

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

FOURTH SECTION

DECISION

Application no. 47643/09
Patrycjusz GERTER
against Poland

The European Court of Human Rights (Fourth Section), sitting on 29 January 2013 as a Committee composed of:

George Nicolaou, *President,*
Zdravka Kalaydjieva,
Faris Vehabović, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 30 July 2009,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Patrycjusz Gerter, is a Polish national, who was born in 1963 and lives in Jelenia Gora. He was represented before the Court by Ms B. Słupska-Uczkiewicz, a lawyer practising in Wrocław.

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

The applicant complained under Articles 6, 8 and 10 of the Convention about the censorship of a letter to his wife by authorities of a prison in which he had been detained and a disciplinary penalty imposed on him for defamatory remarks about the prison authorities included in the letter.

THE LAW

On 29 October 2012 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 Patrycjusz Gerter, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, EUR 1,500 (one thousand five hundred euros) 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 converted into Polish zlotys at the rate applicable on the date of payment, and 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."

On 11 December 2012 the Court received the following declaration signed by the applicant:

> "I, Bogdana Słupska-Uczkiewicz, note that the Government of Poland are prepared to pay Mr Patrycjusz Gerter, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, EUR 1,500 (one thousand five hundred euros) 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 converted into Polish zlotys at the rate applicable on the date of payment, and 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."

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 Deputy Registrar	George Nicolaou President