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

FIRST SECTION

DECISION

Application no. 13280/22
Zdzisław KASENDRA against Poland
and 3 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 16 May 2024 as a Committee composed of:

Péter Paczolay*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above applications lodged on the various dates indicated in the appended table,

Having regard to the declarations submitted by the respondent Government requesting the Court to strike the applications out of the list of cases, and the applicants' replies to these declarations,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The list of applicants is set out in the appended table.

The applicants were represented by Mr Jarosław Kaczyński, a lawyer practising in Warsaw.

The applicants' complaints under Article 6 § 1 and Article 13 of the Convention concerning the excessive length of civil proceedings, limitation of access to court and the lack of any effective remedy in domestic law to complain about the excessive length of the proceedings were communicated to the Polish Government ("the Government").

The Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by part of these complaints. They further requested the Court to strike out the relevant part of the applications in accordance with Article 37 of the Convention.

The Government acknowledged the violation of the applicants' rights under Article 6 § 1 of the Convention, as regards the excessive length of the

proceedings, and under Article 13 of the Convention related to the lack of a domestic remedy in that regard. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike part of the applications out of the list of cases in accordance with Article 37 § 1 (c) of the Convention. The amounts would be converted into the currency of the respondent State at the rate applicable on the date of payment, and would be payable within three months from the date of notification of the Court's decision. In the event of failure to pay these amounts within the above-mentioned three-month period, the Government undertook to pay simple interest on them, 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 cases relating to the length of proceedings and lack of any effective remedy.

The applicants informed the Court that they agreed to settle their cases insofar as the complaints about the length of the proceedings and lack of a remedy concerned, on the terms proposed by the Government in their unilateral declarations.

THE LAW

Having regard to the similar subject matter of the applications, the Court finds it appropriate to examine them jointly in a single decision.

The Court finds that, following the applicants' express agreement to the terms of the declaration made by the Government, the cases should be treated as a friendly settlement between the parties in that part.

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 the Protocols thereto and finds no reasons to justify the continued examination of the applications in the part covered by the friendly settlement.

In view of the above, it is appropriate to strike the cases out of the list as regards the complaints concerning the excessive length of the proceedings and the lack of an effective domestic remedy.

The applicants also raised other complaints under Article 6 § 1 of the Convention, having argued that the excessive length of the proceedings had made their right of access to court illusory.

The Court has examined these complaints and considers that, in the light of all the material in its possession and in so far as the matters complained of are within its competence, these complaints are manifestly ill-founded within the meaning of Article 35 § 3 of the Convention (see *Bieliński v. Poland*, no. 48762/19, §§ 71-72, 21 July 2022).

It follows that this part of the applications must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to join the applications;

Decides to strike the applications out of its list of cases in accordance with Article 39 of the Convention as regards the complaints concerning the excessive length of the proceedings and lack of an effective domestic remedy;

Declares the remainder of the applications inadmissible.

Done in English and notified in writing on 6 June 2024.

Viktoriya Maradudina Acting Deputy Registrar	Péter Paczolay President

APPENDIX

List of applications raising complaints under Article 6 § 1 and Article 13 of the Convention (excessive length of civil proceedings and lack of any effective remedy in domestic law)

No.	Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's acceptance	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1.	13280/22 24/02/2022	**Zdzisław KASENDRA** 1954	Kaczyński Jarosław Warsaw	20/09/2023	07/07/2023	5,100
2.	15651/22 11/03/2022	**Ryszard JASIAKIEWICZ** 1952	Kaczyński Jarosław Warsaw	20/09/2023	07/07/2023	5,100
3.	21689/22 25/04/2022	**Dariusz KACPRZAK** 1964	Kaczyński Jarosław Warsaw	20/09/2023	07/07/2023	5,100
4.	48810/22 07/10/2022	**Robert WICHLAJ** 1958	Kaczyński Jarosław Warsaw	20/09/2023	07/07/2023	5,100

[1] Plus any tax that may be chargeable to the applicants.