



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

FIRST SECTION

DECISION

Application no. 22360/25
Agnieszka Wioletta BRYGIDYR-DOROSZ against Poland
and 3 other applications
(see list appended)

The European Court of Human Rights (First Section), sitting on 9 July 2026 as a Committee composed of:

Raffaele Sabato, *President*,

Frédéric Krenc,

Anna Adamska-Gallant, *judges*,

and Liv Tigerstedt, *Deputy Section Registrar*,

Having regard to:

the applications (nos. 22360/25 and 3 others) against the Republic of Poland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) on the dates indicated in the appended table, by a Polish national, Ms Agnieszka Wioletta Brygidyr-Dorosz (“the applicant”), who was born in 1978, lives in Warsaw and was represented by Mr Paweł Buczek, a lawyer practising in Warsaw;

Having deliberated, decides as follows:

SUBJECT MATTER OF THE CASE

1. The case concerns a complaint by the applicant, an ordinary court judge, that she had no procedural avenue by which to challenge the rulings of higher courts which had quashed judgments she had taken part in delivering as a member of the judicial panel. The higher courts had annulled those judgments on the grounds that the applicant had been appointed by way of a procedure involving the recomposed National Council of the Judiciary (“NCJ”) and that the judicial formations which had included her had not met the standards of independence and impartiality.

A. The applicant's background and judicial career

2. The applicant was a public prosecutor between 2008 and 2020. In 2019 she applied for a vacant judicial position at the Warsaw-Praga Regional Court. The relevant appointment procedure was conducted by the NCJ, which had been recomposed under the Amending Act of 12 July 2017 on the National Council of the Judiciary and certain other statutes (*Ustawa o zmianie ustawy o Krajowej Radzie Sądownictwa oraz niektórych innych ustaw*; for context, see *Wałęsa v. Poland*, no. 50849/21, §§ 2-4, 23 November 2023).

3. On 26 July 2019 the NCJ issued a resolution (no. 782/2019) by which it submitted to the President of the Republic a motion for the applicant's appointment to the Warsaw-Praga Regional Court. On 4 May 2020 the President of the Republic decided to appoint the applicant to that post, where she adjudicated in criminal matters.

4. In March 2023 the Minister of Justice seconded the applicant to the Warsaw Court of Appeal.

5. Subsequently, the applicant applied for a vacancy at that court, and on 6 September 2023 the NCJ issued a resolution (no. 756/2023) by which it submitted a motion for the applicant's appointment to the post. On 15 November 2023 the President of the Republic decided to appoint the applicant to the Warsaw Court of Appeal, where she currently adjudicates in criminal matters.

B. The applicant's relevant judicial activity and its subsequent review by higher courts

1. Warsaw-Praga Regional Court

6. On 6 June 2022 the Warsaw-Praga Regional Court, sitting as a panel of three judges including the applicant, convicted the defendant in the proceedings before it and sentenced him to imprisonment. The defendant's lawyer lodged an appeal.

7. On 11 March 2025 the Warsaw Court of Appeal quashed the impugned judgment and remitted the case for review, having found that the composition of the first-instance court had been unlawful (see paragraphs 10-11 below).

2. Warsaw Court of Appeal

8. Following her appointment to the Warsaw Court of Appeal (see paragraph 5 above), between 5 and 10 July 2024 the applicant delivered, as a member of three-judge formations of that court, three judgments reviewing appeals against first-instance convictions. The judgments in question were appealed against before the Supreme Court.

9. Between 14 May and 30 June 2025 the Supreme Court quashed all three judgments on account of the unlawful composition of the second-instance bench (see paragraphs 10-11 below).

3. Relevant findings of higher courts

10. In each case, both the Warsaw Court of Appeal (see paragraph 7 above) and the Supreme Court (see paragraph 9 above) relied on the fact that the applicant had been appointed to her judicial office by way of a procedure involving the recomposed NCJ to find that judicial formations which had included her had not been lawfully composed (Article 439 § 1 (2) of the Code of Criminal Procedure). In addition, the Warsaw Court of Appeal expressly held that, for the same reasons, the impugned judgment given by the applicant at first instance had violated the defendant's rights under Article 6 of the Convention.

11. In making their findings, the domestic courts referred to the resolution of 23 January 2020 (case no. BSA I-4110-1/20) given by the joined Civil, Criminal and Labour and Social Security Chambers of the Supreme Court (see *Advance Pharma sp. z o.o v. Poland*, no. 1469/20, §§ 127-40, 3 February 2022) and the guidance provided therein.

C. Complaint

12. The applicant complained that she had had no way of appealing against the final domestic judgments, which, in her view, had challenged her status as a judge. She relied on Article 6 § 1 of the Convention (in all applications) and Article 13 of the Convention (in applications nos. 29741/25, 35079/25 and 35089/25).

THE COURT'S ASSESSMENT

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

14. The Court considers that the applicant's complaint falls to be examined under Article 6 of the Convention alone (see *Radomilja and Others v. Croatia* [GC], nos. 37685/10 and 22768/12, § 126, 20 March 2018).

15. The Court notes, at the outset, that the present applications belong to a series of cases concerning the overhaul of the judiciary in Poland which was initiated in 2017 and has been implemented by successive amending laws (for an overview of the Court's case-law on the matter, see *Wałęsa*, cited above, §§ 2-4). The applications under review are similar to those in *Manowska and Others v. Poland* ((dec.), nos. 51455/21 and 5 others, 1 April 2025) in that they were lodged by a judge appointed with the participation of

the recomposed NCJ¹. The novelty of the present case is that the applicant is an ordinary court judge (as opposed to the applicants in *Manowska and Others*, cited above, who had been appointed to the Supreme Court).

