrenched personnel, organisational and staffing issues

Many prosecutors appointed during Zbigniew Ziobro's tenure and still loyal to him remain in key positions within the prosecution service, potentially obstructing reform efforts and continuing criminal cases of political origin.

Most notable of those are the three Deputy General Prosecutors "inherited" by Prosecutor General Adam Bodnar: Robert Hernand, Michał Ostrowski, Krzysztof Sierak and Beata Marczak (as well as formally retired Dariusz Barski).

19 <https://www.gov.pl/web/justice/poland-joins-the-european-public-prosecutors-office>

20 <https://oko.press/pis-nie-przystapi-do-prokuratury-europejskiej-boi-sie-nadzoru-ue-nad-sledczymi-ziobry>

All remain loyal to Zbigniew Ziobro, and their positions were cemented with legal changes made by PiS, making their dismissal possible only upon approval of the President (which, following a last-minute amendment by PiS, has to be done in writing).²¹

There are even examples of highly-dubious cases being audited by prosecutors who themselves had supervised them under the previous Prosecutor General:

One such example are the Deputy Directors of the Department for Organised Crime and Corruption, prosecutors Daniel Lerman and Agnieszka Hudyka – both Ziobro nominees, who had supervised some of the most notable cases where the prosecution service was abused for the former government's political benefit. Following received complaints, they were tasked with reviewing at least two of the cases they themselves have supervised (of entrepreneur Maciej Bodnar and executive Patrycja Zielińska, see section IV 1. below) and – unsurprisingly considering the circumstances- found no irregularities in them.

An even more worrying situation occurred regarding another persecuted entrepreneur, investor and founder of Altus TFI Piotr Osiecki, whose request for an independent review of the severely protracted investigation against him, involving a high number of drastic irregularities, instead of being considered, was referred to the very same prosecutors responsible for the case until now. This resulted in the investigators increasing their pressure on the victim.

Similarly, the new Director of the Economic Crime Department, prosecutor Marek Wełna, following notifications from the Open Dialogue Foundation and employers' organisations of severe irregularities in widely-publicised cases falling under his department, reviewed most of them himself (and omitting that of Krych's), finding no issues. The Department for Economic Crime oversaw economic-related proceedings conducted at the level of regional prosecutor's offices. Considering the damage caused by cases handled by the department, where leading entrepreneurs and businesses inconvenient to PiS and their associates would be falsely charged, threatened and raided, an audit of those proceedings should take priority.²²

21 <https://wyborcza.pl/7,75398,31581978,bodnar-eliminuje-zbuntowanych-zastepcow-z-prokuratury-krajowej.html>

22 <https://en.odfoundation.eu/a/726684,the-public-prosecution-service-must-regain-public-trust-call-for-a-fair-transparent-and-comprehensive-review-of-political-criminal-proceedings-and-improved-communication-with-citizens/>

Furthermore, the prosecution service – employing over 5800 prosecutors (highest number in Europe) – has a **dysfunctional internal organisation and serious staffing challenges**, with too many so-called functional prosecutors (prosecutors delegated to higher positions), a catastrophic lack of prosecutors in the lowest level offices (which initiate 99% of criminal cases), numerous cases of obscure promotion procedures in the past and the deplorable state of salaries for civil servants (administrative support).²³

3.2. Constitutional and legal framework

Under the Polish constitution the President has the authority to veto legislative changes, and any new bill requires his signature to enter into force, complicating the implementation of comprehensive reforms. Therefore, the proposal on reforming the prosecution service will likely not enter into law before mid-2025, with sitting president Andrzej Duda, aligned with PiS, being unwilling to support laws aimed at reversing the illiberal policies of the previous government.²⁴

The independent functioning of the prosecution service is strictly linked to the independence of other branches of the judiciary and law enforcement (police and special services), which underwent no vetting of personnel following the PiS government. The prosecution cannot be healed as long as there are two unlawful chambers in the Supreme Court, an unlawfully-constituted Constitutional Tribunal and unconstitutional National Council of the Judiciary. All these can also be fixed (if at all) following a change of President to one independent of the previous ruling party.

Lastly, there are serious issues with the police, with its cooperation being crucial to the functioning of the prosecution service (together with assistance from special services – widely used for political harassment under Z. Ziobro). As noted by the president of the Lex Super Omnia prosecutors' association, prosecutor Robert Kmiecik, *"We have a significant collapse in the police, reflected in the huge number of vacancies and the lack of adequate training given, for example, by prosecutors. There are investigation departments where 100% of the staff have been replaced in the last two years."* This is a disaster for the speed and quality of the investigations and even if the prosecutors did their best, the investigations will take longer, as they will often be carried out incorrectly.²⁵

23 <https://www.rp.pl/prawnicy/art41292161-rok-po-wyborach-prokuratura-nie-ma-rozdzialu-jest-podzial>

24 <https://www.ft.com/content/fd32e02e-b1f0-41ca-b9d5-c7e93e581402>

25 <https://www.rp.pl/prawnicy/art41292161-rok-po-wyborach-prokuratura-nie-ma-rozdzialu-jest-podzial>

3.3. Public trust

Restoring public confidence in the justice system requires time and consistent demonstration of impartiality and fairness. Many of the actions taken by the new government, nominally aimed at swiftly clearing the prosecution service of political influences and reviewing the abuses of its previous leadership, are criticised by both sides of the aisle and experts.

Former government representatives, unsurprisingly, accuse Justice Minister A. Bodnar and National Prosecutor D. Korneluk of shifting political control of the prosecution to their favour and an allegedly unlawful manner of appointing Korneluk to his post. Some lawyers are also sceptical towards the process, with only 46% of legal experts deeming it fully lawful according to one poll.²⁶

At the same time, some civil society organisations express concern about the reforms being too slow, opaque and omissive in regard to many cases and perpetrators of abuse of power (see below).

4. Audit of politically motivated prosecution cases

4.1. Public appeal and Prosecutor General's declarations

On February 12th, 2024, a coalition of 34 civic organisations and 44 prominent public figures, led by the Open Dialogue Foundation (ODF) and former President Lech Wałęsa, issued a public appeal for a review of politically motivated prosecution cases started and carried out under Zbigniew Ziobro's administration.²⁷ The appeal included examples of several dozen of such cases and was accompanied by the latest edition of the foundation's annual report on the politicisation of the prosecution service.²⁸

In response, just days later, on 15th of February 2024, Prosecutor General

26 <https://pro.rp.pl/panel-prawnikow/art39996011-powolanie-prokuratora-krajowego-nie-dla-wszystkich-jest-oczywiste>

27 <https://en.odfoundation.eu/a/725140,public-appeal-to-review-political-investigations-from-2015-2023/>

28 <https://odfoundation.eu/report>

Adam Bodnar issued a public reply²⁹ to the appeal which included several, key declarations:

a. Review process

A team of prosecutors was to be formed to coordinate a comprehensive review of cases suspected of being politically motivated during the specified period, evaluating the legal basis of charges and the conduct of prosecutors to detect any procedural irregularities or abuses of power.

The review itself was to be done by newly-appointed prosecutors of various levels (“distributed” verification process). Most notably, prosecutors in management positions, especially Provincial Prosecutors and department heads within the National Prosecutor’s Office, would be replaced to ensure impartiality of the process.

