



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

FOURTH SECTION

CASE OF GLADKOWSKI v. POLAND

(Application no. 29697/96)

JUDGMENT

STRASBOURG

14 March 2000

In the case of Gładkowski v. Poland,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Mr M. PELLONPÄÄ, *President*,

Mr A. PASTOR RIDRUEJO,

Mr L. CAFLISCH,

Mr J. MAKARCZYK,

Mr V. BUTKEVYCH,

Mr J. HEDIGAN,

Mrs S. BOTOCHAROVA, *judges*,

and Mr V. BERGER, *Section Registrar*,

Having deliberated in private on 2 March 2000,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case was referred to the Court by Mr Władysław Gładkowski (“the applicant”), a Polish national, on 5 January 1999, within the three-month period laid down by former Articles 32 § 1 and 47 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”). It originated in an application (no. 29697/96) against the Republic of Poland lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention by the applicant on 23 March 1995. The applicant complained under Article 6 § 1 of the Convention about the length of civil proceedings. On 4 March 1998 the Commission (Second Chamber) declared the application admissible. In its report of 9 September 1998 (former Article 31 of the Convention), it expressed the unanimous opinion that there had been a violation of Article 6 § 1 of the Convention in view of the length of the proceedings complained of.

2. In the proceedings before the Court the Polish Government were represented by their Agent, Mr Krzysztof Drzewicki, of the Ministry of Foreign Affairs.

3. On 31 March 1999 the panel of the Grand Chamber determined that the case should be decided by one of the Sections (Rule 100 § 1 of the Rules of Court). It was thereupon assigned to the Fourth Section.

4. On 18 May 1999 Mrs Stanisława Lechoniewicz-Gładkowska (the applicant’s wife) informed the Court that the applicant had died on 6 March 1999. On 7 July 1999 the applicant’s widow wrote to the Court that she wished to continue the proceedings in her late husband’s stead. However, in a second letter dated 23 August 1999, she informed the Court that she did not intend to pursue the petition lodged by the applicant.

5. The Government, in their pleadings, requested the Court to strike the application out of the Court's list of cases, pursuant to Article 37 § 1 (c) of the Convention.

6. After the exchange of correspondence referred to above, the Chamber decided that no hearing would be held in the present case.

AS TO THE FACTS

7. On 14 October 1989 the applicant sued the Central Hospital of the Ministry of the Interior in the Warsaw Regional Court (*Sąd Wojewódzki*), seeking compensation for the inappropriate medical treatment which had resulted in his disability.

8. During the proceedings the court held several hearings and obtained evidence from medical experts and an expert in accountancy

9. The applicant died on 6 March 1999. At the time the proceedings were still pending in the court of first instance.

AS TO THE LAW

10. On 23 August 1999 the applicant's widow informed the Court that she did not intend to continue the proceedings in her late husband's stead.

11. The Government invited the Court to strike the application out of its list of cases.

12. In these circumstances, the Court concludes, in accordance with Article 37 § 1 (c) of the Convention, that it is no longer justified to continue the examination of the application. Furthermore, the Court finds no reasons of a general character, as defined in Article 37 § 1 *in fine*, which would require the further examination of the application by virtue of that Article.

13. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT

Decides to strike the case out of the list.

Done in English, and notified in writing on 14 March 2000, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Vincent BERGER
Registrar

Matti PELLONPÄÄ
President