



STATEMENT BY CIVIL SOCIETY ORGANIZATIONS

On the Seizure of the Seat of Poland's Constitutional Tribunal and the Attempt to Install Its Leadership Outside the Legal Order

Warsaw, October 31, 2026

As civil society organizations united in our concern for the fate of Poland and for respect for its law, we are speaking out together today, because the matter on which we are taking a position is not the concern of any single community. The rule of law protects everyone, and when it ceases to do so, everyone is under threat. The events of the past twenty-four hours surrounding Poland's Constitutional Tribunal have crossed the line beyond which political dispute ends and the final, forcible phase of the dismantling of the constitutional order of the Republic of Poland begins.

During the night of October 30, while the President of the Republic of Poland was abroad, police units enabled persons elected as Constitutional Tribunal judges by the Sejm, Poland's lower house of parliament, who had nevertheless not taken the oath required by law to establish a service relationship and begin the term of office of a Tribunal judge, to take over the Constitutional Tribunal building. Access to the building was denied to the President and the Vice President of the Tribunal, to lawful Tribunal judges, to the director of the Office of the President of the Tribunal, and to Tribunal staff and the Tribunal guard. At the same time, persons whom the Sejm designated for judicial office but who never took a valid oath remain inside the building, together with a prosecutor seconded to the National Prosecutor's Office, who is threatening to detain anyone seeking lawful entry to the Tribunal building. Among

those present is Anna Korwin-Piotrowska, who by her own signature conferred upon herself the title to “stand in” for the incumbent President of the Tribunal and who, in media statements, presents herself as the current head of the Tribunal entitled to issue “orders.”

Statements condemning the usurpers acting in concert with the government have been issued by the lawful authorities of the Constitutional Tribunal, the First President of the Supreme Court, the President of the Supreme Administrative Court, and the leaders of the most important political parties.

The legal assessment of the non-governmental legal organizations is unequivocal and rests on the letter of the law in force.

- 1) The Constitution establishes the Tribunal as a separate and independent power (Art. 173) and permits every organ of public authority to act only on the basis of, and within the limits of, the law (Art. 7). There is no provision in the Polish legal order that would allow the government, or the police subordinate to it, to take control of the seat of the constitutional court and to decide which of its organs may enter it. An operation of this kind therefore constitutes a forcible intrusion by the executive into the domain of the judiciary and a violation of the principle of the separation of powers (Art. 10).
- 2) The Act on the Status of Constitutional Tribunal Judges makes the establishment of a judge’s service relationship conditional upon taking the oath before the President of the Republic of Poland. Whoever has not taken the oath has not assumed office—and therefore holds no share whatsoever in the authority of the Tribunal and cannot sign acts on its behalf. Moreover, the law provides for no procedure for interrupting the activities of the President of the Tribunal, nor for designating someone to stand in for him by the unilateral decision of the person concerned. A document in which someone grants herself the leadership of the constitutional court, thereby deciding on her own status, is a nonexistent act, devoid of any legal effect. The Vice President of the Constitutional Tribunal presented the same legal assessment in his statement.
- 3) The Criminal Code protects the constitutional organs of the State against removal by force: Art. 128 § 1 provides for a penalty of up to 20 years’ imprisonment for acts directly aimed at that end. Irrespective of this legal classification, a public official who acts without a legal basis to the detriment of the public interest is liable for exceeding his or her authority (Art. 231 § 1 of the Criminal Code). It is for the prosecution service and the courts to assess whether the elements of these offenses have been fulfilled—but the duty to investigate this matter is beyond dispute.

- 4) The Police Act not only permits but obliges a police officer to refuse to carry out an order or instruction whose execution would entail participation in a crime (Art. 58(2)). Whoever personally takes part in the unlawful blockade of a constitutional organ of the State will personally bear the consequences, regardless of who issued the order. We call on every officer to assess the instructions he or she receives in conscience and in the light of the law, and to refuse to assist in violating the Constitution. To those who pay for such a refusal with reprisals at work, we pledge today our public support and legal assistance.

We ask all Poles—regardless of their convictions and political choices—not to remain indifferent to these events. At the same time, we emphasize that the defense of the constitutional order should not rely on violence, but on presence, engagement and the civic courage of public opposition. Let us document violations of the law, let us demand that parliamentarians of all political groups take an unequivocal stand on the side of the Constitution, and let us support those who refuse to take part in lawlessness. History teaches that power retreats before a society that remembers, watches and does not stay silent.

We welcome with appreciation the decision of the President of the Republic of Poland to immediately cut short his foreign visit and return to the country. This is the appropriate response of the head of state to a constitutional crisis. The Constitution makes the President the guarantor of the continuity of State authority and entrusts him with ensuring observance of the Constitution (Art. 126(1) and (2)). We declare our support for the actions taken so far and express our conviction that the President will draw on the full constitutional toolkit of his office—from convening the National Security Council, through an address to the Nation and to both houses of parliament, to initiating proceedings before the competent authorities—for as long as it takes to restore the constitutional order. In this service, Polish democracy and organized civil society stand by the head of state.

Our demands

We demand:

- 1) the immediate withdrawal from the premises of the Constitutional Tribunal of the police units dispatched there and of persons not authorized to be present in the Tribunal building, as well as the restoration of undisturbed access to its seat for the Tribunal's organs and services;
- 2) public disclosure of the content of the orders and instructions on the basis of which the operation was carried out, together with the identification of their authors—including members of the Council of Ministers who bear political and criminal responsibility;

- 3) the initiation ex officio of criminal proceedings covering the threads under Articles 127, 128, 135 and 231 of the Criminal Code, and the securing of evidence, including documentation and video surveillance recordings;
- 4) the immediate cessation by all organs of public authority of any actions based on the nonexistent “order” on standing in for the President of the Tribunal;
- 5) enabling the lawful authorities of the Constitutional Tribunal to effectively secure the Tribunal’s documentation, including case files and documents protected under personal data protection rules and under the provisions on the protection of classified information.
- 6) The immediate appointment of a Council for the Repair of the State, which will prepare a broad proposal for the restoration of the constitutional system.

The undersigned organizations will continuously document the course of events, publish legal analyses, provide assistance to persons affected by repression, and appear before national and international bodies until a state of affairs consistent with the Constitution is fully restored. This statement is open—we invite every organization that cares about the fate of the rule of law to sign it.

Signatories

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Translated using Claude.ai

SEO Key Phrases:

Constitutional Tribunal Poland; seizure of Tribunal seat; rule of law; separation of powers;
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