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

FIRST SECTION

DECISION

Application no. 21518/23
Marzenna KRAMSKA and Henryk KRAMSKI
against Poland

The European Court of Human Rights (First Section), sitting on 7 November 2024 as a Committee composed of:

Georgios A. Serghides*, President*,
Erik Wennerström,
Alain Chablais*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 18 May 2023,

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

The applicants, Ms Marzenna Kramska and Mr Henryk Kramski, are Polish nationals born, respectively, in 1963 and 1960.

The Polish Government ("the Government") were represented by their Agent, Ms Agnieszka Kozińska-Makowska, of the Ministry of Foreign Affairs.

A. The domestic criminal proceedings

The applicants were charged on 4 November 2015.

On 19 May 2021 both applicants filed a complaint with the Katowice Court of Appeal. They alleged that the criminal proceedings before the Gliwice Regional Prosecutor had exceeded a reasonable time.

On 8 September 2021 the Katowice Court of Appeal granted the second applicant 5,000 Polish zlotys (PLN, approximately 1,250 euros (EUR)) in compensation for excessive length of criminal proceedings.

The same court, on 12 October 2021, granted the first applicant PLN 5,000 (approximately EUR 1,250) in compensation for excessive length of criminal proceedings.

The criminal proceedings are still pending.

B. The proceedings before the Court

On 18 May 2023 the applicants lodged an application with the Court, concerning allegedly excessive length of criminal proceedings before the Regional Prosecutor in Gliwice, and lack of an effective remedy in domestic law. In the application form and in the case file they referenced only the decision of 8 September 2021 and the compensation granted therein.

On 9 November 2023 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").

On 7 March 2024 the Government submitted that the applicants had received compensation twice the amount stated in the application form, namely PLN 10,000 (approximately EUR 2,500).

The Government further drew attention of the Court to the fact that such omission was crucial to assessment of the alleged violations, amounted to the abuse of the right to individual application and asked the Court to consider the application inadmissible.

The applicants confirmed the facts as submitted by the Government and stated that the compensation received on the domestic level was in any event insignificant. The applicants did not furnish any plausible explanation for their failure to inform the Court about the actual amount of compensation received at the domestic level.

THE LAW

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 (see, for example, *Gross v. Switzerland* [GC], no. 67810/10, § 28, ECHR 2014).

Having regard to the fact that the information in question, essential to the proper assessment of the admissibility of the case, was undoubtedly at the

applicants' disposal at the time of submitting the application, and no sufficient explanation was given for their failure to disclose that information, the Court finds that such conduct was contrary to the purpose of the right of individual application.

In view of the above, the Court finds that the 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 28 November 2024.

Viktoriya Maradudina Acting Deputy Registrar	Georgios A. Serghides President