



## ECHR gives notification to Poland of case concerning complaint by well-known judge about disciplinary proceedings brought against him

The European Court of Human Rights decided on 1 September 2020 to communicate<sup>1</sup> to the Government of Poland the application **Tuleya v. Poland** (no. 21181/19), and requested that it submit observations.

The case originates in the new disciplinary regime for judges in Poland. The applicant, a well-known judge, alleges that seven sets of disciplinary proceedings initiated against him in 2018 have brought his reputation into dispute.

A [statement of facts](#) submitted to the parties, with questions from the Court, is available in English on the Court's website. The Court's ruling in the case will be made at a later stage.

See also previous press releases concerning issues related to the judiciary in Poland in the cases [Grzęda v. Poland](#) (no. 43572/18), [Xero Flor w Polsce sp. z o.o. v. Poland](#) (no.4907/18), [Broda v. Poland and Bojara v. Poland](#) (nos. 26691/18 and 27367/18), [Żurek v. Poland](#) (no. 39650/18), [Sobczyńska and Others v. Poland](#) (nos. 62765/14, 62769/14, 62772/14 and 11708/18) and [Reczkowicz and two Others v. Poland](#) (nos. 43447/19, 49868/19 and 57511/19).

The applicant is a Polish national, Igor Tuleya, who was born in 1970 and lives in Warsaw. He is a judge at the Warsaw Regional Court. He is well-known in Poland because he has adjudicated in several cases that have attracted widespread media coverage.

Since the entry into force of legislation amending judicial discipline in 2018, many disciplinary proceedings have been initiated against judges in connection with their rulings or public activities. Most of the judges concerned have openly criticised legislative changes to the judiciary introduced from 2016-2018.

Seven sets of disciplinary proceedings were initiated in respect of the applicant in 2018. These proceedings principally concern comments he had made in public or questions over his participation in public meetings, while others relate to his judicial activity. In particular, the disciplinary representative summoned the applicant to make statements after an alleged unauthorised dissemination of information in an investigation and following his decision to submit a request to the Court of Justice of the European Union for a preliminary ruling on the new disciplinary regime for judges.

Since then he has been the subject of a negative campaign in the media, with insulting or discrediting information about him being published or broadcast. He has also received anonymous hate mail and a parcel allegedly containing anthrax bacteria was sent to his professional address.

The application was lodged with the European Court of Human Rights on 10 April 2019.

Relying on Article 8 (right to respect for private and family life) of the European Convention of Human Rights, Mr Tuleya alleges that the disciplinary proceedings have cast doubt on his reputation as a judge. He submits in particular that the manner of conducting the proceedings was disproportionate to the events in question. He also alleges under Article 13 (right to an effective remedy) that there is no legal avenue for him to contest the breach of his privacy rights. The case will also be examined under Article 10 (freedom of expression).

<sup>1</sup> In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges or the President of a Section may decide to bring to the attention of a Convention State's Government the fact that an application against that State is pending before the Court (the so-called "communications procedure").

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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.