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

FIRST SECTION

DECISION

Application no. 5242/20
Łukasz KINITZ against Poland
and 4 other applications
(see appended table)

The European Court of Human Rights (First Section), sitting on 24 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 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,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

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

The applicants' 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

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

The Government informed the Court that they proposed to make unilateral declarations with a view to resolving the issues raised by these complaints.

They further requested the Court to strike out the applications in accordance with Article 37 of the Convention.

The Government acknowledged the excessive length of criminal proceedings and the lack of any effective remedy in domestic law. They offered to pay the applicants the amounts detailed in the appended table and invited the Court to strike 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.

The applicants were sent the terms of the Government's unilateral declarations several weeks before the date of this decision. The Court has not received a response from the applicants accepting the terms of the declarations.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicants wish the examination of the cases to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the excessive length of criminal proceedings (see, for example, *Rutkowski and Others v. Poland,* nos. 72287/10 and 2 others, 7 July 2015).

Noting the admissions contained in the Government's declarations as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases against Poland – the Court considers that it is no longer justified to continue the examination of the applications (Article 37 § 1 (c); see also the conclusions reached in the first group of cases submitted in the pilot-judgment procedure, *Załuska and Rogalska v. Poland and 398 other applications* (dec.), nos. 53491/10 and 72286/10, §§ 48-55, 20 June 2017).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does

not require it to continue the examination of the applications (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declarations, the applications may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the cases out of the list.

For these reasons, the Court, unanimously,

Decides to join the applications;

Takes note of the terms of the respondent Government's declarations and of the arrangements for ensuring compliance with the undertakings referred to therein;

Decides to strike the applications out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 15 December 2022.

Viktoriya Maradudina	Ivana Jelić
Acting Deputy Registrar	President

APPENDIX

List of applications 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)

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 comments	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
1.	5242/20 25/12/2019	**Łukasz KINITZ** 1984		17/01/2022	06/09/2022	4,450
2.	18483/20 14/04/2020	**Piotr SCHAB** 1969		20/09/2021	29/10/2021	5,600
3.	21604/20 12/05/2020	**Mariusz NOWAK** 1979		21/09/2021	25/10/2021	960
4.	29535/20 02/07/2020	**Krzysztof KUCHARSKI** 1977		17/01/2022	01/09/2022	1,170
5.	54090/20 16/11/2020	**Anna ZADA** 1980	Zbawicki Andrzej Warsaw	17/01/2022	26/08/2022	3,090

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