

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

FIRST SECTION

CASE OF PŁOSKONKA v. POLAND

(Application no. 2637/18)

JUDGMENT
(Revision)

STRASBOURG

25 May 2023

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



In the case of Płoskonka v. Poland (request for revision of the judgment of 15 December 2022),

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

Alena Poláčková*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having deliberated in private on 4 May 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 12 December 2017.

2. On 15 December 2022 the Court delivered a judgment in which it held that there had been a violation of Article 6 § 1 and Article 13 of the Convention on account of excessive length of criminal proceedings and lack of an effective domestic remedy in that regard. The Court also decided to award the applicant non-pecuniary damage.

3. On 23 February 2023 the Government informed the Court that they had learned that the applicant had died on 26 May 2022. They accordingly requested that the judgment be revised within the meaning of Rule 80 of the Rules of Court.

4. The applicant had not been represented in the proceedings before the Court.

THE LAW

I. THE REQUEST FOR REVISION

5. The Government requested that the Court revise its judgment of 15 December 2022 which they had been unable to execute because the applicant had died before the judgment was adopted.

6. No heirs have shown an interest in pursuing the case before the Court.

7. The Court considers that the judgment of 15 December 2022 should be revised in accordance with Rule 80 of the Rules of Court, the relevant parts of which provide:

> "A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court ... to revise that judgment...."

8. The Court notes that the applicant had died before it adopted the judgment and that no information has been provided to it concerning any heirs.

9. The Court considers that the applicant's death constitutes "the discovery of a fact ... which when [the] judgment was delivered, was unknown to the Court". It also constitutes a fact of "decisive influence" on the outcome of the judgment within the meaning of Rule 80 § 1. The Court is prepared to accept that this decisive fact "could not reasonably have been expected to be known to" the Government, which became aware of the applicant's death during the process of execution of the judgment of 15 December 2022 (see *Manushaqe Puto and Others v. Albania* (revision), nos. 604/07 and 3 others, §§ 9-10, 4 November 2014). They filed a request for a revision of the judgment on 23 February 2023, that is, within the time-limit provided for in Rule 80.

10. Article 37 § 1 of the Convention, in its relevant part, reads:

> "1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that ...
>
> (c) ... it is no longer justified to continue the examination of the application."

11. The Court notes that it has been its practice to strike applications out of the list of cases when no heirs or close relatives have expressed a wish to pursue them (see *Matei and Others v. Romania* (revision), no. 32435/13, § 12, 12 October 2022 and *Eremiášová and Pechová v. the Czech Republic* (revision), no. 23944/04, § 10, 20 June 2013). It further finds no special circumstances relating to respect for human rights as defined in the Convention and its Protocols which require it to continue the examination of the application.

12. In these circumstances, the Court accepts the Government's request to revise the judgment of 15 December 2022. Accordingly, it decides to strike the application out of its list.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to revise its judgment of 15 December 2022;

2. *Decides* to strike application out of its list of cases.

Done in English, and notified in writing on 25 May 2023, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Viktoriya Maradudina Acting Deputy Registrar	Alena Poláčková President