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

FIRST SECTION

DECISION

Application no. 63377/19
Dawid ŁUKAWSKI
against Poland
(see appended table)

The European Court of Human Rights (First Section), sitting on 19 May 2022 as a Committee composed of:

Alena Poláčková, *President,*
Raffaele Sabato,
Davor Derenčinović, *judges,*
and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 27 November 2019,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases, and the applicant's reply to this declaration,

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.J. Radziejowska, a lawyer practising in Warsaw.

The applicant's complaints under Article 8 of the Convention concerning a search in his flat in the context of the criminal investigation against him and seizure of electronic devices which contained correspondence with his defence lawyer in other set of criminal proceedings were communicated to the Polish Government ("the Government").

After unsuccessful friendly-settlement negotiations, the Government submitted a declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application.

The Government acknowledged the violation of the applicant's right to respect for his private life under Article 8 of the Convention. They offered to pay the applicant the amount 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 amount 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 this amount within the above-mentioned three-month period, the Government undertook to pay simple interest on it, 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 informed the Court that he agreed to the terms of the declaration.

THE LAW

The Court finds that, following the applicant's express agreement to the terms of the declaration made by the Government, the case should be treated as a friendly settlement between the parties in the part related to the applicant's right to private life.

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 application in the part covered by the Government's declaration accepted by the applicant.

In view of the above, it is appropriate to strike the case out of the list in this part.

As regards the remaining aspects of the applicant's complaints under Article 8 of the Convention, taking into account the facts of the case, the Government's unilateral declaration and the Court's decision to strike out the part of the application, the Court considers that the main legal question raised in the present application has been resolved. It concludes, therefore, that there is no need to examine this part of the application.

For these reasons, the Court, unanimously,

Decides to strike the part of the application, covered by the Government's declaration and accepted by the applicant, out of its list of cases in accordance with Article 39 of the Convention;

Decides that there is no need to examine the remaining part of the application.

Done in English and notified in writing on 9 June 2022.

Viktoriya Maradudina Acting Deputy Registrar	Alena Poláčková President

APPENDIX

Application raising complaints under Article 8 of the Convention

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]
63377/19 27/11/2019	**Dawid ŁUKAWSKI** 1992	Radziejowska Maria Joanna Warszawa	14/03/2022	13/04/2022	4,000

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