16. The applicant essentially complained, under Article 6 of the Convention, that she had been unable to challenge, in court, final domestic judgments that had annulled rulings delivered with her participation. She contended that her case was similar to *Broda and Bojara v. Poland* (nos. 26691/18 and 27367/18, 29 June 2021) and argued that her complaint concerned the fact that, as a judge, she did not have a legal remedy available to her in the event that another court challenged her judicial status.

17. Against that background, in determining whether the applicant sufficiently substantiated her complaint under Article 6 of the Convention, the Court reiterates that the complaints which an applicant proposes to make under Article 6 must contain all the parameters necessary for the Court to define the issue it will be called upon to examine (see *Grosam v. the Czech Republic* [GC], no. 19750/13, § 89, 1 June 2023). It must be stressed that the scope of application of Article 6 of the Convention is very broad and that the Court's examination is necessarily delimited by the specific complaints submitted to it (see *Ramos Nunes de Carvalho e Sá v. Portugal* [GC], nos. 55391/13 and 2 others, § 104, 6 November 2018). The Court has no power to substitute itself for the applicant and formulate new complaints simply on the basis of the arguments and facts advanced (see *Grosam*, cited above, § 91).

18. The Court further reiterates that it may declare an application inadmissible as being manifestly ill-founded where the applicant simply cites one or more provisions of the Convention without explaining in what way they have been breached (see *Baillard v. France* (dec.), no. 6032/04, 25 September 2008; compare also *Polat v. Türkiye* (dec.) [Committee], no. 22278/20, § 11, 12 November 2024).

19. In the present case, the applicant – a judge who was represented by a lawyer – merely referred to Article 6 § 1 of the Convention and alleged that she had been wrongfully denied access to judicial review. However, she neither specified which right was at issue nor elaborated on its nature.

20. In this connection, the Court reiterates that for Article 6 § 1 in its civil limb to be applicable, there must be a “dispute” (“*contestation*” in French) regarding a “right” which can be said, at least on arguable grounds, to be recognised under domestic law, irrespective of whether it is protected under the Convention. The dispute must be genuine and serious; it may relate not only to the actual existence of a right but also to its scope and the manner of its exercise; and, finally, the result of the proceedings must be directly

¹ It should be noted, however, that the applicants in *Manowska and Others* complained about domestic proceedings that had been initiated at the request of another person and had concerned the NCJ resolution which had served as the basis for their appointment, and not about the judicial review of rulings given with their participation.

decisive for the right in question, mere tenuous connections or remote consequences not being sufficient to bring Article 6 § 1 into play (see *Denisov v. Ukraine* [GC], no. 76639/11, § 44, 25 September 2018; *Grzęda v. Poland* [GC], no. 43572/18, § 257, 15 March 2022; and *Grosam*, cited above, § 108, all with further references). Lastly, the right must be a “civil” right (see *Grzęda*, cited above, § 257, and *Fabbri and Others v. San Marino* [GC], nos. 6319/21 and 2 others, § 76, 24 September 2024).

21. The applicant’s only explicit argument in support of her complaint relied on the alleged similarities between her case and that of *Broda and Bojara* (cited above). In this connection, the Court would point out that, in the latter case, it considered that judges must be protected against arbitrary action by the executive, and that only a review by an independent judicial body of the lawfulness of such an action (in that case, the premature termination of the applicants’ duties as vice-presidents of a court) can render this right effective (*ibid.*, § 146 *in fine*). Since, in the present case, the applicant’s complaint refers neither to any actions by the executive, nor to the termination of any of her duties, the Court does not consider the judgment in *Broda and Bojara* to be relevant.

22. Accordingly, in so far as the applicant complained of the lack of access to a court as guaranteed by Article 6 of the Convention, the Court cannot but note that she failed to indicate, let alone duly substantiate, circumstances which would have enabled it to examine the applicability of that provision; notably, she did not demonstrate the existence of a genuine and serious “dispute” regarding a specific “right” for which the result of the proceedings would be directly decisive. Were the Court to delve into these aspects of the complaint, it would necessarily second-guess the applicant’s complaints, a task which is not for it to undertake (see *Grosam*, cited above, § 90). The Court concludes that the applicant has failed to adequately substantiate her complaint.

23. It follows that the complaint under Article 6 is manifestly ill-founded and the applications must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

BRYGIDYR-DOROSZ v. POLAND AND OTHER APPLICATIONS DECISION

Decides to join the applications;

Declares the applications inadmissible.

Done in English and notified in writing on 10 September 2026.

Liv Tigerstedt
Deputy Registrar

Raffaele Sabato
President

BRYGIDYR-DOROSZ v. POLAND AND OTHER APPLICATIONS DECISION

APPENDIX

List of cases:

No.	Application no.	Case name	Lodged on
1.	22360/25	Brygidyr-Dorosz v. Poland	11/07/2025
2.	29741/25	Brygidyr-Dorosz v. Poland	14/09/2025
3.	35079/25	Brygidyr-Dorosz v. Poland	25/10/2025
4.	35089/25	Brygidyr-Dorosz v. Poland	30/10/2025