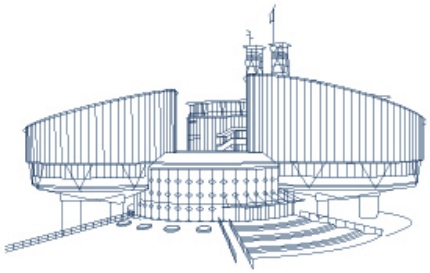
EUROPEAN COURT OF HUMAN RIGHTS

PRESS RELEASE

EUROPEAN COURT REJECTS REQUEST FOR INTERIM MEASURE IN CASE CONCERNING CONSTITUTIONAL COURT OF POLAND

ECHR 289 (2026) 17.11.2026

Press release issued by the Registrar of the Court



Today the European Court of Human Rights, sitting as a Chamber of seven judges, unanimously rejected the request for an interim measure under Rule 39 of the Rules of Court in the case **Sochański and Święczkowski v. Poland** (application no. 44105/26).

The case concerns the provisional interruption in the official duties of Mr Sochański and Mr Święczkowski as, respectively, Vice-President and President of the Constitutional Court of Poland, and the initiation of disciplinary proceedings against them. It also concerns requests by the Prosecutor General for their judicial immunity to be lifted and for authorisation to arrest and detain Mr Święczkowski.

The Court took its decision in the light of the submissions of both parties, made at its request, and against the general background of its earlier case-law on the matter. In the circumstances, the Court considered that Mr Sochański and Mr Święczkowski had failed to demonstrate an imminent risk of irreparable harm to the core of their rights under Article 6 (right to a fair trial) of the European Convention on Human Rights.

The applicants submitted their request for interim measures on 11 November 2026 and have until 15 December 2026 to submit a full application under Article 34 (right of individual petition) of the European Convention.

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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 applicants would otherwise face an imminent risk of irreparable harm. For further information, see the factsheet on interim measures.

PRINCIPAL FACTS AND COMPLAINTS

The applicants in the case, Bartłomiej Sochański and Bogdan Święczkowski are Polish nationals who were born in 1955 and 1970 respectively. They live in Warsaw.

On 30 October 2026, Judge Anna Korwin-Piotrowska (one of the judges elected on 13 March 2026 and one of the applicants in *Dziurda and Others v. Poland*) assumed the duties of the acting president of the Constitutional Court and ordered a provisional interruption in the official duties of Mr Sochański and Mr Święczkowski for one month pending a further decision on the matter by the competent disciplinary panels of the Constitutional Court.

On 3 November 2026 a General Assembly of the Constitutional Court (at which only the judges elected in 2026 appeared) appointed panels tasked with reviewing the orders interrupting the official functions of Mr Sochański and Mr Święczkowski. Hearings in their cases have been scheduled for 19 and 20 November 2026.

In parallel, the Prosecutor General requested that their judicial immunity be lifted with a view to bringing criminal charges against them, and further sought authorisation for Mr Święczkowski's arrest and detention. A General Assembly of the Constitutional Court was convened for 17 November 2026 to decide on those requests.

Mr Sochański and Mr Święczkowski dispute the legal basis for those decisions. They claim that they are facing disciplinary proceedings and the lifting of their judicial immunity before disciplinary bodies of the Constitutional Court that do not satisfy the requirements of independence and impartiality.

On 11 November 2026, the applicants' representative made a request to the Court under Rule 39 to indicate to the Government that Poland must ensure that all proceedings concerning the applicants and conducted against them by the Constitutional Court are suspended or postponed until the adjudicating and deciding bodies meet, at two instances if applicable, the requirements of an "independent and impartial tribunal" as guaranteed by Article 6 of the European Convention.

OUTCOME

REASONING OF THE COURT

On 17 November 2026 the Court decided to reject the request for an interim measure on the grounds that the applicants had failed to demonstrate an imminent risk of irreparable harm to the core of their rights under Article 6 of the Convention. The decision was taken in the light of the submissions of both parties, made at the Court's request, and against the general background of the Court's earlier case-law[1] on the matter.

Although the applicants' request for interim measures has been rejected, it is still open to them to lodge an application and pursue their complaints before the Court. They have until 15 December 2026 to submit a full application under Article 34 (right of individual petition) of the European Convention on Human Rights.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int.

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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.

[1] Previous press releases issued by the Court on rulings concerning the functioning of the Constitutional Court of the Republic of Poland: *Xero Flor w Polsce sp. z o.o. v. Poland*; *Grzęda v. Poland* [GC]; *Dziurda and Others v. Poland*).