Additionally, a dedicated team of prosecutors would be formed to analyse legal and criminal repressions carried out against individuals who participated in street protests and public gatherings organized in response to government actions during 2015-2023.

b. Scope of the review

The review would encompass cases involving individuals and groups such as opposition politicians, social activists, participants in anti-government protests (e.g., Women’s Strike, LGBT community), entrepreneurs, journalists, human rights defenders and members of the judiciary and legal professions who defended the rule of law.

The review was to cover **cases at all stages of proceedings**. According to the results of the analysis, at the investigation stage, prosecutors were to undertake additional actions (implicitly, in cases where a political nature of the investigation was identified, aiming to discontinue unjustified proceedings). At the trial stage, they were to reassess the position of the public prosecutor (implicitly, where justified, withdrawing indictments from the courts by utilising the provisions of the so-called Lex Obajtek)

29 <https://www.gov.pl/web/sprawiedliwosc/list-otwarty-ministra-sprawiedliwosci-prokuratora-generalnego-adama-bodnara-do-prezydenta-lecha-walesy-i-pozostalych-sygnatariuszy-apelu-o-przeklad-politycznie-motywowanych-postepowan-prokuratorских-w-latach-2015-2023-i-rehabilitacje-pokrzywdzonych>

c. Collaboration with civil society

The Minister invited anyone with information on cases which might have been politically motivated to submit them to the dedicated team of prosecutors in the National Prosecutor's Office.

4.2. Follow-up with National Prosecutor's Office

In the following weeks, the Open Dialogue Foundation collected further cases from the public as well as cooperated with business organisations (Polish Business Roundtable and Employers of the Republic of Poland), leading to follow-up lists of several dozen cases being submitted to the National Prosecutor's Office.³⁰

At the end of June 2024, considering a lack of updates on the process from the Justice Ministry of National Prosecutor's Office, ODF submitted a comprehensive request for public information³¹, which included questions such as:

- At what stage is the audit of proceedings indicated by us and business organisations?
- Has the promised coordination team in the National Prosecutor's Office been established? If so, when was it formed, who leads it, and who are its members?
- How is the "distributed" verification of proceedings conducted? Which units are carrying it out, which cases are being verified, and what are the results?
- Have any specific organisational or procedural decisions been made?
- What timeline and timeframe have been adopted for the analytical work?
- Have prosecutors who previously handled the questionable investigations, as well as their direct superiors, been excluded from participation in the coordination and verification processes?
- Have any disciplinary proceedings been initiated?
- Has the National Prosecutor dismissed the 144 delegated prosecutors of Ziobro in accordance with the Prosecutor General's directive?

30 <https://x.com/mycielski/status/1776245917093388752>

31 <https://x.com/ODFoundation/status/1806656019956686872>

In the following months, ODF and business organisations engaged in prolonged communication with the National Prosecutor's Office. While civil society pushed for action and transparency, the prosecution responded either with cryptic non-replies, going as far as ignoring some of the questions, or admitting that the declared steps have not yet been taken.

Particular concern was raised by the responses regarding cases involving entrepreneurs submitted for review. Instead of being subjected to an independent audit, these cases were sent back to the prosecutors supervising the proceedings. Despite numerous irregularities and a lack of grounds for initiating investigations being reported to the National Prosecutor's Office, some audit requests were treated as complaints. In such instances, the prosecutors directly overseeing the cases responded that no irregularities had been found. In some cases, no information was provided about whether a review had even been conducted.

4.3. Establishment of audit team

In August 2024, National Public Prosecutor Dariusz Korneluk appointed a team of prosecutors in the National Public Prosecutor's Office *"to investigate cases of public interest due to their subject matter and nature, conducted and completed between 2016 and 2023 in the common organisational units of the public prosecutor's office"*.

As per the National Prosecutor's order,³² the task of the team was to analyse cases selected by regional prosecutors with regard to the correctness of their conduct, guiding of proceedings, level and efficiency of execution of activities, as well as the legitimacy and merits of final decisions and indictments. On the basis of the decision of the Chairwoman of the Team, the scope of examination could also cover other cases not selected by regional prosecutors.

The team is chaired by Director of the Department of Pre-Trial Investigation and former president of the Lex Super Omnia prosecutors' association, Katarzyna Kwiatkowska, and originally included 4 other prosecutors, with aforementioned prosecutor Marek Wełna serving as vice-chair.

Upon completion of the review of the cases (which was originally due on November 30th, 2024), the team was to draw up a report, summarising the results of the

32 <https://www.gov.pl/web/prokuratura-krajowa/informacja-o-powolaniu-w-pk-zespolu-prokuratorow-do-zbadania-spraw-pozostajacych-w-zainteresowaniu-opinii-publicznej-ze-wzgle-du-na-ich-przedmiot-oraz-charakter>

investigation, including an assessment of the manner in which the investigated cases were handled, together with conclusions as to whether the statutory tasks of the prosecution service were carried out correctly by the prosecutors. The report was also to include recommendations to the National Prosecutor as to the necessity of undertaking or resuming proceedings, deciding on the merits of supporting prosecution, and implementing disciplinary and criminal liability.

Due to the *“large number of cases reported and, moreover, the scale of the irregularities found during their investigation”* the team was expanded to a total of 10 prosecutors in December 2024.³³

4.4. Second public appeal

A second public appeal,³⁴ follow-up to the one from February 2024, was published by the Open Dialogue Foundation in November 2024, signed by 14 NGOs and 33 public figures. The open letter pushed for increased transparency of the audit process and for it to include all of the cases reported by civil society, not just an arbitrary selection.

This was partially in response to a letter from the National Prosecution, which indicated that e.g. **cases from the Department for Organised Crime and Corruption would be excluded from the review**, despite it being headed by Ziobro nominees and responsible for numerous key, political cases, including well-documented abuses of special services against entrepreneurs inconvenient to PiS (with some of them perceived as business rivals to PiS’s oligarchisation efforts).

Crucially, the appeal also reminded about **the necessity to include cases on all stages of the legal process**, from pre-trial to the judicial stage, in line with the original declaration of Prosecutor General Bodnar. This request was made in response to public declarations of the prosecution’s leadership that the audit would only include cases which were already closed, i.e. ended with a refusal to initiate proceedings.

This approach, if confirmed, would exclude many of the most drastic cases

33 <https://www.gov.pl/web/prokuratura-krajowa/rozszerzenie-skladu-zespolu-do-zbadania-spraw-pozostajacych-w-zainteresowaniu-opinii-publicznej>

34 <https://en.odfoundation.eu/a/726684,the-public-prosecution-service-must-regain-public-trust-call-for-a-fair-transparent-and-comprehensive-review-of-political-criminal-proceedings-and-improved-communication-with-citizens/>

of persecution by the previous authorities, which are still formally ongoing (either at the pre-trial or trial stage), from review. It was reminded that under the current law the prosecution was allowed to withdraw an indictment from court, i.e. close the case at the judicial stage (so-called Lex Obajtek, established by PiS itself), thus ceasing the trauma and negative consequences suffered by numerous victims, still groundlessly charged with a crime or under severe precautionary measures.

4.5. Partial report publication

The initially announced publication deadline of the final report from the audit was November 30th, 2024, but with the expansion of the team this date was postponed to the end of February 2025 due to “*several hundred cases*” having been submitted for review by provincial prosecutors, NGOs and citizens. A partial report of 200 audited cases was to be published by “*at the turn of the year*”, with prosecutor Kwiatkowska claiming first there was a total of 600 cases to be audited, and then 800 in December 2024.³⁵

On January 14th, 2025, a partial report of 200 audited cases was published by the National Prosecutor’s Office³⁶, with 400 more to be audited and published in the complete report (encompassing 600 cases in total) in February 2025. As noted by prosecutor Kwiatkowska, her team **focused primarily on cases which were closed** (due to a refusal to initiate proceedings) out of concern that the statute of limitations could soon have passed, making it impossible to reopen the cases had irregularities been found.

