EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

DECISION

Application no. 37483/20
Andrzej KIEŁTYKA
against Poland
(see appended table)

The European Court of Human Rights (First Section), sitting on 20 November 2025 as a Committee composed of:

Frédéric Krenc*, President*,
Davor Derenčinović,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 14 August 2020,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 6 § 1 of the Convention about a violation of his right to a hearing by an "independent and impartial tribunal established by law" since his case had been decided by Disciplinary Chamber of the Supreme Court composed of judges appointed to that court by the President of Poland, pursuant to the recommendation of the National Council of the Judiciary (*Krajowa Rada Sądownictwa*, "the NCJ") as established under the Amending Act on the NCJ and certain other statutes of 8 December 2017 were communicated to the Polish Government ("the Government").

THE LAW

The Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The Government acknowledged the violation of the right to an "independent and impartial tribunal established by law" under Article 6 § 1 of the Convention. They offered to pay the applicant the amount detailed in the appended table and invited the Court to strike the application out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amount would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, from the expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

The payment will constitute the final resolution of the case.

The applicant was sent the terms of the Government's unilateral declaration several weeks before the date of this decision. The Court has not received a response from the applicant accepting the terms of the declaration.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the right to a hearing by an "independent and impartial tribunal established by law" protected by Article 6 § 1 of the Convention (see *Guðmundur Andri Ástráðsson v. Iceland* [GC], no. 26374/18, § 214). In respect of Poland, the deficiencies in the procedure for the appointment of judges of the Supreme Court, resulting in violations of the applicants' right to a hearing by an "independent and impartial tribunal established by law" protected by Article 6 § 1 of the Convention, have been established in respect of various Chambers of the Supreme Court: the Disciplinary Chamber (see *Reczkowicz v. Poland*, no. 43447/19, 22 July 2021), the Chamber of Extraordinary Review and Public Affairs (see *Dolińska-Ficek and Ozimek v. Poland*, nos. 49868/19 and 57511/19, 8 November 2021) and formations of the Civil Chamber (see *Advance Pharma sp. z o.o v. Poland*, no. 1469/20, 3 February 2022). In its pilot judgment in the case of *Wałęsa v. Poland* (no. 50849/21, 23 November 2023), the Court listed several interrelated systemic problems which entailed repeated breaches of the fundamental principles of the rule of law, separation of powers and the independence of the judiciary.

The Court has examined unilateral declarations submitted by the Government in identical cases against Poland and considers that its conclusions are directly applicable to the case under consideration (see *Dudek and Lazur v. Poland* (dec.), nos. 41097/20 and 39577/22, 8 October 2024).

The Court notes that the Government's declaration in the present case contain, firstly, an unconditional acknowledgement of the violation of Article 6 § 1 of the Convention regarding the right "to an independent and impartial tribunal established by law." Secondly, the Government undertake to pay the applicant the sum which is consistent with amounts awarded in similar cases.

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed, the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue the examination of the application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the application out of the list of cases.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 11 December 2025.

Viktoriya Maradudina	Frédéric Krenc
Acting Deputy Registrar	President

APPENDIX

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
37483/20 14/08/2020	**Andrzej KIEŁTYKA** 1953	Kieltyka Maciej Jasło	29/09/2025	14/10/2025	10,000

[1] Plus any tax that may be chargeable to the applicant