

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

FIRST SECTION

DECISION

Applications nos. 6356/21 and 35397/22
Daniel Rafał GABRYSZEWSKI against Poland
and Przemysław BUCZEK against Poland
(see appended table)

The European Court of Human Rights (First Section), sitting on 23 January 2025 as a Committee composed of:

Erik Wennerström*, President*,
Georgios A. Serghides,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants' complaints under Articles 3 and 8 of the Convention concerning the strip searches the applicants had to undergo while imprisoned were communicated to the Polish Government ("the Government").

The Court received the friendly-settlement declarations, signed by the parties, under which the applicants agreed to waive any further claims against Poland in respect of the facts giving rise to these applications, subject to an undertaking by the Government to pay them the amounts detailed in the appended table. These amounts will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertake to pay simple interest on them, from the 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 cases.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

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 the Protocols thereto and finds no reasons to justify a continued examination of the applications.

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

For these reasons, the Court, unanimously,

Decides to join the applications;

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

Done in English and notified in writing on 13 February 2025.

Viktoriya Maradudina Acting Deputy Registrar	Erik Wennerström President

APPENDIX

List of applications raising complaints under Articles 3 and 8 of the Convention (strip searches in detention)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of Applicant's declaration	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1.	6356/21 30/11/2020	**Daniel Rafał GABRYSZEWSKI** 1982	Cupiał Dawid Warsaw	02/12/2024	08/10/2024	5,000
2.	35397/22 24/08/2022	**Przemysław BUCZEK** 1994	Lipko Cezary Zamość	21/11/2024	06/11/2024	3,500

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