Unfortunately, the partially-published report contained **several significant issues and deficiencies**, noted by civil society and experts, which are outlined in detail in the next section.

5. Evaluation and recommendations

At first sight, the current government’s efforts to restore the independence of Poland’s Public Prosecutor’s Office represent a significant shift towards reinforcing the rule of law.

35 <https://x.com/mycielski/status/1879892093402747345>

36 <https://www.gov.pl/web/prokuratura-krajowa/raport-czesciowy-zespolu-prokuratorow-do-zbadania-spraw-pozostajacych-w-zainteresowaniu-opinii-publicznej>

While substantial progress has been made and the prosecution service is no longer being abused for political purposes, challenges to returning its independence remain, particularly concerning entrenched personnel and potential political obstacles. Most crucially, **the process of rehabilitating the victims of the previous authorities' abuses and holding perpetrators accountable, seems far from complete.**

The ongoing audit of politically motivated cases underscores a commitment to justice and accountability, essential for rebuilding public trust in the legal system. At the same time, experts and civil society organisations point to several deficiencies in the audit process and challenges which need to be addressed.

For the moment, the audit process does not meet neither its goal of rehabilitating victims of political persecution, nor does it fully permit bringing prosecutors who abused power to justice.

If this failure is due to the prosecution's leadership inadequately allocating financial and human resources to the audit effort, it would raise serious doubts about the new government's political will to conduct an effective audit.

Below, we outline each deficiency of the process, based on the partial report released on January 14th, 2025, and statements of the prosecution's leadership, as well as recommendations for reaching the outlined goals of the audit.

5.1. Deficiencies in the audit process

a. Delayed reporting, justice and accountability

The time-frame of the audit process, its delay and slow-moving work – stemming likely from severe understaffing and lack of dedicated human resources – raises serious concerns regarding its efficiency and effectiveness, casting doubt on its ability to reach any of its supposed goals.

For the victims of abuse of power by the prosecution, the delay means a continuation of often 7+ years of remaining accused or charged in an arbitrary criminal investigation, which often paralyses their professional and private lives. This often involves maintaining restrictive measures such as termination of financial services (e.g. accounts and bank financing), freezing of assets, high bail, free movement limitations or severe reputational damage and compliance issues, precluding the ability to conduct business or even be employed.

Experts, including prosecutor Ewa Wrzosek,³⁷ point to another danger stemming from just the partial audit taking a year to complete: given that prosecutors can only be held accountable for misconduct under art. 231 of the criminal code (exceeding of authority or dereliction of duties) within a five-year window, delays may allow those responsible for politically motivated investigations before 2020 to evade consequences.

The audit process could have started much earlier – 6 months have passed since the appointment of Dariusz Korneluk, giving the government full control of the prosecution service, and the commencement of the audit. No explanation was ever presented as to what actions were taken in that period, other than initial, limited changes on senior posts in the service.

b. Limited horizontal scope of audit

The audit reviewed 200 cases, and will review 600 cases in total, while approximately 1 million proceedings are initiated annually in Poland. This raises concerns about the representativeness and comprehensiveness of the audit, particularly regarding the scope of identifying questionable proceedings and the abuses behind them, which may constitute systemic patterns of dysfunction and pathology.

No precise information was offered by the prosecution service as to the key with which cases were collected and selected for audit, leading to the perception of its arbitrarily selective nature. The prosecution's leadership and audit team only mentioned the sources for cases being provincial prosecutors, as well as submissions from NGOs (mentioning Lex Super Omnia and the Open Dialogue Foundation by name – with only selected cases being included for the moment) and private citizens. It should be emphasized that, in response to public information requests, access was denied to, among other things, the aforementioned lists of cases that could be deemed political based on the records compiled by provincial prosecutors (allegedly following the instructions of the Director of the Department of Preparatory Proceedings, Prosecutor Katarzyna Kwiatkowska).

From the 72 cases specifically analysed and reported by the Open Dialogue Foundation in the latest edition of its "Selected Cases of Malicious Prosecution and Dereliction of Duties since 2015" report³⁸, submitted to the Prose-

37 <https://wiadomosci.onet.pl/kraj/kontrola-sledztw-z-czasow-pis-ewa-wrzosek-wskazuje-na-jeden-duzy-problem/xvtwmn6>

38 <https://odfoundation.eu/report>

cutor General and prosecution service, only 22 could be identified as having been audited within the 200 included in the partial audit report.

Most notably, it seems no cases of entrepreneurs or state enterprise executives were included. Considering also the worrying responses received to queries from civil society and business organisations, claiming their review has already taken place – carried by the prosecutor supervising them – there is a high risk of them being completely omitted. At the same time, alleged economic crimes allow for the application of the most severe forms of repression against suspects and defendants due to the customary gravity of the charges. The threat of a severe penalty becomes a significant legal basis for the use of pre-trial detention. The consequences for participants in economic life who were arbitrarily and falsely accused were the most severe—these included months-long pre-trial detention, bail amounts reaching hundreds of thousands or even millions of złoty, asset freezes, forced restructurings and sales of assets, financial exclusion, and significant reputational and financial losses. These measures led to substantial restrictions on their business operations, a decline in investments, the collapse of large companies (particularly in the financial sector), resulting layoffs, increased state participation in certain economic sectors, etc.

It even seems that all cases handled under the Department for Organised Crime and Corruption and its regional branches might be omitted from the review, despite this structure being infamous for handling some of the most notable and heinous investigations against entrepreneurs and executives perceived as business rivals or critical of the previous government.

c. Most notable cases seemingly omitted from review

The most notable, dubious investigations, seemingly omitted from the review, include (but are not limited to) the cases of:

- **Przemysław Krych**³⁹ – private equity investor, founder of Griffin Real Estate and Cornerstone Investment Management who was arbitrarily detained for six months having declined a EUR 1,5 million corruption offer reportedly made on behalf of deputy head of the Central Anticorruption Bureau (CBA) and former high-level prosecutor Grzegorz Ocieczek. While in custody, he was approached by CBA agents disguised as inmates who

39 <https://en.odfoundation.eu/a/637094,punishing-philanthropy-in-poland-case-of-przemyslaw-krych/>

demanded false testimony against opposition politicians in exchange for his release, threatening i.a. to plant child pornography on his computer if he refused to cooperate. The immediate background of Przemysław Krych's case was an internal conflict within the ruling camp in the Małopolska region between PiS Senator Stanisław Kogut and the faction associated with Zbigniew Ziobro. As a result of this conflict, the prosecution initiated actions against Kogut, arbitrarily accusing him of accepting financial benefits in the form of donations to a foundation he managed for the benefit of people with disabilities. Krych was one of the foundation's longtime donors, which became the formal basis for bringing fabricated charges against him;

