

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

FOURTH SECTION

DECISION

Application no. 73362/10
Mariusz NAWROCKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 13 December 2016 as a Committee composed of:

Nona Tsotsoria, *President,*
Krzysztof Wojtyczek,
Marko Bošnjak, *judges,*

and Andrea Tamietti, *Deputy Section Registrar,*

Having regard to the above application lodged on 1 December 2010,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

1. The applicant, Mr Mariusz Nawrocki, is a Polish national, who was born in 1955 and lives in Gdynia.

2. The Polish Government ("the Government") were represented by their Agent, Ms Justyna Chrzanowska of the Ministry of Foreign Affairs.

3. The applicant complained under Article 5 § 3 of the Convention about the length of his pre-trial detention and under Article 6 § 1 of the Convention about the length of the criminal proceedings against him.

4. On 29 September 2016 and 26 October 2016 the Court received friendly settlement declarations signed by the parties under which the applicant agreed to waive any further claims against Poland in respect of the facts giving rise to this application against an undertaking by the Government to pay him 22,000 (twenty-two thousand) Polish zlotys to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, plus any tax that may be chargeable to the applicant. This sum

will be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. In the event of failure to pay this sum within the said 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 LAW

5. The Court 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 its Protocols and finds no reasons to justify a continued examination of the application. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Decides to strike the application out of its list of cases in accordance with Article 39 of the Convention.

Done in English and notified in writing on 12 January 2017.

Andrea Tamietti
Deputy Registrar

Nona Tsotsoria
President