CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FOURTH SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 20202/02
by Stanisława JURA
against Poland

The European Court of Human Rights (Fourth Section), sitting on 28 September 2004 as a Chamber composed of:

Sir Nicolas BRATZA, *President*,
Mr M. PELLONPÄÄ,
Mr L. GARLICKI,
Mr J. BORREGO BORREGO,
Mrs E. FURA-SANDSTRÖM,
Ms L. MIJOVIĆ,
Mr D. SPIELMANN, *judges*,
and Mr M. O'BOYLE, *Section Registrar*,

Having regard to the above application lodged on 18 September 2001,

Having regard to the decision to apply Article 29 § 3 of the Convention and examine the admissibility and merits of the case together,

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

Having deliberated, decides as follows:

THE FACTS

The applicant, Ms Stanisława Jura, is a Polish national who was born in 1922 and lives in Rogoźnik, Poland. She was represented before the Court by Mr Henryk Wypych, a retired lawyer practising in Ustroń.

A. The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

In 1985 part of the applicant's property was expropriated. On 4 March 1994 the applicant brought a claim against a company "Saturn" and the State Treasury before the Katowice Regional Court (*Sąd Okręgowy*) seeking compensation.

On 15 September 1994 the court held a hearing. On 17 February 1995 the court ordered an opinion from an expert. On 26 May 1995 the expert submitted his opinion to the court.

On 12 March and 12 September 1996 the court held hearings.

On 5 November 1997 the Regional Court gave judgment and dismissed the applicant's claim. The applicant appealed.

On 2 December 1998 the Katowice Court of Appeal (*Sąd Apelacyjny*) upheld the first-instance judgment.

On 12 February 1999 the applicant's representative lodged a cassation appeal with the Supreme Court (*Sąd Najwyższy*). On 3 November 1999 the applicant sent a letter to the Supreme Court asking for a hearing date to be set and for information on the proceedings. On 22 November 1999 the court informed her that in view of a large number of cassation appeals pending before that court, her case would be heard by the end of the year 2000.

On 23 May 2001 the Supreme Court, sitting as a single judge *in camera* dismissed the applicant's cassation appeal as manifestly ill-founded.

COMPLAINTS

1. The applicant complained under Article 6 of the Convention about the excessive length of civil proceedings in her case.

2. She further alleged that she was deprived of the right of access to a court, as her cassation appeal had been dismissed by the Supreme Court.

THE LAW

On 31 August 2004 the Court received the following declaration from the Polish Government:

> "I declare that the Government of Poland offer to pay PLN 15,000 to Mrs Stanisława Jura with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, 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 and 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 on 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. The payment will constitute the final resolution of the case. "

On 2 September 2004 the Court received the following declaration signed by the applicant herself:

> "I note that the Government of Poland are prepared to pay the sum of PLN 15,000 to Mrs Stanisława Jura with a view to securing a friendly settlement of the above mentioned case pending before the European Court of Human Rights.
>
> This sum, 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 and 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 on Human Rights. 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 default period plus three percentage points.
>
> I declare that the applicant accepts the proposal and waives any further claims against Poland in respect of the facts giving rise to this application. I declare that this constitutes a final settlement 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 public policy reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention). Accordingly, Article 29 § 3 of the Convention should no longer apply to the case and it should be struck out of the list.

For these reasons, the Court unanimously

Decides to discontinue the application of Article 29 § 3 of the Convention and to strike the application out of its list of cases.

Michael O'BOYLE
Registrar

Nicolas BRATZA
President