- **Piotr Osiecki**⁴⁰ – founder of Altus TFI, formerly the largest independent asset manager in Central and Eastern Europe, an inconvenient competitor of state-owned investment funds, arbitrarily imprisoned for 16 months (being unlawfully arrested three times on the same, fabricated charges). He was held responsible for the so-called GetBack scandal (the spectacular collapse of a publicly traded debt collection company, which caused massive losses for thousands of bondholders). The entrepreneur's scapegoating was orchestrated on the orders of then-Prime Minister Mateusz Morawiecki to divert attention from GetBack's financial ties to PiS and the company's connections to his father, Kornel Morawiecki. Morawiecki also instructed the Financial Supervision Authority (KNF) to take arbitrary actions against Altus, which subsequently triggered a prosecution campaign, absurdly justified charges (claiming the sale of one of Altus's companies to GetBack at an allegedly inflated price), and the entrepreneur's arrest;
- **Leszek Czarnecki** – an entrepreneur and financier, founder of Getin Holding. The persecution against him included both a smear campaign in so-called public media and media aligned with the then-ruling political power, as well as fabricated criminal charges. The reason was his refusal and subsequent public disclosure of an attempt to extort a bribe of 9.3 million euros from him by Marek Chrzanowski, the then-chairman of the Financial Supervision Authority. His banks, Getin Noble Bank and Idea Bank, were subjected to forced restructuring and nationalisation. At the same time, numerous court rulings did not confirm the alleged irregularities behind the charges brought by the prosecution, rejecting multiple requests

40 <https://en.odfoundation.eu/a/203407,the-case-of-entrepreneur-piotr-osiecki-and-altus-tfi/>

for his arrest and for the issuance of a European Arrest Warrant against him;

- **Wojciech Kwaśniak** – a distinguished public official and former deputy head of the Financial Supervision Authority (KNF), who, prior to the take-over and politicisation of the KNF by Law and Justice (PiS), exposed large-scale embezzlement of funds from SKOK Wołomin, an institution linked to prominent PiS Senator Grzegorz Bierecki, a significant sponsor of PiS's political circle. In 2014, Wojciech Kwaśniak survived an assassination attempt ordered by a member of SKOK Wołomin's management. In 2018, Kwaśniak, along with Andrzej Jakubiak (then Chairman of the KNF) and several KNF employees, was detained by the Central Anti-Corruption Bureau (CBA) and charged with allegations of negligence in connection with supposed supervisory shortcomings over SKOK Wołomin – charges that were blatantly at odds with basic principles of justice. He was later indicted. According to Kwaśniak, the case against him, aside from its retaliatory nature, was also intended to "cover up" the high-profile scandal involving the bribery proposal made by Marek Chrzanowski to entrepreneur Leszek Czarnecki;
- **Maciej Witucki** and **Tomasz Misiak** – arbitrarily detained on October 12th, 2022, the opening day of the annual European Forum for New Ideas (EFNI) conference, the flagship event of Witucki's Lewiatan business organisation, in order to cause a chilling effect on entrepreneurs. The Szczecin Regional Prosecutor's Office, then headed by the discredited prosecutor Artur Maludy, attempted to accuse Misiak—whose companies were associated with Witucki—of a series of crimes, ranging from embezzlement of state funds to paedophilia, using his tumultuous divorce as a pretext. The father of Misiak's ex-wife was a close friend of Adam Lipiński, then Vice President of Law and Justice and a trusted associate of Jarosław Kaczyński. Tomasz Misiak was a senator for the Civic Platform from 2005 to 2011;
- **Cezary Kucharski** – former Civic Platform MP and manager for football star Robert Lewandowski. The political investigation against him, based on allegations of blackmailing Lewandowski following a business disagreement, included a spectacular arrest and a bail of EUR 1 million. The media reported multiple controversies, including interference of then National Prosecutor B. Świączkowski, fabrication and manipulation of evidence, or the investigation clearly favouring Lewandowski, who enjoyed good relations with the Law and Justice party. The case was found lacking any irreg-

ularities by the prosecution, despite an investigation launched in October 2024 into the abuse of power and forging false evidence against Kucharski (finding him the victim);

- **Maciej Bodnar** – waste disposal and recycling entrepreneur, arbitrarily detained with his partners by the Internal Security Agency (ABW) dispatched by the prosecution's Silesia Field Office of the Department for Organised Crime and Corruption. Available information indicates that the corruption charges against him were brought under the influence of Robert Raczyński, the mayor of Lubin and a regional ally of PiS, who was also reportedly behind the initiation of numerous tax audits in Bodnar's companies, as confirmed by disclosed recordings. Raczyński viewed Bodnar as a competitor and an obstacle to the pursuit of his own illegal interests in the waste management industry;
- **Rafał Markiewicz** – unjustly accused of embezzling EU funds obtained by his companies through the Lublin Agency for Enterprise Support. The case aimed to coerce him into providing false testimony against one of Poland's largest entrepreneurs, who was a competitor of the Polish Postal Service (Poczta Polska). Similar actions to extract testimony were also undertaken by the Lublin Regional Prosecutor's Office against two other entrepreneurs. Markiewicz was further abused by the Financial Supervision Authority (KNF), which assaulted FinTech companies partially owned by him – BitBay, then the world's 8th largest cryptocurrency exchange, and JaxPay – leading to a market share loss of 97% of the former and shut-down of the latter. Three separate cases against BitBay's CEO, Sylwester Suszek, were also initiated by the prosecution, closed on lack of grounds, then reopened on the orders of Prosecutor General Zbigniew Ziobro. Ultimately, all of the KNF's allegations were proven false, yet irreversible damage had been done, showing how EU's financial supervision authorities can also be abused politically, especially without appropriate regulatory frameworks for innovative FinTech in place;
- **Robert Gmyrek** – former high-level state official and executive in the biofuels industry, arrested in order to exert pressure on then-opposition Polish People's Party (PSL), in an attempt to force it to ally with PiS before the 2023 parliamentary elections, with Gmyrek being perceived as a right-hand man to Zbigniew Komorowski, a prominent entrepreneur, PSL activist and leading donor;

- **Patrycja Zielińska** – a Vice President of the Industrial Development Agency under the 2007-2015 Civic Platform government, arbitrarily charged with corruption and detained for two months on dubious grounds to extort testimonies against then-opposition politicians. Her arrest by the Central Anti-Corruption Bureau, which called her a “child of the Civic Platform”, was synchronised with a speech, broadcast on state TV, by Dawid Jackiewicz, treasury minister under PM Beata Szydło (current MEP), on supposed abuses of the previous government, indicating the political background of the case;
- **Rafał Paluszkiewicz** – CEO of formerly Poland’s largest private payment institution, Waluciarz.pl SA (now Apollo Group SA). Arbitrarily arrested by the Central Anti-Corruption Bureau having refused a corruption attempt, charged with fabricated money laundering accusations and leading an alleged criminal group composed of his wife, Justyna Woźniak-Paluszkiewicz, colleagues (incl. financial broker Piotr Mokrogulski), and clients. His case, in which regulations on countering money laundering and terrorism financing (AML/CFT) were misused, fits into the broader context of abuses by the Financial Supervision Authority (KNF). The chairman of the KNF, Jacek Jastrzębski (a nominee of PM Mateusz Morawiecki), was known for his bias against private financial institutions and his animosity toward Paluszkiewicz. Additionally, Paluszkiewicz’s case may have been connected to the threat posed to the dubious interests of then-coordinators of the special services, Mariusz Kamiński and Maciej Wąsik (currently Members of the European Parliament), for whom Waluciarz.pl represented legitimate competition;
- **Marcin Fall** – former Director of the Małopolskie Bus Stations, alongside Przemysław Krych and others accused of bribing Senator Stanisław Kogut via a charitable donation to his foundation for the disabled. The case concerned a donation to a foundation run by Kogut, which supported people with disabilities and was arbitrarily classified as corruption by the prosecution. Kogut, a longtime PiS senator and influential party member, fell into conflict with Zbigniew Ziobro’s faction and lost favour with the party leader, Jarosław Kaczyński. As a result, individuals who supported Kogut’s charitable activities became targets of investigations conducted by the Katowice Regional Prosecutor’s Office and the Central Anti-Corruption Bureau. The case was overseen by Prosecutor Leszek Sroka, who was promoted during Zbigniew Ziobro’s tenure and appointed

as a member of his special investigative unit within the Katowice field office of the National Prosecutor's Office;

