



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

Published on 19 October 2026

FIRST SECTION

Application no. 55022/19
Dariusz SYRYCA against Poland
and 2 other applications
(see list appended)
communicated on 28 September 2026

SUBJECT MATTER OF THE CASE

The applicants were defendants in criminal proceedings concerning various offences (see appended table for detailed information). During their respective trials, they did not have an opportunity to examine or have examined certain witnesses who had testified against them during the pre-trial investigation. Nevertheless, the domestic courts admitted those witnesses' pre-trial statements and relied on them in convicting the applicants.

The applicants complain under Article 6 §§ 1 and 3 (d) of the Convention that they were convicted on the basis of untested pre-trial statements of witnesses indicated in the appended table.

In addition, in application no. 62553/19, the applicant complains under Article 6 § 1 of the Convention about the excessive length of the criminal proceedings against him.

QUESTION TO THE PARTIES

1. Has the applicants' right to a fair trial, under Article 6 §§ 1 and 3 (d) of the Convention, been breached in that neither the applicants nor their lawyers were given an opportunity to examine or have examined the witnesses specified in the appended table? In particular, having regard to the principles established by the Court in its judgment in the case of *Schatschaschwili v. Germany* [GC], no. 9154/10, §§100-31, ECHR 2015:

(a) Was there a good reason for admitting as evidence pre-trial statements made by those witnesses and, subsequently, reading them out at the trials?

(b) Were the applicants' convictions specified in the appended table based solely or to a decisive or significant extent on the evidence provided by those witnesses?

(c) Have there been sufficient counterbalancing factors to compensate for the difficulties caused to the applicants as a result of the fact that they had been unable to question those witnesses? In particular, what measures were taken by the domestic prosecution authorities and by the domestic courts to safeguard the applicants' defence rights?

As concerns ***Bek v. Poland*** (no. 62553/19)

2. Was the length of the criminal proceedings in the present case in breach of the "reasonable time" requirement of Article 6 § 1 of the Convention (see *Rutkowski and Others v. Poland*, nos. 72287/10 and 2 others, 7 July 2015)?

SYRYCA v. POLAND AND OTHER APPLICATIONS –
SUBJECT MATTER OF THE CASE AND QUESTIONS

APPENDIX

List of cases:

No.	Application no. Case name Introduction date	Applicant's name Year of birth Place of residence Nationality	Representative's name	Relevant witnesses	Relevant convictions	Subject and summary of domestic proceedings
1.	55022/19 Syryca v. Poland 10/10/2019	Dariusz SYRYCA 1970 Gliwice Polish	Joanna SZEWCZYK	Mr D.Sm.	– Two counts of handling a stolen car (charges nos. CCXXXII and CCXXXIII in the first-instance judgment) – Three counts of car theft (charges nos. CCXXXIV, CCXXXV, CCXXXVI in the first-instance judgment)	D.Sm. – a suspect in a criminal investigation into numerous instances of car theft – accused the applicant of handling two stolen cars and of three car thefts. The applicant was tried together with D.Sm. and three other defendants. D.Sm. confirmed most of the statements that he had made during the pre-trial investigation but declined to give further evidence or to answer questions. On 18/09/2015 the Tarnowskie Góry District Court found the applicant guilty as charged and sentenced him to one year and six months' imprisonment (case no. VI K 522/13). Among other things, the District Court stated that the applicant's denial of any involvement in the alleged offences was unreliable

SYRYCA v. POLAND AND OTHER APPLICATIONS –
SUBJECT MATTER OF THE CASE AND QUESTIONS

No.	Application no. Case name Introduction date	Applicant's name Year of birth Place of residence Nationality	Representative's name	Relevant witnesses	Relevant convictions	Subject and summary of domestic proceedings
						in the light of D.Sm.'s testimony to the contrary. The applicant appealed. On 09/05/2017 the Gliwice Regional Court upheld the applicant's conviction and prison sentence (case no. VI Ka 480/16). On 09/05/2019 the Supreme Court dismissed his subsequent cassation appeal (case no. IV KK 118/18).
2.	62553/19 Bek v. Poland 23/11/2019	Jarosław Robert BEK 1971 Szczecin Polish		Mr R.M.	Handling stolen cereal (charge no. I in the first-instance judgment)	On 30/04/2004 the prosecution service indicted the applicant, <i>inter alia</i>, on a charge of handling stolen wheat together with R.M. and another person. On 08/08/2017 the Szczecin Regional Court found the applicant guilty on that count, sentenced him to one year's imprisonment, suspended for a probationary period of two years, and a fine of PLN 5,000 (approx. EUR 1,200; case no. III K 283/04). The applicant appealed, arguing, among other things, that he could not cross-examine R.M. since he had fled Poland soon after his release from remand. On 23/05/2019 the Szczecin Court of Appeal upheld the applicant's sentence (case no. II AKa 165/18). It considered that it was impossible to examine R.M. because, when summoned before a Lithuanian court

SYRYCA v. POLAND AND OTHER APPLICATIONS –
SUBJECT MATTER OF THE CASE AND QUESTIONS

No.	Application no. Case name Introduction date	Applicant's name Year of birth Place of residence Nationality	Representative's name	Relevant witnesses	Relevant convictions	Subject and summary of domestic proceedings
						through a judicial cooperation request, he had exercised his statutory right to refuse to testify. The Court of Appeal further observed that R.M.'s statements were the sole evidence of the applicant's guilt but concluded that the Regional Court had examined them with due caution. In the meantime, on 21/12/2017 the Szczecin Court of Appeal allowed in part the applicant's complaint about the excessive length of the criminal proceedings and awarded him PLN 13,000 (approx. EUR 3,100; case no. II S 25/17).
3.	63251/19 Nowak v. Poland 18/11/2019	Kamil NOWAK 1992 Turhout Polish		Ms K.M. and Mr J.I.	Robbery	Two persons (K.M. and J.I., "the victims") informed the police that their acquaintance (K.H.) and another man, later identified as the applicant, had assaulted them and damaged their furniture while demanding money. The applicant and K.H. were subsequently indicted, <i>inter alia</i>, for robbery. As the victims failed to appear at the applicant's trial, the trial court ordered that they be arrested and brought before it. The police succeeded in locating only J.I., who largely confirmed his pre-trial statements. Although the applicant was not present

SYRYCA v. POLAND AND OTHER APPLICATIONS –
SUBJECT MATTER OF THE CASE AND QUESTIONS

No.	Application no. Case name Introduction date	Applicant's name Year of birth Place of residence Nationality	Representative's name	Relevant witnesses	Relevant convictions	Subject and summary of domestic proceedings
						at the hearing at which J.I. was examined, he was represented by defence counsel. In September 2014 the trial was started over due to a prolonged period of adjournment and a change in the composition of the court. During the second trial, the authorities failed to establish the victims' whereabouts and, in consequence, read out their pre-trial statements. On 27/02/2018 the Łódź-Śródmieście District Court found the applicant guilty of robbery and sentenced him to three years' imprisonment (case no. V K 271/15). Among other things, it considered that the victims' pre-trial statements gave a full picture of the facts of the case. On 30/08/2018 the Łódź Regional Court upheld the first-instance judgment (case no. V Ka 591/18). On 12/08/2019 the Supreme Court dismissed the applicant's cassation appeal (case no. II KK 168/19).