



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

FOURTH SECTION

CASE OF SKÓRA v. POLAND

(Application no. 67162/01)

JUDGMENT
(Friendly settlement)

STRASBOURG

1 July 2003

This judgment is final but it may be subject to editorial revision.

In the case of Skóra v. Poland,

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

Sir Nicolas BRATZA, *President*,
Mr M. PELLONPÄÄ,
Mrs V. STRÁŽNICKÁ,
Mr R. MARUSTE,
Mr S. PAVLOVSKI,
Mr L. GARLICKI,
Mr J. BORRERO BORRERO, *judges*,
and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 10 June 2003

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

PROCEDURE

1. The case originated in an application (no. 67162/01) 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, Henryk Skóra ("the applicant"), on 15 May 2000.

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

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

4. On 14 May 2002 the Court decided to communicate the application to the Government. Under the provisions of Article 29 § 3 of the Convention, it decided to examine the merits of the application at the same time as its admissibility.

5. On 19 February 2003, after an exchange of correspondence, the Registrar suggested to the parties that they should attempt to reach a friendly settlement. On 12 March and 9 May 2003 the Government and the applicant respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

6. The applicant was born in 1941 and lives in Szczecin, Poland.

7. On 25 August 1994 the applicant filed with the Szczecin District Court (*sąd rejonowy*) an action against the Railways in which he requested that certain documents necessary for the transfer of the ownership of a

garage be handed over to him. He submitted that pursuant to a certain law adopted in 1990 garages constructed lawfully by individuals on land belonging to the State could become the property of those individuals. The applicant made reference to a number of letters sent by him to the Railways' management, in which he had claimed rights to his garage.

8. A number of hearings have been held. The proceedings are still pending.

THE LAW

9. The applicant complained under Article 6 § 1 of the Convention that the proceedings in his case had exceeded a reasonable time. He further complained under Article 1 of Protocol No. 1 that he had to pay rent for the garage under dispute.

A. Admissibility

10. The Court notes that the application is not manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. It further notes that it is not inadmissible on any other grounds. The Court will therefore declare it admissible.

B. Solution reached

11. On 12 March 2003 the Court received the following declaration from the Government:

"I declare that, with a view to securing a friendly settlement of the above-mentioned case, the Government of Poland offer to pay 14,000 zlotys (PLN) to Henryk Skóra. This sum (PLN 14,000) is to cover any pecuniary and non-pecuniary damage as well as costs, and it will be paid, free of any taxes that may be applicable, within three months from the notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points. The payment will constitute the final resolution of the case."

12. On 9 May 2003 the Court received the following declaration signed by the applicant:

"I note that the Government of Poland are prepared to pay me the sum of 14,000 zlotys (PLN) covering pecuniary and non-pecuniary damage and costs with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights."

This sum (PLN 14,000) will be paid, free of any taxes that may be applicable, within three months from the notification of the decision taken by the Court pursuant to Article 37 § 1 of the Convention. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

I accept the proposal and waive any further claims against Poland in respect of the facts of this application. I declare that this constitutes a final settlement of the case.

This declaration is made in the context of a friendly settlement which the Government and I have reached.”

13. The Court takes note of the agreement reached between the parties. 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 and 4 of the Rules of Court).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Declares* the application admissible;
2. *Decides* to strike the case out of the list.

Done in English, and notified in writing on 1 July 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O’BOYLE
Registrar

Nicolas BRATZA
President