



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

FOURTH SECTION

CASE OF GODLEWSKI v. POLAND

(Application no. 53551/99)

JUDGMENT
(Friendly settlement)

STRASBOURG

8 July 2003

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

In the case of Godlewski v. Poland,

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

Sir Nicolas BRATZA, *President*,

Mr M. PELLONPÄÄ,

Mrs E. PALM,

Mrs V. STRÁŽNICKÁ,

Mr R. MARUSTE,

Mr S. PAVLOVSKI,

Mr L. GARLICKI, *judges*,

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

Having deliberated in private on 17 June 2003,

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

PROCEDURE

1. The case originated in an application (no. 53551/99) 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, Mr Krzysztof Godlewski, ("the applicant"), on 19 May 1999.

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

3. The applicant complained under Article 6 § 1 of the Convention about the length of proceedings for the annulment of a conviction rendered under totalitarian laws and for compensation.

4. On 26 November 2002 the Fourth Section 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 5 March 2003, after an exchange of correspondence, the Registrar of the Fourth Section of the Court suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 3 April 2003 the Government submitted a formal declaration accepting a friendly settlement of the case. The applicant submitted his declaration on 10 April 2003.

THE FACTS

6. The applicant was born in 1948 and lives in Legionowo, Poland.
7. On 7 August 1948 the Warsaw District Military Court convicted the applicant's father of an unspecified offence related to his political activity.
8. On 20 April 1994 the applicant filed an application with the Ostrołęka Regional Court (*Sąd Wojewódzki*) for the annulment of his father's conviction under the Law of 23 February 1991 on annulment of convictions whereby persons were persecuted for their activities aimed at achieving independence for Poland (*Ustawa o uznaniu za nieważne orzeczeń wydanych wobec osób represjonowanych za działalność na rzecz niepodległego bytu Państwa Polskiego*).
9. On 20 June 1994 the Regional Court declared the conviction null and void.
10. On an unknown later date in 1994 the applicant filed an application for compensation for his father's wrongful conviction with the Ostrołęka Regional Court.
11. Subsequently, the case was referred to the Warsaw Regional Court.
12. On 11 July 2000 the Regional Court granted the applicant's claim. That judgment became final on 19 July 2000.
13. On 14 November 2000 the applicant complained to the Minister of Justice about the fact that he had not received the awarded compensation.
14. The compensation was paid on 2 April 2001.

THE LAW

15. The applicant complained that the length of the proceedings had been incompatible with the "reasonable time" requirement, provided in Article 6 § 1 of the Convention, which reads as follows:

"In the determination of his civil rights and obligations ..., everyone is entitled to a fair ... hearing ... by [a] ... tribunal..."

A. Admissibility

16. The Court notes that this complaint 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 therefore declares this complaint admissible.

B. Solution reached

17. On 3 April 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 16,000 Polish zlotys to Mr Krzysztof Godlewski. This sum is to cover any pecuniary and non-pecuniary damage as well as costs, and it will be payable within three months from the date of delivery of the judgment by the Court pursuant to the Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

[Signed:] Krzysztof Drzewicki, Agent of the Government of Poland”

18. On 10 April 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 16,000 Polish zlotys 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.

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.”

19. 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).

20. 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 8 July 2003, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Nicolas BRATZA
President