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

# FOURTH SECTION

# DECISION

Application no. 8133/13
Grzegorz GÓRCZYŃSKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 9 February 2016 as a Committee composed of:

Nona Tsotsoria, *President,*
Krzysztof Wojtyczek,
Gabriele Kucsko-Stadlmayer, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 17 December 2012,

Having regard to the declaration submitted by the respondent Government on 31 July 2015 requesting the Court to strike the application out of the list of cases and the applicant's reply to that declaration,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

The applicant, Mr Grzegorz Górczyński, is a Polish national, who was born in 1983 and lives in Łowicz.

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

The applicant complained under Article 3 of the Convention about the overcrowding and inadequate living conditions during his detention in Łowicz Remand Centre from 9 July 2008 to 20 July 2009.

The application was communicated to the Government.

# THE LAW

After unsuccessful friendly-settlement negotiations, by letter dated 31 July 2015 the Government informed the Court that they proposed to make a declaration with a view to resolving the issues raised by the application. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The declaration provided as follows:

> "The Government hereby wish to express – by way of the unilateral declaration – their acknowledgement of the violation of Article 3 of the Convention due to inadequate conditions of the applicant's detention, particularly overcrowding, in Łowicz Remand Centre within the period between 9 July 2008 and 20 July 2009. Simultaneously, the Government declare that they are ready to pay the applicant the sum of PLN 6,000 (six thousand Polish zlotys) which they consider to be reasonable in the light of individual circumstances of the case at issue, as well as the Court's jurisprudence in similar cases (see, among others, *Kriger v. Poland,* no. 28393/12, decision of 01.07.2014 – the Court awarded PLN 10 000 for around 1 year of overcrowding; *Donke v. Poland*, no. 17442/13, decision of 09.09.2014 – the Court awarded PLN 6 400 for 4 and a half month of overcrowding). The Government had also in mind the fact that in the present case the applicant was detained in the conditions of overcrowding for a period of approximately 5 months and that the breach of the applicant's personal rights due to inadequate conditions of his detention was expressly acknowledged by the domestic court and the applicant was awarded compensation in the amount of PLN 1 100 (the Łowicz District Court's judgment of 11 June 2012, case no. I C 102/11). Therefore, at least to some extent, the applicant's claims were satisfied at the domestic level.
>
> The sum referred to above, which is to cover any pecuniary and non-pecuniary damage as well as costs and expenses, 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 pursuant to Article 37 § 1 of the European Convention of Human Rights. 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."

On 10 December 2015, the Court received a letter from the applicant informing the Court that he had agreed to the terms of the Government's declaration.

The Court finds that following the applicant's express agreement to the terms of the declaration made by the Government the case should be treated as a friendly settlement between the parties.

It therefore 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 pursuant to Article 39 of the Convention.

Done in English and notified in writing on 3 March 2016.

Fatoş Aracı
Deputy Registrar

Nona Tsotsoria
President