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

FIRST SECTION

DECISION

Application no. 23635/19
Zbigniew GAGAT
against Poland
(see appended table)

The European Court of Human Rights (First Section), sitting on 8 September 2022 as a Committee composed of:

Erik Wennerström*, President,*
Krzysztof Wojtyczek*,*
Lorraine Schembri Orland*, judges,*

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 24 April 2019,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 6 § 1 and Article 13 of the Convention concerning the excessive length of criminal proceedings and the lack of any effective remedy in domestic law were communicated to the Polish Government ("the Government").

THE LAW

In the present application, having examined all the material before it, the Court considers that for the reasons stated below, the respondent Government cannot be held liable for the length of the impugned proceedings which ended on 23 January 2019.

In particular, the Court notes that the bill of indictment was lodged against the applicant on 19 January 2016 as he had been avoiding summons from the police. The proceedings in question were complex and there is no appearance

of any periods of inactivity for which the domestic courts should be held responsible. Moreover, the applicant's conduct contributed to the overall length of the proceedings as many hearings had been rescheduled due to his lack of cooperation with court-appointed experts and him lodging procedural motions (for instance, he had lodged six unfounded requests challenging judges and on four occasions he changed his legal aid lawyer).

In view of the above, the Court finds that the complaints under Article 6 of the Convention are manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

Moreover, since the applicant's complaints under Article 6 § 1 are inadmissible, it follows that he has no "arguable claim" of a violation of his rights under Article 6 § 1 for the purposes of Article 13 of the Convention. Consequently, this complaint is also manifestly ill-founded.

In view of the above, the Court finds that the application is inadmissible and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 29 September 2022.

Viktoriya Maradudina
Acting Deputy Registrar

Erik Wennerström
President

APPENDIX

Application raising complaints under Article 6 § 1 and Article 13 of the Convention (excessive length of criminal 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 euros)
23635/19 24/04/2019	**Zbigniew GAGAT** 1964	14/08/2015	23/01/2019	3 year(s) and 5 month(s) and 10 day(s) 2 level(s) of jurisdiction	Katowice Regional Court 28/08/2018 XXIII S 17/18