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

FOURTH SECTION

DECISION

Application no. 23456/12
Łukasz CZARNIECKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 8 October 2013 as a Committee composed of:

David Thór Björgvinsson, *President,*
Vincent A. De Gaetano,
Krzysztof Wojtyczek, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 10 April 2012,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Łukasz Czarniecki, is a Polish national, who was born in 1977 and lives in Sosnowiec. He was represented before the Court by Mr M. Pietrzak, a lawyer practising in Warsaw.

The Polish Government ("the Government") were represented by their Agent, Ms J. Chrzanowska of the Ministry of Foreign Affairs.

The applicant complained, *inter alia*, about the unlawfulness of his detention on remand and the fact that he had been placed in a regular detention centre pending his admission to a custodial clinic. On 14 March 2013 the President of the Fourth Section decided to give notice of the application to the Government. The parties were requested to submit their observations on the compatibility with Article 5 § 1 (e) of the Convention of the applicant's detention between 25 May 2006 and 16 October 2006 in an ordinary detention centre.

THE LAW

On 14 August 2013 the Court received the following declaration signed by the applicant's representative:

> "I, Mikołaj Pietrzak, note that the Government of Poland are prepared to pay Mr Łukasz Czarniecki, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, PLN 15,000 (fifteen thousand Polish zlotys) to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.
>
> This sum will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. 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.
>
> Having consulted my client, I would inform you that he accepts the proposal and waives any further claims against Poland in respect of the facts giving rise to this application. He declares that this constitutes a final resolution of the case."

On 10 September 2013 the Court received the following declaration from the Government:

> "I, Justyna Chrzanowska, Agent of the Government, declare that the Government of Poland offer to pay Mr Łukasz Czarniecki, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, PLN 15,000 (fifteen thousand Polish zlotys) to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant.
>
> This sum will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from expiry of that period until settlement, 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."

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application.

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Fatoş Aracı	David Thór Björgvinsson
Deputy Registrar	President