- **Maj. Robert Terela**, then of the Government Protection Bureau (BOR), and former directors at the Security Office of the Polish State Railways (PKP SA) – arbitrarily charged and indicted in retaliation for reporting attempted corruption schemes orchestrated by the Central Anti-Corruption Office's agents. The case concerned a scandal related to security (anti-terrorism measures at railway stations) during the World Youth Days in 2016;
- as well as top executives and state officials such as **Dariusz Jacek Krawiec**, **Krzysztof Kilian** or **Paweł Tamborski**, with only three notable cases – of railway executive Jakub Karnowski, state oil executive Paweł Olechnowicz and anticorruption service chief Paweł Wojtunik – being closed or having the indictment withdrawn from court.

The **cases listed above are crucial to be investigated from the perspective of protecting the EU Single Market**, considering how this broad, systemic persecution campaign, including abuses of AML/CFT laws, of top businesses in Poland could have severely harmed competitiveness and the investment climate in Poland in 2016-2023.

Similarly, it is unclear if the state prosecution's **military affairs departments and units** fall within the audit's scope – despite the fact that one of the members of the audit team, since November 2024, is Col. Tomasz Mackiewicz, Director of the Military Affairs Department of the National Prosecutor's Office. This could lead to the potential omission of cases crucial to the security of the state. The most critical among those is the case of a prominent defence contractor **Michał Lubiński**, founder of Works 11. His malicious prosecution – stemming from being perceived as an inconvenient competitor to state-owned defence enterprises – has weakened the defence capabilities of the Polish armed forces, particularly the elite GROM unit, for which he was a crucial supplier. Lubiński was responsible for weapons integration, training in their use, and maintenance. The investigations against Michał Lubiński, which led to Works 11 being excluded from public procurement processes for the Polish Armed Forces and effectively paralysing GROM's logistics, could have repercussions negatively affecting the security of NATO's eastern flank. The proceedings against Lubiński are based on dubious corruption charges, including claims of granting symbolic discounts to acquainted officers for the purchase of collector fire-

arms. The case reveals abuses of authority by the Internal Security Agency (ABW), the Military Police, and other special services, which conducted illegal, years-long surveillance of Lubiński, including in other EU countries.

d. Limited procedural scope and time range of audit

Despite the declarations of the Prosecutor General (including his February 2024 response to the public appeal and subsequent public statements) and by the National Prosecutor, there are concerns that the actual scope of the audit may currently be **limited only to cases closed by December 31, 2023**. This position was presented in writing on January 15, 2025, by the spokesperson of the National Prosecutor's Office, Przemysław Nowak, in response to a media inquiry. According to this interpretation – made many months after the issuance of the National Prosecutor's directive establishing the audit team⁴¹ – the review is to cover only those cases that were **both** conducted and concluded by December 31, 2023.

However, this interpretation was not previously communicated to the public, and the prevailing – and, in the authors' view, common-sense – interpretation of the directive's phrasing, "cases conducted and concluded in the years 2016-2023", assumed that the review would include all politically motivated cases conducted during the PiS government, whether closed or ongoing after December 31, 2023.

If the position expressed by the spokesperson is considered final, this would mean that numerous cases still at the preparatory proceedings stage would not currently be subject to the audit, even though they include some of the most controversial investigations, which have caused significant burdens and problems for the suspects involved. Such cases include investigations targeting Piotr Osiecki, Rafał Paluszkiewicz, and Robert Gmyrek. Arbitrary maintenance of suspect status over many years severely limits defence rights, making the prosecutor the sole and long-term "manager" of the proceedings – without a time limit – due to repeatedly and arbitrarily extended investigations. Judicial oversight in such cases applies only to certain, infrequent procedural actions (such as the application of preventive measures).

This interpretation would also exclude – due to failure to meet artificially

⁴¹ <https://www.gov.pl/web/prokuratura-krajowa/informacja-o-powolaniu-w-pk-zespo-lu-prokuratorow-do-zbadania-spraw-pozostajacych-w-zainteresowaniu-opinii-publicznej-ze-wzgledu-na-ich-przedmiot-oraz-charakter>

imposed formal criteria – the audit of cases dismissed after December 31, 2023, including those deemed unfounded (i.e., lacking elements of a criminal offense). Such cases include proceedings against former PKP SA Chair Jakub Karnowski and Open Dialogue Foundation activist Bartosz Kramek, which remain currently omitted despite their blatantly political nature.

Such artificially adopted formal criteria would contradict the communication of prosecution leadership representatives, public expectations, and the objective need to restore justice and rehabilitate victims of the politicized prosecution service. To achieve this, a review of the proceedings against them and their circumstances is necessary. It should be noted that the prosecution service did not automatically regain independence on January 1, 2025. On the contrary, it continues to face a lack of personnel cleansing (a vetting process) to this day. The appointment of a new National Prosecutor itself was a months-long process, and many investigations are still being conducted by the same prosecutors responsible for their political nature during the PiS government.

The actual selection of cases for the audit and the justification presented during the report's presentation at the National Prosecutor's Office indicate a primary focus on analysing closed cases to hold perpetrators of violations accountable before the statute of limitations expires. While this is undoubtedly a valid goal, it should not come at the expense of restoring justice to those harmed by the actions of the prosecution. No explanation has been provided as to why these two priorities do not deserve equally significant and parallel attention.

Additionally, in a November 2024 press interview,⁴² the Prosecutor General contradicted his initial declaration, asserting that cases already at the court stage should be left to the judiciary. Given the severe and growing backlog in the judiciary in recent years and the issues related to so-called "neo-judges," this would, in many instances, result in years-long waits for final and irrevocable verdicts, effectively entangling individuals harmed by prosecutorial actions in an endless struggle with the system. This declaration was later challenged by National Prosecutor Dariusz Korneluk in a December interview concerning the audit process (see point 2c below). However, it illustrates the problem that public statements, including those regarding announced actions, made by various prosecution leaders, are not always

42 <https://www.forbes.pl/adam-bodnar-dla-forbesa-czasami-nagle-zatrzymanie-jest-niezbedne/wfwefm6>

consistent and coherent, creating interpretation challenges and hindering monitoring efforts by concerned individuals and social organisations.

If, on the one hand, the audit team focuses on cases closed during the PiS era, and, on the other, there is reluctance – as signalled by the Prosecutor General – to address cases concluded with indictments (due to a lack of willingness to withdraw them), this would indicate a preference for cases dismissed before the end of 2023. In practice, this would primarily mean focusing on cases involving a form of protective cover for individuals associated with the former government, against whom proceedings were either not initiated – despite notifications, the severity of potentially identified offenses, and the degree of their plausibility – or prematurely dismissed. One notable example is the high-profile "two towers" case involving PiS leader Jarosław Kaczyński.

