



Interim measures amended in three more cases concerning disciplinary proceedings against judges

The European Court of Human Rights decided on 15 August 2022 to amend interim measures previously indicated in three cases of judges facing disciplinary proceedings and at risk of imminent suspension from their judicial functions.

In particular, in the case *Zawiślak v. Poland* (no. 18632/22), the Court decided to amend the wording of the interim measure previously granted on 26 April 2022, which now covers any body competent under the domestic law to deal with the applicant's case. The case, concerning the prosecuting authorities' request to remove Mr Zawiślak's judicial immunity in the disciplinary proceedings against him, is similar to that of *Wróbel v. Poland* (no. 6904/22, see press releases of [08.02.2022](#) and [20.04.2022](#)).

The Court took this decision in the light of new developments, namely that the Disciplinary Chamber of the Supreme Court referred to in the previous interim measure in the case has recently been replaced by a new Chamber of Professional Responsibility of the Supreme Court (*Izba Odpowiedzialności Zawodowej Sądu Najwyższego*).

The Court has also amended the wording in the interim measures indicated in two cases concerning: a Regional Court judge, namely *Głowacka v. Poland* (no. 15928/22), see press release of [31.03.2022](#); and, a District Court judge, namely *Hetnarowicz-Sikora v. Poland* (no. 9988/22), see press release of [22.03.2022](#). These two judges, who are at risk of suspension for applying ECHR and EU case-law in their rulings, have cases pending before the Court which are similar to those of *Synakiewicz v. Poland* (no. 46453/21), *Niklas-Bibik v. Poland* (no. 8687/22) and *Piekarska-Drązek v. Poland* (no. 8076/22).

These amendments follow closely in the wake of those indicated to the Polish Government on 5 and 9 August 2022 (see [press release of 10.8.2022](#)).

The applicant, Tomasz Aleksander Zawiślak, is a judge of the Wrocław-Śródmieście District Court. He was involved in an accident with a moped in September 2020 and the State Prosecutor's Office subsequently sought the removal of his judicial immunity with a view to bringing charges against him for causing a traffic accident.

The other two judges are Anna Głowacka, a Kraków Regional Court judge, and Joanna Marta Hetnarowicz-Sikora, a judge in the Słupsk District Court. They both risk suspension for having applied, in their judicial decisions, the European Court's case-law and the rulings of the Court of Justice of the European Union relating, in particular, to the Disciplinary Chamber of the Supreme Court and the National Council of the Judiciary (NCJ).

The Court indicated interim measures, under Rule 39 of the Rules of Court, in all three judges' cases in February and April 2022. See the [statement of facts in the Zawiślak case](#) and the press releases of [24.03.2022](#) and [31.03.2022](#) in the other two cases.

On 15 August 2022 the Court amended the interim measures in all three cases, following the same wording outlined in its press release of [10.08.2022](#) concerning the cases *Wróbel v. Poland*, which is similar to that of Mr Zawiślak, and the cases *Synakiewicz v. Poland*, *Niklas-Bibik v. Poland* and *Piekarska-Drązek v. Poland*, which are similar to those of Ms Głowacka and Ms Hetnarowicz-Sikora.

In particular, the Court requested that it be informed – at least 72 hours beforehand – of any hearing (*rozprawa*) or in camera session (*posiedzenie*) scheduled in the applicants' cases before any body competent under the domestic law to deal with their cases.

In all three cases the Government were also requested to inform the Court and the applicants of: the composition of the panel which is to examine their case; and, the manner in which members of that panel were appointed to judicial office.

The Court also decided to give immediate notice of the amended measure adopted in Mr Zawiślak's case to the Committee of Ministers.

The Government of Poland have been given notice of all three applications, with questions from the Court.

Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicant would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#).

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Press contacts

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

We would encourage journalists to send their enquiries via email.

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)

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

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.