



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

FOURTH SECTION

PARTIAL DECISION

AS TO THE ADMISSIBILITY OF

Application no. 49911/99  
by Grażyna WALCZUK  
against Poland

The European Court of Human Rights (Fourth Section), sitting on 28 June 2001 as a Chamber composed of

Mr G. RESS, *President*,  
Mr A. PASTOR RIDRUEJO,  
Mr L. CAFLISCH,  
Mr J. MAKARCZYK,  
Mr I. CABRAL BARRETO,  
Mrs N. VAJIĆ,  
Mr M. PELLONPÄÄ, *judges*,  
and Mr V. BERGER, *Section Registrar*,

Having regard to the above application introduced on 12 November 1998 and registered on 28 July 1999,

Having deliberated, decides as follows:

## THE FACTS

The applicant is a Polish national, born in 1964 and living in Siedlce, Poland.

The facts of the case, as submitted by the applicant, may be summarised as follows.

In 1993 an investigation concerning the applicant and a certain Mr X was instituted. They were suspected of battery that allegedly had taken place on 29 December 1993.

On 28 March 1994 the Siedlce District Prosecutor (*Prokurator Rejonowy*) submitted to the Siedlce District Court (*Sąd Rejonowy*) a bill of indictment.

The court held hearings on 5 July, 7 November, 29 November and 22 December 1994.

On 22 December 1994 it convicted the applicant as indicted and sentenced her to six months' imprisonment suspended for two years. She appealed and on 20 April 1995 the Siedlce Regional Court (*Sąd Wojewódzki*) quashed the District Court's judgment and remitted the case for re-examination.

On 31 January 1996 the District Court stayed the proceedings due to the injured person's illness. On 25 October 1996 and 24 February 1998 the applicant and the co-accused requested that the proceedings be resumed, to no avail. They submitted, *inter alia*, that the injured person was taking part in some civil proceedings and working as a plumber.

The hearing scheduled for 21 August 1998 was adjourned because of the judge's illness. The hearing scheduled for 19 November 1998 was adjourned due the injured person's failure to attend.

On 4 January 1999 the court adjourned a hearing because of the applicant's illness. The hearing scheduled for 20 January 1999 was adjourned because a certain decision had not been served on the co-accused.

The court held hearings on 8 March, 9 April and 6 May 1999.

On 26 May 1999 it declined the applicant's request for a legal-aid lawyer.

On 15 June 1999 the court visited the scene of the crime.

It held hearings on 23 August and 22 November 1999.

On 29 November 1999 the Siedlce District Court gave judgment. It acquitted the applicant and Mr X.

## COMPLAINTS

1. The applicant complains under Article 6 § 1 of the Convention that the proceedings exceeded a reasonable time. She submits that the case was

simple, because it concerned only two accused persons and the court examined only three witnesses, including the injured person, and seven pieces of evidence.

2. She further complains under Article 6 § 3 (d) of the Convention about the delay in carrying out the District Court's visit of the scene of the crime.

## THE LAW

1. The applicant complains under Article 6 § 1 of the Convention about the allegedly unreasonable length of the proceedings.

The Court considers that it cannot, on the basis of the file, determine the admissibility of this complaint and that it is therefore necessary, in accordance with Rule 54 § 3 (b) of the Rules of the Court, to give notice of this complaint to the respondent Government.

2. The applicant complains under Article 6 § 3 (d) of the Convention about the delay in visiting the scene of the crime by the District Court.

Even assuming that the applicant has provided any evidence that there is a causal link between the impugned delay and her rights under the invoked provision, in any event the Court recalls that an accused's acquittal, in general, excludes that person from claiming to be a victim of a violation of the procedural guarantees of Article 6 (see *Heaney and McGuinness v. Ireland*, no. 34720/97, ECHR 2000-XII, § 43). Therefore, the Court rejects this complaint as manifestly ill-founded, pursuant to Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

*Decides* to adjourn the examination of the applicant's complaint about the allegedly unreasonable length of the proceedings;

*Declares* inadmissible the remainder of the application.

Vincent BERGER  
Registrar

Georg RESS  
President

**Commented [Note1]:** Summarise the complaints without necessarily citing the invoked Convention Articles.