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

FIRST SECTION

DECISION

Application no. 18380/22
Maciej RUTKIEWICZ
against Poland

The European Court of Human Rights (First Section), sitting on 23 January 2025 as a Committee composed of:

Erik Wennerström*, President*,
Georgios A. Serghides,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 13 April 2022,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicant was represented by Mr M. Gajdus, a lawyer practising in Warsaw.

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"). Other complaints under Articles 8 and 18 of the Convention based on the same facts were also communicated.

The Court received the friendly-settlement declarations, signed by the parties, under which the applicant agreed to waive any further claims against Poland in respect of the facts giving rise to this application, subject to an undertaking by the Government to pay him the amount detailed in the

appended table. This amount will 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 undertake 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 LAW

The Court notes that the deficiencies in the procedure for the appointment of judges of the Supreme Court, resulting in violations of the applicant's 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 recently examined friendly settlements reached between the parties in similar cases against Poland and considers that its conclusions are directly applicable to the cases under consideration (see *I.G. and Others v. Poland* (dec.), no. 42668/21, 8 October 2024).

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the application.

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

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 13 February 2025.

Viktoriya Maradudina Acting Deputy Registrar	Erik Wennerström 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 declaration	Amount awarded for pecuniary damage per applicant (in euros)[1]
18380/22 13/04/2022	**Maciej RUTKIEWICZ** 1975	Gajdus Michał Warsaw	05/12/2024	29/11/2024	20,000

[1] Plus any tax that may be chargeable