

MEIJERS COMMITTEE
STANDING COMMITTEE OF EXPERTS ON INTERNATIONAL
IMMIGRATION, REFUGEE AND CRIMINAL LAW

Case Number	Name	Decision date	Summary	Status
35778/07 (discontinued)	Żemek and others v. Poland	30/08/2016	Article 6 § 1 ECHR; complaint that assigned judge in breach of the relevant provisions of the Code of Criminal Procedure and that the judge had not been impartial, alleged links of the judge with the Law and Justice party and close ties to the (current) Justice Minister Ziobro which later appointed the judge Secretary of State	closed
965/12	Guz v. Poland	15/10/2020	Art. 10 ECHR. The ECtHR rules in favour of a complaint brought forward by a Polish judge who was found guilty of a disciplinary offence.	closed
65313/13	Maciszewski and Others v. Poland	23/06/2020	Art. 6 ECHR; complaint under Article 6 § 1 that the Poznań District Court was not a “tribunal established by law” on account of the alleged irregularities concerning the secondment of the Regional Court’s Judge	closed
62765/14, 62769/14, 62772/14 and 11708/18	Sobczyńska and Others v. Poland		Art. 6 and 8 ECHR; refusals by Polish presidents Kaczynski and Duda to appoint the judges in 2008 and 2016 respectively to vacant posts in various courts without any reasoning and despite positive recommendations of the National Council of the Judiciary	in progress
26691/18	Broda v. Poland		Art. 6 ECHR; premature termination of terms of judges without any reasoning who had been appointed as court vice-presidents and absence of any possibility to seek judicial review	in progress
27367/18	Bojara v. Poland		Art. 6 ECHR; same issues as in Broda v. Poland - removal of judges from their positions as court vice-presidents during their terms of office without providing reasons	in progress
39650/18	Żurek v. Poland		Art. 6 and 10 ECHR; premature termination of a judge's mandate as a member of the National Council of the Judiciary, his dismissal as spokesperson for that organ, and the campaign to silence him	in progress
43572/18	Grzęda v. Poland		Art. 6 ECHR; interruption of the mandate of a supreme administrative court judge elected to the National Council of Judiciary before the end of its four-year term	in progress
4907/18	Xero Flor v. Poland	07/05/2021	Art. 6 ECHR, unlawful appointment of one individual to the captured and unlawfully composed Constitutional Court; partly concurring, partly dissenting opinion of judge Wojtyczek	closed
21181/19	Tuleya v. Poland		Art. 8 and 10 ECHR; this case concerns the disciplinary regime for Polish judges. Judge Tuleya alleged that seven sets of disciplinary proceedings initiated against him in 2018 have brought his reputation into dispute	in progress
25226/18, 25805/18, 38378/19	Pająk and others v Poland		Art. 6 ECHR; retirement age of judges, contrary to the irremovability of judges, alleged violation of Art. 6 ECHR as there was no remedy available to applicant for the refusal of the NJC to grant her permission to continue to work	in progress
43447/19, 49868/19 and 57511/19	Reczkowicz and two Others v. Poland		Art. 6 ECHR; complaints brought by barrister and two judges in relation to the two new chambers of the Supreme Court (Disciplinary Chamber and thee Chamber of Extraordinary Control and Public Affairs), which they claim were constituted in breach of the law following changes to the judiciary introduced in 2017	in progress

Rule of Law Cases at the ECtHR - Poland - by the Meijers Committee

1469/20	Advance Pharma Sp. z o.o. v. Poland	Art. 6 ECHR; complaint brought by a pharmaceutical company that the Civil Chamber of the Supreme Court, which decided on a case concerning it, was constituted on the recommendations of the National Council of the Judiciary and thus in breach of the law following changes to the judiciary introduced in 2017	in progress
13278/20	Biliński v. Poland	Art. 6 ECHR; the applicant was judge at a District court and ruled on many freedom-of-expression cases. Some of these cases were perceived as unfavourable by the government and therefore criticized by politicians of the ruling party. The applicant claims that his transfer to another court was handled in breach of Article 6 ECHR and that the National Council of Judiciary lacked impartiality	in progress
26004/20	Pionka v. Poland	Art. 6 and 8 ECHR; the case concerns proceedings before the domestic courts following the applicant's declaration of means lodged in accordance with his role as a prosecutor. He was prosecuted for alleged incorrect declaration of means, which eventually came before the Disciplinary Chamber of the Supreme Court. That body overturned the previous decision of the Disciplinary Court at the General Prosecutor and allowed the prosecution to go forward and suspended the applicant from his official duties	in progress
28122/20 and 48599/20	Brodowiak and Dżus v. Poland	Art. 6 ECHR; the applicants complain that their cases were not heard by an "independent and impartial tribunal established by law"	in progress
35599/20	Juszczyszyn v. Poland	Art. 6 and 8 ECHR; the applicant (Polish judge) complains that he had not been given access to an independent and impartial tribunal established by law, as he argues that the Disciplinary Chamber of the Supreme Court is not such a tribunal as its judges were appointed following a recommendation by the NCJ, which itself had been established in breach of the Constitution	in progress