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

FIRST SECTION

# DECISION

*This version was rectified on 26 February 2026*
*under Rule 81 of the Rules of Court*

Application no. 18756/23
Arkadiusz LEŚNIEWSKI
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 2 January 2024,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

## FACTS AND PROCEDURE

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

The applicant was represented by Ms M. Smołka, a lawyer practising in Gliwice.

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").

## THE LAW

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

The Government acknowledged the excessive length of pre-trial detention. They offered to pay the applicant the amounts detailed in the appended table and invited the Court to strike the application 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 case.

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

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 applicant wishes the examination of the case 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 pre-trial detention (see, for example, *Kauczor v. Poland,* no. 45219/06, 3 February 2009 and *Celejewski v. Poland,* no. 17584/04, 4 May 2006).

Noting the admissions contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

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 application (Article 37 § 1 *in fine*).

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application 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 case out of the list.

For these reasons, the Court, unanimously,

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

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

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

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| Viktoriya Maradudina<br>Acting Deputy Registrar | Frédéric Krenc<br>President |

# APPENDIX

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

| Application no.<br>Date of introduction | Applicant's name<br>Year of birth | Representative's name and location | Date of receipt of Government's declaration | Date of receipt of applicant's comments, if any | Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per application (in euros)[11] |
|---|---|---|---|---|---|
| 18756/23<br>02/01/2024 | **Arkadiusz LEŚNIEWSKI**<br>1982 | Smołka Marta<br>Gliwice | 17/07/2025 | 16/10/2025 | 6,750 |

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

[1] Rectified on 26 February 2026. Originally there were two separate columns: one concerning pecuniary and non-pecuniary damage with the amount EUR 6,500 and another concerning costs and expenses with the amount EUR 250. These amounts were joined and the sum EUR 6,750 is now placed in one column concerning both: pecuniary and non-pecuniary damage as well as costs and expenses.