

Interim measures issued in the case of judges elected to the Polish Constitutional Court

The European Court of Human Rights has decided to provisionally grant an interim measure in the case of **Dziurda and Others v. Poland** (application no. 17392/26).

The case concerns four legal professionals who were elected on 13 March 2026 as judges of the Constitutional Court, but who have so far not been allowed to take up their duties.

The Court has asked the Polish Government to ensure that the applicants are not hindered in taking up and exercising their duties as judges of the Constitutional Court until any further decision is taken on their request for interim measures.

The Court has also requested the Government to submit, by 20 May 2026, information concerning the applicants' situation.

The applicants submitted their request for interim measures on 30 April 2026 and have until 2 June 2026 to submit a full application under Article 34 (right of individual petition) of the European Convention on Human Rights.

Interim 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 itself. The Court grants requests for such measures only on an exceptional basis. For further information, see [the factsheet on interim measures](#).

The applicants, Marcin Dziurda, Anna Korwin Piotrowska, Krystian Markiewicz, and Maciej Henryk Taborowski, are all Polish nationals and legal professionals.

On 13 March 2026 the lower chamber of the Polish Parliament (*Sejm*) elected the applicants, along with two other persons, as judges of the Constitutional Court for a nine-year term.

According to the law in Poland, judges elected by the *Sejm* take up their duties after taking the oath of office before the President of the Republic of Poland.

Since their election, the applicants have requested that the President of Poland allow them to take the oath of office, without success. Ultimately, they took the oath of office on 9 April 2026 before, among other people, the Speaker of the *Sejm*. They then sent a notarised version of the oath to the President of Poland. Nevertheless, the applicants have not as yet been allowed to take up their judicial duties as judges of the Constitutional Court.

In parallel, the Constitutional Court is conducting proceedings (case no. K 3/26) concerning a complaint lodged by a group of Deputies to the *Sejm* alleging that the statutory provisions on the basis of which the applicants had been elected were unconstitutional. A hearing in the case is scheduled for 12 May 2026.

On 30 April 2026 the applicants requested that the European Court indicate interim measures (under Rule 39 of its Rules of Court) to the Republic of Poland, in particular the President of the Constitutional Court and the President of the Republic, enabling the applicants to take up and exercise the duties of a judge of the Constitutional Court with immediate effect.

In their interim measure request, the applicants complain that they have been prevented from taking up and exercising their judicial duties, despite being lawfully elected judges of the Constitutional Court

and having taken the oath of office. They argue that, as a result, they formally hold judicial office and their term of office has started to run, but they are entirely deprived of the possibility to perform their judicial duties. They argue that this situation has already had tangible consequences for their individual legal and professional status as they have resigned from previous posts, and extends beyond – as it poses serious risks for the domestic constitutional order and the protection of individual rights, eroding public confidence in the State. They refer to the ongoing rule-of-law crisis in Poland. They rely on Articles 6 (right to a fair trial), 8 (right to respect for private and family life) and 13 (right to an effective remedy).

On 5 May 2026 the Court decided in the interests of the parties and the proper conduct of the proceedings before it, to provisionally indicate to the Government of Poland, under Rule 39 of the Rules of Court, that “the respondent State should ensure that its competent authorities refrain from hindering the taking up and exercise of judicial duties by the applicants as judges of the Constitutional Court until any further decision on the applicants’ request for interim measures is taken”.

The Court also decided to give immediate notice of the measure adopted to the Council of Europe’s Committee of Ministers and to request the Polish Government, under Rule 54 § 2 (a) of the Rules of Court, to submit information concerning the applicants’ situation by 20 May 2026.

The Court indicated that the decision was taken in the light of the Court’s judgment in [Xero Flor w Polsce sp. z o.o. v. Poland](#) (no. 4907/18, 7 May 2021) as well as the importance of ensuring the proper functioning of the Constitutional Court of the Republic of Poland, with a view to securing the implementation of the subsidiarity principle (see [Grzęda v. Poland](#) [GC], no. 43572/18, § 324, 15 March 2022).

The applicants have until 2 June 2026 to submit a full application under Article 34 (right of individual petition) of the Convention.

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.

Follow the Court on Bluesky [@echr.coe.int](https://bsky.app/org/echr.coe.int), X [ECHR_CEDH](https://twitter.com/ECHR_CEDH), [LinkedIn](https://www.linkedin.com/company/echr), and [YouTube](https://www.youtube.com/channel/UCR01111111111111111111).

Contact [ECHRPress](mailto:echrpress@echr.coe.int) to subscribe to the press-release mailing list.

Where can the Court’s press releases be found? [HUDOC - Press collection](#)

Press contacts

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

We are happy to receive journalists’ enquiries via either email or telephone.

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)

Jane Swift (tel: + 33 3 88 41 29 04)

Claire Windsor (tel: + 33 3 88 41 24 01)

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.