



Notification of 20 applications concerning judicial independence in Poland

The European Court of Human Rights has given notice¹ to the Government of Poland of 20 applications (application nos. listed below) and requested that they submit their observations.

The cases concern judicial decisions rendered by various chambers of the Supreme Court in civil cases, following appeals with regard to applications for vacant judicial posts, or regarding a disciplinary case regarding a lawyer, or decisions by the National Council of the Judiciary. It is alleged that the judicial formations dealing with the applicants' cases were not "independent and impartial tribunals established by law" since they included judges who had been appointed by the new National Council of the Judiciary.

Links to the statements of facts in the individual cases can be found below.

[Dudek v. Poland \(application no. 41097/20\), Szczepaniak v. Poland \(no. 53778/20\), Modzelewska v. Poland \(no. 1412/21\), Bojańczyk v. Poland \(no. 8916/21\), Ejmont v. Poland \(no. 26638/21\), Prokopcow and Maciejko v. Poland \(no. 31053/21\), I.G. v. Poland \(no. 42668/21\), Piotrowicz v. Poland \(no. 50702/21\), Poremba v. Poland \(no. 50708/21\), Cholewiccy v. Poland \(no. 60827/21\), Arydium Sp. z o.o. v. Poland \(no. 1210/22\), Michalak v. Poland \(no. 1510/22\), and Półtorak-Libura and Libura v. Poland \(no. 43211/21\).](#)

These cases concern civil cases which were examined by formations of the Civil Chamber of the Supreme Court including judges appointed by the National Council of the Judiciary (NCJ), allegedly in breach of the right to an "independent and impartial tribunal established by law".

[Burchard v. Poland \(no. 1470/22\)](#)

This case concerns disciplinary proceedings involving a lawyer which were conducted before the Disciplinary Chamber of the Supreme Court, a body which was allegedly not an "independent and impartial tribunal established by law".

[Frąckowiak-Mitura v. Poland \(no. 21998/21\), Hetnarowicz-Sikora v. Poland \(no. 22918/21\), Odelski v. Poland \(no. 24398/21\), Zielonka v. Poland \(no. 25545/21\)](#)

These cases concern judges who unsuccessfully applied for vacant judicial posts at other courts and the appeals against the decisions by the NCJ were examined by the Chamber of Extraordinary Review and Public Affairs of the Supreme Court, which allegedly did not comply with the requirements of an "independent and impartial tribunal established by law".

[Wójcik v. Poland \(no. 11000/21\) and Sokal v. Poland \(no. 15656/20\)](#)

These cases concern the alleged lack of judicial review of decisions by the NCJ not to allow Mr Wojcik to continue in his role as a judge beyond the age of 65, and not to submit Mr Sokal's candidacy for a Supreme Court seat to the President of Poland.

The events in question took place in the context of the recent reorganisation of the judiciary in Poland which is held by many to have resulted in a rule-of-law crisis in that State. They are set out in more detail in the Court's Grand Chamber judgment [Grzeda v. Poland](#) (no. 43572/18) and related Chamber judgments of [Reczkowicz v. Poland](#) (no. 43447/19), [Dolinska Ficek and Ozimek v. Poland](#) (nos. 49868/19 and 57511/19) and [Advance Pharma SP. z o.o v. Poland](#) (no. 1469/20)

¹ Under Rule 54 § 2 (b) of the Rules of Court: "the President of the Section may decide to give notice of the application or part of the application to the respondent Contracting Party and invite that Party to submit written observations thereon and, upon receipt thereof, invite the applicant to submit observations in reply."

The applications were lodged with the European Court of Human Rights on various dates in 2020-22.

The Government of Poland were given notice of the applications on various dates in April 2022, with questions from the Court. Statements of facts of the cases submitted to the Government are available in English or French on the Court's website (links above).

The applicants in these cases rely in particular on Article 6 (right to a fair trial) of the European Convention of Human Rights.

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Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Neil Connolly (tel : + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)

Denis Lambert (tel : + 33 3 90 21 41 09)

Inci Ertekin (tel : + 33 3 90 21 55 30)

Jane Swift (tel : + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.