There is no doubt that such cases must be addressed urgently. However, this should not come at the expense of repressive proceedings targeting broadly defined opponents of the former government, its incidental victims, whistleblowers, and businesspeople subjected to exceptional pressure, where political and financial interests of ruling camp representatives intertwined

e. Lack of accountability for perpetrators

The partial report seems to offer anonymity to the prosecutors initiating and handling the cases, despite finding clear proof of abuses on their part. Failing to mention their names – despite it being a matter of public record, with many of them having been previously publicised by civil society and the media – shows a **lack of determination to seek full justice for their victims**.

Hundreds of prosecutors, who agreed to serve the political interests of the former government, represented heavily in their leadership in exchange for personal gain (financial, fast-tracked career), were responsible for destroying the lives of hundreds of citizens. As opposed to civic or media investigations, their abuses of power, detailed in the report, were documented on the basis of a review of internal case files and correspondence. These pieces of evidence reveal, among other things, how prosecutors consulted their "independent" decisions at every step with their superiors, which – if this negatively affected the correctness or appropriateness of those decisions – would constitute a criminal offense under Article 231 of the Penal Code.

According to Prosecutor General Bodnar, their names were omitted from the report “to avoid their stigmatisation”.⁴³ At the same time, their victims continue to be stigmatised with politicised charges and accusations, with their names being anonymised or omitted even if their cases had been identified (see point e) below). **Granting public officials who abused power anonymity from the public, while doing little to publicly rehabilitating their victims, is inexplicable and goes against the principal reasons of the audit.**

As was noted by prosecutor Ewa Wrzosek⁴⁴: “The prosecutor exercises public authority on behalf of the state. I am appalled by this statement that we cannot stigmatise these people. On the other side we have victims, victims who have been stigmatised for years. The names of the jury, the procurator and the prosecutor are published on the internet, this is not classified information, this is not information covered by the Data Protection Act. The prosecutor is an officer of the state, he is not anonymous, he doesn’t wear a balaclava at work to protect his identity. That’s why this report should unquestionably contain names.”

Lastly, failing to publish the names of abusive prosecutors not only guards them from public scrutiny, but also raises the risk of failure to hold them accountable for their actions. The audit team has not guaranteed that all the prosecutors suspected of criminal abuse of power will face charges or disciplinary consequences. For the moment, despite having found irregularities in 163 out of the 200 analysed cases, only 35 motions for criminal or official liability of prosecutors accused of wrongdoing have been filed so far, 14 criminal proceedings and 4 official proceedings have been initiated. Without a public record of the names of prosecutors responsible for the cases which were determined political, including the ones mentioned above, their accountability cannot be publicly verified.

f. Lack of rehabilitation of victims

Names of public figures and persons publicly known for the persecution against them – including entrepreneurs and civic activists harassed by the PiS authorities, including publicly – should not have their names anonymised or completely obscured in the audit report. **Anyone whose**

43 <https://www.facebook.com/watch/?v=1332294908126567>

44 https://x.com/e_wrzosek/status/1880207565537337425

reputation was tarnished by the unjustified legal actions of the previous government – particularly those punished for opposing it or being perceived as a threat to its corrupt business interests – **deserves public recognition and exoneration.**

As of now, none of the prosecution's actions, including the partial audit report, offer any remedies to respond to the devastating issues still faced by victims, especially entrepreneurs and executives who objectively suffered the biggest losses and – as opposed to most other victims – continue to do so. The lack of rehabilitation mechanisms for those who faced politically motivated economic or AML/CFT charges is particularly concerning, considering their ongoing reputational damage, financial losses, compliance issues and never-ending legal battles (both civil and administrative, e.g. regarding the actions of the Financial Supervision Authority). They are effectively prevented from rebuilding their businesses or starting new ventures in Poland or the EU, negatively impacting competitiveness and the EU Single Market for years to come.

5.2. Recommendations re. audit, rehabilitation and accountability

a. Efficiency

There seems to be no reason for the late start and slow pace of the audit process, as its necessity was well-established even before the new Justice Minister / Prosecutor General took office. With an average of 1 million notifications being submitted to the prosecution every year, there were around 8 million cases initiated – or failed to be initiated – following 8 years of the Law and Justice government. Even if, despite the degree of politicisation of the prosecution service during that period, only a small fraction of cases could have had a political basis, the 600 cases included in the audit represent merely 0.0075% of potential instances where irregularities might have occurred.

At the same time, hundreds of prosecutors (e.g. members of the Lex Super Omnia association) were well known in advance to be independent of the former ruling party and could have been immediately employed, at least partially (depending on work load), in the audit process.

If the audit effort is not provided with the necessary financial and human resources, the prosecution's leadership and/or the Ministry of Justice **must**

promptly allocate them. Failure to do so would signal a lack of commitment on the part of the new government to conducting a thorough and effective audit, delivering justice to victims of abuse, and holding those responsible for abuses of power accountable. **Proceeding with the audit under conditions of critical resource shortages – without an adequate budget or sufficient personnel – would reduce the process to a mere facade of justice, undermining its credibility as a genuine effort to restore it.**

The audit team should be immediately expanded with appropriate resources, or several parallel teams should be established, as initially declared by Prosecutor General Bodnar when he announced his plans for “dispersed verification”.

b. Horizontal scope

Abuses of power and the politicisation of the prosecution under Zbigniew Ziobro were well established and documented on all levels and in all branches of the service (not least in reports by the Lex Super Omnia association, Paragraf Państwo association and the Open Dialogue Foundation).

The gathering and selection of cases should be done in a systemic manner, with a **sufficient number of independent audit teams established to cover all prosecutor’s offices of all levels**, all departments of the National Prosecutor’s Office and all military affairs departments and units.

Similarly, **all cases submitted or indicated by civil society and, citizens** need to be at least briefly examined, then listed in the final report (with justification) even if no irregularities were found.

c. Procedural scope and review of circumstances

Examining Zbigniew Ziobro’s prosecution’s actions aimed to ensure legal protection for representatives of the previous ruling camp and their affiliates is a necessary endeavor. However, it is an entirely different matter to conduct a thorough review of cases involving individuals who were wrongfully suspected or accused due to politically motivated directives. It is the latter that PG Bodnar vowed to review in his February 2024 declaration.

There are no legal obstacles to review cases at any stage, from ongoing pre-trial proceedings to cases already in court. In the latter, if found groundless, the prosecution can withdraw the indictment, ensuring justice for

the unjustly accused citizens and freeing up the court for handling legitimate cases.

A “review of the public prosecutor’s previous position at the trial stage” regarding cases determined unfounded following the audit was **assured by the Prosecutor General in his public letter**. This approach was **reiterated and confirmed by National Prosecutor Dariusz Korneluk** in a December 2024 interview regarding the audit process, in which he stated that “*withdrawals of the indictment upon agreement of the defendant*” and “*requests for acquittal*” would follow in cases where “*the accusations are not backed by strong evidence*”.⁴⁵

Furthermore, the prosecution should consider not only the formal correctness of the audited proceedings but also their broader circumstances. Factors that may help determine the political motivation behind a case include its origins, the length of the proceedings, the involvement of special services, the scale of surveillance, media leaks, public comments made by the prosecution and service representatives (and their nature), ongoing proceedings indicating conflicts between individuals targeted by these actions and state structures or individuals associated with the former ruling camp, the final reliability, “quality,” and credibility of evidence (in the case of filed indictments), or the prolonged reluctance of prosecutors to proceed to trial (in the absence of an indictment).

Special attention should also be given to criminal proceedings related to the audited investigations of a repressive nature, where offences by officials (abuse of power, fabrication of evidence, etc.) against the suspects or defendants themselves are being examined.

