

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

FOURTH SECTION

DECISION

Application no. 52446/08
Krzysztof GOLA
against Poland

The European Court of Human Rights (Fourth Section), sitting on 13 November 2012 as a Committee composed of:

George Nicolaou, *President,*
Zdravka Kalaydjieva,
Vincent A. De Gaetano, *judges,*

and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 22 October 2008,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Krzysztof Gola, is a Polish national, who was born in 1957 and lives in Czeladz.

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

The applicant complained under Article 2 of the Convention about the lack of effective and thorough investigation into his son's death as a result of an arson attack at his work place.

On 14 September 2012 and 11 October 2012 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Poland in respect of the facts giving rise to this application against an undertaking by the Government to pay him

10,000 euros ((EUR), ten thousand euros) to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be converted into Polish zlotys at the rate applicable on the date of payment, and will be free of any taxes that may be applicable. It will be payable within three months from the date of notification of the decision taken by the Court. In the event of failure to pay this sum within the said three-month period, the Government undertook to pay simple interest on it, 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 case.

THE LAW

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