

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

FIRST SECTION

DECISION

Application no. 3685/20
Andrzej Jacek STERKOWICZ against Poland
and 2 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 5 December 2024 as a Committee composed of:

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

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the decision to indicate, in the application no. 3685/20, an interim measure to the respondent Government under Rule 39 of the Rules of Court,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants and their representatives is set out in the appended table.

The applicants' complaints under Article 6 § 1 of the Convention of a violation of their right to a hearing by an "independent and impartial tribunal established by law" since their cases had been decided by various formations 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. The complaints were communicated to the Polish Government ("the Government").

In some of the applications, complaints based on the same facts were also communicated under other provisions of the Convention.

On various dates indicated in the appended table, the Court received the friendly-settlement declarations, signed by the parties, under which the applicants agreed to waive any further claims against Poland in respect of the facts giving rise to these applications, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertake to pay simple interest on them, 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 cases.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Court notes that 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 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 applications.

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

The interim measure previously indicated in application no. 3685/20 therefore ceases to have any basis.

For these reasons, the Court, unanimously,

Decides to join the applications;

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

Done in English and notified in writing on 16 January 2025.

Viktoriya Maradudina Acting Deputy Registrar	Georgios A. Serghides President

APPENDIX

List of applications raising complaints under Article 6 § 1 of the Convention (right to a hearing by independent and impartial tribunal)

No.	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 and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1.	3685/20 24/12/2019	**Andrzej Jacek STERKOWICZ** 1965	Gajowniczek-Pruszyńska Katarzyna Maria Warsaw	08/10/2024	08/10/2024	26,000
2.	32838/21 08/06/2021	**Irena RYBSKA** 1959	Iwaniuk Piotr Białystok	09/10/2024	09/10/2024	20,000
3.	28371/23 07/07/2023	**Lech WAŁĘSA** 1943	Janc Pawel Warsaw	22/04/2024	23/04/2024	20,000

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