



## Notification of the application *Tuleya v. Poland* (no. 2) concerning judicial independence

The European Court of Human Rights has given notice<sup>1</sup> to the Government of Poland of the application *Tuleya v. Poland* (no. 2) (application no. 51751/20) and requested that they submit their observations.

The case concerns the suspension and lifting of immunity of a well-known Regional Court judge and the ensuing proceedings.

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 similar cases 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) (judgment), [Broda and Bojara v. Poland](#) (nos. 26691/18 and 27367/18), and [Reczkowicz and two Others v. Poland](#) (nos. 43447/19, 49868/19 and 57511/19).

The applicant is a Polish national, who was born in 1970 and lives in Warsaw. He is a well-known judge and has held judicial office since 1996. He is also active in the defence of the rule of law in Poland.

On 18 February 2017 an interlocutory appeal concerning a prosecutorial investigation into alleged parliamentary irregularities which had prevented parliamentarians from having a vote on a matter came before Mr Tuleya at the Warsaw Regional Court. He ordered that the prosecutors continue the investigation in an oral judgment. It is alleged that sensitive information from the investigation file was disclosed by the applicant.

On 14 February 2020 D.Z., a prosecutor, applied to the Supreme Court to have Mr Tuleya's judicial immunity lifted with a view to charging him with offences related to disclosure of information to unauthorised individuals and acting to the detriment of public interest.

After several stages of proceedings, in November 2020 the applicant was suspended from his official duties and his immunity was lifted by the Disciplinary Chamber of the Supreme Court. His salary was also reduced by a quarter for the duration of the suspension.

Relying on Article 6 § 1 (right to a fair trial) of the Convention, the applicant complains, in particular, that the Disciplinary Chamber does not meet the requirements of an "independent and impartial tribunal established by law". He argues that it was established by the new National Council of the Judiciary, which had itself been established unconstitutionally. Relying on Article 8 (right to respect for private and family life), he complains that his suspension has damaged his career and reputation. Lastly, relying on Article 10 (freedom of expression), the applicant alleges that the lifting of his immunity was linked to his statements criticising the reform of the judiciary pursued by the Government, and that the sanctions he received were not necessary in a democratic society and would have a chilling effect.

### Procedure

<sup>1</sup> Under Rule 54 § 2 (b) of the Rules of Court: "the Chamber or the President of the Section may decide to give notice of the application or part of the application to the respondent Contracting Party and invite that Party to submit written observations thereon and, upon receipt thereof, invite the applicant to submit observations in reply."

Mr Tuleya is also the applicant in [case no. 21181/19](#), of which the Government were notified on 1 September 2020.

The current application was lodged with the European Court of Human Rights on 24 November 2020.

On 16 July 2021 the Government of Poland were given notice of the application, with questions from the Court. At the same time, the Court decided to grant the case priority under Rule 41 of the Rules of the Court.

The Government have until 10 September 2021 to submit their observations.

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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.