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

FIRST SECTION

DECISION

Application no. 56942/18
Rafał GONTAREK
against Poland
(see appended table)

The European Court of Human Rights (First Section), sitting on 10 November 2022 as a Committee composed of:

Ivana Jelić*, President*,
Krzysztof Wojtyczek,
Erik Wennerström*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 16 November 2018,

Having regard to the observations submitted by the respondent Government,

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 11 April 2018.

In particular, the Court notes that the bill of indictment was lodged against the applicant on 25 June 2015, and he had been charged with twelve burglaries committed in an organised group. The proceedings were complex

due to a large number of co-accused and victims. The trial court held many hearings at which it heard witnesses, admitted expert evidence, and gave its judgment on 6 June 2017. There is no appearance of any periods of inactivity for which the domestic courts should be held responsible.

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

Moreover, since the applicant's complaint under Article 6 § 1 is 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 complaint under Article 13 is also 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 1 December 2022.

Viktoriya Maradudina	Ivana Jelić
Acting Deputy Registrar	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
56942/18 16/11/2018	**Rafal GONTAREK** 1982	07/07/2014	11/04/2018	3 year(s) and 9 month(s) and 5 day(s) 2 level(s) of jurisdiction	the Warsaw Court of Appeal (case no. II S 21/18) on 27 June 2018