According to the authors’ knowledge, such proceedings are underway in cases involving entrepreneurs Cezary Kucharski, Przemysław Krych, and Tomasz Misiak.

In this context, the inclusion of Cezary Kucharski’s case in the interim audit report among those where no irregularities were found is striking. This stands in contrast not only to the recognition of his status as a victim due to violations in the investigation against him but also to statements made by members of the audit team in the media just days before the report’s presentation:

45 <https://wyborcza.pl/7,75398,31545902,prokurator-krajowy-dariusz-korneluk-zadne-rozliczenie-nie-zostanie.html>

“What led this case to end up with Prosecutor Kwiatkowska’s team? Its pace, incomparable to nearly any other investigation. A pace suggesting that prosecutors may have broken the law to satisfy their superiors, who were eager to maintain good relations with Poland’s most prominent athlete”, an unnamed prosecutor from the National Prosecutor’s Office explained to the tvn24.pl news portal. *“The problem is that the transcripts prepared by one party to the dispute were deemed fully credible by the prosecutors, as if they had been prepared by the prosecutors themselves or by independent experts. In doing so, they also accepted a one-sided interpretation of the complex, long-standing dispute between the agent and the footballer”,* the prosecutor continued in the interview.⁴⁶

This case raises troubling questions about the integrity of the audit process and the potential for effective external pressures to influence its outcomes.⁴⁷

d. Time range

The issue of statute of limitations cannot be left ignored. Many cases from the early years of the PiS government may be problematic in this context, meaning that prosecutors who abused their power in the interests of their political superiors could – clearly to the detriment of the public interest and the victims themselves – escape accountability. A potential solution in this regard might lie in the provision of § 2, Article 231 of the Penal Code, which extends the maximum prison sentence and, by extension, the statute of limitations period, as well as Article 44 of the Polish Constitution: The statute of limitations for crimes not prosecuted for political reasons, committed by public officials or on their orders, is suspended until such reasons cease to exist.

All cases, as long as there are reasonable grounds to believe they were conducted in bad faith, showed irregularities or abuses of power by the previous authorities, have to be equally admissible for review.

Furthermore, **there is no reason to leave cases which were closed after 2023 outside of the audit.** Clearly politically-motivated cases submitted for review and closed only following the change of power, like those mentioned earlier of Jakub Karnowski, Paweł Olechnowicz, Paweł Wojtunik (for alleged

46 <https://tvn24.pl/polska/200-sledztw-z-czasow-zbigniewa-ziobry-i-nieprawidlowosci-o-ktore-cho dzi-znamy-pierwsze-szczegoly-st8244164>

47 https://sport.interia.pl/pilka-nozna/news-kucharski-o-sporze-z-lewandowskim-zyje-w-jakims-ma triksie,nld,7900717#utm_source=paste&utm_medium=paste&utm_campaign=safari

VAT refund extortion), Bartosz Kramek, and any other closed from 2024 onwards, **equally deserve to be audited, with the victims rehabilitated.**

e. Transparency and accountability

The progress of the audit process, being of exceptional public interest and importance, has to be transparent. The audit team should regularly report on its progress, on the number and sources of cases submitted for review, and issue partial reports. The timeframe allocated for the audit, as well as the resources dedicated to it, should be proportional to its scale and not serve as an excuse to arbitrarily limit the number of cases included.

At the same time, civil society organisations representing victims and citizens would not need to burden the National Prosecutor's Office with requests for access to public information and appeals for transparency if the prosecution service itself adopted higher standards of openness.

Given the ongoing inflow of cases with potential political motivations to social organisations and those being uncovered by the media, it might be worth considering making the audit a continuous process. This could involve periodic, for example quarterly, publication of reports covering a specified number of investigations (or categories of investigations, or those reported in the preceding period).

The names of prosecutors who initiated, conducted, and supervised investigations in which irregularities were identified should be explicitly listed, along with a public record of any disciplinary actions or criminal proceedings taken against them. Initially, this list could be attached to the audit report, but ultimately it should be published on the National Prosecutor's Office website and regularly updated.

Improved transparency in the audit process would enhance accountability to the public, which was one of the key principles of the new prosecution service – an institution working for citizens and accountable to them, rather than subordinated to the political class. In this context, a particularly significant aspect – and a clear demand of civil society – is the promotion of personal, including public, accountability of prosecutors for the cases they handle and the procedural decisions they make.

f. Remedies for victims of persecution in the single market dimension

The Prosecutor General should present a comprehensive analysis to relevant EU and US bodies detailing the systemic and large-scale abuse of economic crime laws, weaponization of AML/CFT laws and the Financial Supervision Authority by the Law and Justice government, including the relations between the latter. This analysis should serve as a foundation for discussions within EU institutions, the US, and FATF member states to establish robust legal and procedural safeguards within global AML/CFT frameworks.

Specifically, amendments to the EU AML Regulation should be pursued to include protections against its misuse, which commonly leads to financial exclusion and hindrance of client relations following filed charges. These should involve **automatic EU-level review mechanisms** for instances where AML/CFT regulations are exploited for political purposes, particularly to target private businesses competing with state-owned enterprises.

Remedial measures must include **mandatory judicial review** within 48 hours of actions such as asset freezes, banking restrictions, account terminations, and public tender blacklisting based on AML/CFT laws, actions of the prosecution, special services or financial supervision authority.

The Prosecutor General should also initiate public consultations to develop effective rehabilitation mechanisms and **fast-track procedures for lifting AML/CFT restrictions** when politically motivated abuse is identified. This process should include creating compensation frameworks for businesses and individuals affected by wrongful enforcement, as well as automatic rehabilitation procedures to remove entities from financial blacklists and restore banking relationships. Lastly, legal mechanisms should be provided for reversing forced nationalisations/restructuring and business destructions stemming from politically motivated prosecutions.

g. Follow-up

For each of the cases where irregularities, political hand steering, lack of grounds or other abuse of power was found, **legal consequences for both the responsible prosecutor and any political string-puller need to be assured.**

As pointed out by renowned prosecutor Ewa Wrzosek, if, due to the slow pace of the review process and lack of identification of perpetrators, disci-

iplinary and criminal actions are not taken following the audit, there is a high risk of the report having no value other than that of a historical record.

The principle of state continuity and liability for wrongful acts stipulates that the state, as a legal and political entity, persists over time despite changes in government, and is thus accountable for both past and present actions. It aligns with international law doctrines, such as those articulated in 2001 by the UN's International Law Commission (ILC) on state responsibility (Responsibility of States for Internationally Wrongful Acts).

Therefore, the current and any future government are responsible and liable for any harm done to citizens, and as such, considering the scale of abuses, a **systemic accountability scheme should be created, including both public exoneration and financial compensation**. This is exceptionally vital for individuals who lost their jobs, savings, businesses or assets as a direct result of the unjustified criminal proceedings. Having said that, if a political culprit is identified and found guilty by an independent court, they should share the financial responsibility for the losses caused.

Furthermore, the audit cannot only serve to take legal actions, but – for many victims primarily – needs to assure their full rehabilitation. For many business owners and entrepreneurs – especially those depending on the trust of partners and investors – it is a necessary step in order for them to start rebuilding their often ruined reputations and businesses.

Likewise, it is crucial for politicians and other public figures to be able to restart or continue their careers. Therefore, the findings of the audit must be followed by a **systemic and timely publication of exonerative statements**, i.e. full apologies by the state authorities to all individuals, investigations against whom were found unjustified.

