



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

FOURTH SECTION

**CASE OF PALYS v. POLAND**

*(Application no. 51669/99)*

JUDGMENT  
(Friendly settlement)

STRASBOURG

11 December 2001

This judgment may be subject to editorial revision.



**In the case of Palys v. Poland,**

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

Sir Nicolas BRATZA, *President*,

Mr M. PELLONPÄÄ,

Mr A. PASTOR RIDRUEJO,

Mr J. MAKARCZYK,

Mrs V. STRÁŽNICKÁ,

Mr R. MARUSTE,

Mr S. PAVLOVSKI, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 20 November 2001,

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

**PROCEDURE**

1. The case originated in an application (no. 51669/99) 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") by a Polish national, Renata Pałys ("the applicant"), on 13 April 1999.

2. The Polish Government ("the Government") were represented by their Agent, Mr Krzysztof Drzewicki, of the Ministry of Foreign Affairs.

3. The applicant complained under Article 6 § 1 of the Convention about the length of a set of civil proceedings.

4. On 17 May 2001, after obtaining the parties' observations, the Court declared the application admissible.

5. On 1 October 2001 the Agent of the Government and the applicant submitted formal declarations accepting a friendly settlement of the case.

**THE FACTS**

6. On 14 January 1986 the applicant filed with the Wrocław Regional Court (*Sąd Wojewódzki*) an action for damages against the Wrocław Regional Hospital (*Wojewódzki Szpital Zespolony*). She claimed that as a consequence of the negligence of obstetricians attending her during the delivery of her child in 1983 she had suffered injuries and had had to undergo several gynaecological operations. In addition, she claimed that as a result of the injuries she could no longer work as a pantomime artist and was declared a disabled person. In this regard, she sought lost earnings.

7. On 18 December 1990 the Wrocław Regional Court delivered a judgment. It dismissed the applicant's action as unsubstantiated.

8. On 4 April 1991 the applicant lodged with the Wrocław Court of Appeal (*Sąd Apelacyjny*) an appeal against that judgment.

9. Having held one hearing on 30 October 1990, the Wrocław Court of Appeal delivered its judgment on 13 November 1991. It quashed the judgment of 18 December 1990 and remitted the case for re-examination.

10. On 23 September 1996 the Wrocław Regional Court delivered a judgment dismissing the applicant's action.

11. On 4 December 1996 the applicant appealed against that judgment to the Wrocław Court of Appeal.

12. On 6 February 1997 the Wrocław Court of Appeal dismissed the applicant's appeal.

13. On 4 July 1997 the applicant lodged with the Supreme Court (*Sąd Najwyższy*) a cassation appeal against that judgment.

14. On 15 October 1997 the Supreme Court allowed the cassation appeal, quashed the judgment of 6 February 1997 and remitted the case to the court of first instance.

15. It appears that the proceedings are pending before the Wrocław Regional Court.

## THE LAW

16. On 1 October 2001 the Court received the following declaration from the Government:

"I declare that the Government of the Republic of Poland offer to pay to Mrs Renata PAŁYS the sum of PLN 25,000 (twenty five thousand) with a view to securing a friendly settlement of the application no. 51669/99 lodged with the European Court of Human Rights. This sum shall cover any pecuniary and non-pecuniary damage, as well as costs, related to the said application, and it will be payable after signing the declarations by the parties concerned, however not later than after the notification of the decision delivered by the Court pursuant to Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case pending before the European Court of Human Rights in Strasbourg.

I declare at the same time that the offer of the above-mentioned amount has been made in connection with the duration of proceedings in the applicant's case before the organs of the Polish administration of justice."

17. On 1 October 2001 the Court received the following declaration signed by the applicant:

"I note that the Government of the Republic of Poland are prepared to pay to me the sum of PLN 25,000 (twenty five thousand) covering both pecuniary and non-pecuniary damage as well as costs with a view to securing a friendly settlement of the application no. 51669/99 pending before the European Court of Human Rights. This

payment will constitute the final resolution of the case pending before the European Court of Human Rights.”

18. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

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

### FOR THESE REASONS, THE COURT UNANIMOUSLY

*Decides* to strike the case out of the list.

Done in English, and notified in writing on 11 December 2001, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE  
Registrar

Sir Nicolas BRATZA  
President