

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

FIRST SECTION

CASE OF OLECHNO v. POLAND

(Application no. 44719/21)

JUDGMENT

STRASBOURG

30 November 2023

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



In the case of Olechno v. Poland,

The European Court of Human Rights (First Section), sitting as a Committee composed of:

Lətif Hüseynov*, President*,
Krzysztof Wojtyczek,
Ivana Jelić*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 9 November 2023,

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

PROCEDURE

1. The case originated in an application against Poland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms ("the Convention") on 24 August 2021.

2. The Polish Government ("the Government") were given notice of the application.

THE FACTS

3. The applicant's details and information relevant to the application are set out in the appended table.

4. The applicant complained of the excessive length of civil proceedings and of the lack of any effective remedy in domestic law.

THE LAW

I. ALLEGED VIOLATION OF ARTICLE 6 § 1 AND ARTICLE 13 OF THE CONVENTION

5. The applicant complained that the length of the civil proceedings in question had been incompatible with the "reasonable time" requirement and that she had no effective remedy in this connection. She relied on Article 6 § 1 and Article 13 of the Convention.

6. The Court notes that the Government raised a preliminary objection of abuse of the right of individual application because the applicant had allegedly failed to provide the Court with important information regarding the course of the domestic proceedings at issue.

7. The Court reiterates that an application may only be rejected as an abuse of petition in specific circumstances (see *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014, and *Nowak v. Poland*, no. 60906/16, § 20, 13 October 2022). Having regard to its case-law, the Court finds no grounds on which to hold that the present case was brought in abuse of the right of

application within the meaning of Article 35 § 3 (a) of the Convention. It follows that the Government's preliminary objection must be dismissed.

8. The Court further reiterates that the reasonableness of the length of proceedings must be assessed in the light of the circumstances of the case and with reference to the following criteria: the complexity of the case, the conduct of the applicant and the relevant authorities and what was at stake for the applicant in the dispute (see *Frydlender v. France* [GC], no. 30979/96, § 43, ECHR 2000-VII).

9. In the leading case of *Rutkowski and Others v. Poland,* nos. 72287/10 and 2 others, 7 July 2015, the Court found a violation of Article 6 of the Convention in relation to the length of judicial proceedings.

10. Having examined all the material submitted to it, the Court has not found any fact or argument capable of justifying the overall length of the proceedings at the national level. Having regard to its case-law on the subject, the Court considers that in the instant case the length of the proceedings was excessive and failed to meet the "reasonable time" requirement.

11. The Court further notes that the applicant did not have at her disposal an effective remedy in respect of these complaints.

12. These complaints are therefore admissible and disclose a breach of Article 6 § 1 and of Article 13 of the Convention.

II. APPLICATION OF ARTICLE 41 OF THE CONVENTION

13. Regard being had to the documents in its possession and to its case-law (see, in particular, *Rutkowski and Others,* cited above), the Court considers it reasonable to award the sum indicated in the appended table.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Declares* the application admissible;

2. *Holds* that this application discloses a breach of Article 6 § 1 and Article 13 of the Convention concerning the excessive length of civil proceedings and the lack of any effective remedy in domestic law;

3. *Holds*
   (a) that the respondent State is to pay the applicant, within three months, the amount indicated in the appended table, to be converted into the currency of the respondent State at the rate applicable at the date of settlement;
   (b) that 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.

Done in English, and notified in writing on 30 November 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Lətif Hüseynov President

APPENDIX

Application raising complaints under Article 6 § 1 and Article 13 of the Convention (excessive length of civil proceedings and lack of any effective remedy in domestic law)

Application no. Date of introduction	Applicant's name Year of birth	Start of proceedings	End of proceedings	Total length Levels of jurisdiction	Domestic decision on complaint under the 2004 Act Domestic award (in Polish zlotys)	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
44719/21 24/08/2021	**Zofia OLECHNO** 1955	12/01/2017	pending	More than 6 year(s) and 8 month(s) and 23 day(s) 1 level(s) of jurisdiction	Warsaw-Praga Regional Court, 19/05/2021, case no. IV S 118/21	3,600

[1] Plus any tax that may be chargeable to the applicant.