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

FIRST SECTION

DECISION

Application no. 4732/24
Jacek KIERCZYŃSKI
against Poland
(see appended table)

The European Court of Human Rights (First Section), sitting on 4 December 2025 as a Committee composed of:

Frédéric Krenc*, President*,
Davor Derenčinović,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 7 February 2024,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant's details are set out in the appended table.

2. The applicant was represented by Mr Bartkowiak, a lawyer practising in Mosina.

3. The applicant's complaints under Article 5 § 3 of the Convention concerning the excessive length of pre-trial detention were communicated to the Polish Government ("the Government").

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

5. The applicant was arrested on 26 January 2021.

6. On 28 January 2021 the Szczecin-Prawobrzeże District Court ordered the applicant's detention on remand from the date of his arrest. The court relied on the risk of obstruction of justice and the likelihood of the severe penalty – to twelve years' imprisonment – to which the applicant would be liable.

7. The applicant's detention was subsequently extended multiple times. He appealed against some of the decisions extending his detention.

8. On 7 February 2024 the applicant lodged an application with the Court complaining about the excessive length of his pre-trial detention. He submitted the most recent decision of the Szczecin Court of Appeal of 29 March 2023, extending the detention for further three months, that is, until 29 June 2023. He stated also that the detention on remand was ongoing.

9. On 26 September 2024 the Government informed the Court that the applicant had been released on bail on 21 April 2023. The Government's submission was supported by relevant documents.

10. On 19 May 2025 the applicant reiterated his complaint concerning the excessive length of pre-trial detention. He neither disputed the Government's arguments, nor provided any explanation for the failure to inform the Court about his release.

THE LAW

COMPLAINT UNDER ARTICLE 5 § 3 OF THE CONVENTION (EXCESSIVE LENGTH OF PRE-TRIAL DETENTION)

11. The Court finds it appropriate to address, on its own motion, the issue of whether the applicant's failure to inform it about his release amounted to an abuse of a right of individual application (see, among many other authorities, *Dimo Dimov and Others v. Bulgaria*, no. 30044/10, § 41, 7 July 2020, with further references).

12. The general principles concerning the rejection of an application on grounds of abuse of the right of individual application have been summarised in *Gross v. Switzerland* ([GC], no. 67810/10, § 28, ECHR 2014). In particular, the Court reiterates that an application may be rejected as an abuse of the right of individual application within the meaning of Article 35 § 3 (a) of the Convention if, among other reasons, it was knowingly based on false information or if significant information and documents were deliberately omitted, either where they were known from the outset or where new significant developments occurred during the proceedings. Incomplete and therefore misleading information may amount to an abuse of the right of application, especially if the information in question concerns the very core of the case and no sufficient explanation is given for the failure to disclose that information.

13. The Court considers that the information regarding the date of an applicant's release from detention is crucial for the assessment of a complaint under Article 5 § 3 of the Convention.

14. The Court notes that the applicant not only failed to inform it about the exact date of his release from detention, but also that at the time of lodging the application he had already been free for nine months.

15. No convincing explanation for that omission was provided.

16. Having regard to the fact that the applicant failed to provide the Court with significant information, and no sufficient explanation has been provided for that failure, the Court finds that the applicant's conduct was contrary to the purpose of the right of individual application.

17. In view of the above, the Court finds that the present application constitutes an abuse of the right of individual application and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 8 January 2026.

Viktoriya Maradudina Acting Deputy Registrar	Frédéric Krenc President

APPENDIX

Application raising complaints under Article 5 § 3 of the Convention (excessive length of pre-trial detention)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Period of detention	Court which issued detention order / examined appeal	Length of detention
4732/24 07/02/2024	**Jacek KIERCZYŃSKI** 1976	Bartkowiak Andrzej Mosina	28/01/2021 to 21/04/2023	Szczecin-Prawobrzeże i Zachód District Court, 28/01/2021, case no. VI Kp 97/21 Szczecin Court of Appeal, 29/03/2023, case no. II AKp 36/23	2 years, 2 months and 25 days