In terms of legislative changes aimed at curbing the most invasive abuses, the reform of pre-trial detention is crucial. The acceptance rate for prosecutorial motions to apply pre-trial detention by courts ranges between 90-95%,⁴⁸ one of the highest levels in Europe, comparable to standards in countries like Russia and Kazakhstan. As a result, judicial oversight in this area can be considered illusory. In practice, pre-trial detention has shifted from being a preventive measure to becoming a form of punishment, used particularly frequently and severely against entrepreneurs. According to employers' organisations and business owners themselves, its use

48 <https://hfhr.pl/publikacje/raport-praktyka-stosowania-tymczasowego-aresztowania-2023>

is often completely unjustified,⁴⁹ considering that economic cases typically rely on documents and evidence already gathered by the prosecution at the stage of filing charges, which significantly limits the potential for suspects to interfere with the proceedings.

The consequences of pre-trial detention for entrepreneurs are severe, paralyzing their businesses, irreversibly damaging reputations, leading to bankruptcies, and often destroying a lifetime's achievements. Under formal and informal guidelines issued by Zbigniew Ziobro, motions for pre-trial detention were filed twice as often as in 2015,⁵⁰ facilitated by a general tightening of penalties for certain offences (relying on the legal premise of the severity of the potential sentence). At Ziobro's direction, disciplinary proceedings were also initiated against prosecutors and judges who were unwilling to apply pre-trial detention.⁵¹

In the authors' opinion, the use of pre-trial detention should be fundamentally restricted, ultimately following the model of Nordic countries, where it is reserved for cases involving suspicion of serious crimes against life and health. A significant step toward addressing these demands is the draft amendment bill prepared by the Kraków Institute of Criminal Law concerning the "reform of the preventive measure of pre-trial detention."⁵²

Furthermore, another proposal worth considering – going beyond issues directly related to the functioning of the prosecution service – is improving the legal framework for the protection of personal rights. Lengthy court proceedings often fail to meet modern needs, particularly regarding the use of new technologies and the far-reaching, broadly understood reputational consequences that extend beyond mere image concerns and contribute to financial exclusion and difficulties in various aspects of life, as described above.

The basis for such violations (defamation) often stems from information about ongoing prosecutorial proceedings, filed charges, or high-profile arrests. Their effects in practice undermine the presumption of innocence, which is effectively non-existent in public perception and in the policies of financial institutions.

49 <https://www.pb.pl/areszt-zabija-biznesy-1211437>

50 <https://oko.press/tymczasowo-aresztowanych-jest-niemal-dwa-razy-wiecej>

51 <https://www.rp.pl/prawnicy/art956121-sedzia-uchylil-areszty-zostal-odwolany-z-delegacji-w-niecala-godzine>

52 <https://kipk.pl/ekspertyzy/tymczasowe-aresztowanie-projekt-ustawy-nowelizujacej/>

6. Conclusion

The new government has initiated crucial steps toward reinstating the independence of the Public Prosecutor's Office, a vital element in the rule of law. Key actions, including the appointment of new leadership, legislative proposals to separate the roles of Minister of Justice and Prosecutor General, and joining the European Public Prosecutor's Office (EPPO), demonstrate a commitment to reform. However, significant challenges persist.

Several factors impede the complete restoration of prosecutorial independence. Entrenched personnel loyal to the previous administration still remain part of the service, sometimes even holding key positions, potentially obstructing reform efforts. The constitutional and legal framework, including the President's veto power, creates further obstacles to implementing comprehensive legislative changes. Public trust in the justice system remains fragile, with scepticism from various groups regarding the pace and scope of reforms.

The audit of politically motivated cases, while a very welcome initiative, suffers from limitations. Delays, an obscure and – possibly – narrowed scope, and a lack of transparency raise concerns about its effectiveness. This may include surprising exclusion of still-ongoing cases and those closed after 2023, as well as the lack of transparency regarding the case selection criteria, which raises additional concerns regarding its comprehensiveness. Furthermore, the failure to hold abusive prosecutors publicly accountable and the lack of clear rehabilitation mechanisms for those affected by the malicious prosecutions, are significant shortcomings.

The politicisation of the prosecution service under the previous government had severe consequences, extending beyond individual cases to harm the overall investment climate and competitiveness of the Polish economy within the EU Single Market. The abuse of economic crime and AML/CFT laws, as well as the involvement of special services, created a chilling effect on businesses and entrepreneurs, leading to financial losses, reputational damage, and legal challenges.

To ensure a thorough and effective reform, the government must expand and accelerate the audit process, ensuring the inclusion of all potentially affected cases. Clear mechanisms for accountability and victim rehabilitation, including financial compensation and public exoneration, must be established. Additionally, given the significant impact on the EU Single Market, collaboration with EU institutions is essential to develop safeguards against future abuses of prosecu-

torial power and economic crime laws. A sustained and concerted effort, involving all stakeholders – most notably civil society organisations defending human rights and the rule of law – is essential to ensure the long-term success of these critical reforms, building a citizen-oriented prosecution service and addressing the legacy of politically motivated prosecutions in Poland.

"Justice delayed is justice denied." Justice only holds meaning when it is served in a timely manner. After years of systemic lawlessness within the prosecution service from 2016 to 2023, civil society expects that those responsible for this state of affairs will be held accountable, and that the harm done to the victims of politically motivated investigations will be rectified.

January 12, 2025, marked one year since an independent Prosecutor General assumed leadership of the prosecution service. Unfortunately, both within the prosecutorial community and among the general public, there is a prevailing sense that this time has not been used effectively. The audit of cases, initiated only after a public appeal by the Open Dialogue Foundation, covered merely a small fraction of instances where justice officials abused their authority. Moreover, it remains unclear what criteria were used to select these cases.

Meanwhile, the statute of limitations is inexorably running out, after which disciplinary and criminal proceedings against representatives of the repressive apparatus will no longer be possible. This only deepens concerns about whether true accountability will ever be achieved.

For all these reasons, our actions must be marked by exceptional determination and commitment – because unaccounted-for wrongdoing always returns with double the force.

– **Prosecutor Ewa Wrzosek**, Lex Super Omnia Prosecutors' Association

During the long, dark eight years of populist authoritarianism in Poland (2015-2023), the public prosecutor's office (prokuratura) played a crucial role in consolidating the oppressive system. Alongside the institutions such as the Constitutional Tribunal, Supreme Court, or National Council of Judiciary, the prokuratura system became one of the most toxic institutional devices of the regime: on the one hand, it became a sort of "mafia's lawyer", protecting the political elite against accountability for their misconduct; on the other hand, it was a tool of persecuting the opponents of the ruling group.

No wonder the institution became so entrenched that it persisted even after the electoral defeat of PiS (the Law and Justice party). This remarkable report depicts some of the most outrageous aspects of this institutional persistence. The Open Dialogue Foundation – one of Poland's most reputable and courageous NGOs, records various failures in throwing the book at the old prokuratura's cadres. There are concrete names, facts, and cases here. Many, too many of them. And there is an easily discernible impatience of the authors triggered by what they perceive as the slowness of political actions by the new, democratic government in dealing with the remnants of the ancien régime – which was successfully voted out of office on October 15, 2023, but has not entirely gone away. I commend this report to everyone concerned about the post-populist rule of law – not only in Poland.

– **Wojciech Sadurski**, Professor of the University of Sydney and the University of Warsaw, Member of the Global Rule of Law Commission



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