

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

FOURTH SECTION

DECISION

Application no. 6711/08
by Marian NIEWIŃSKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 11 January 2011 as a Committee composed of:

David Thór Björgvinsson, *President,*
Päivi Hirvelä,
Mihai Poalelungi, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 15 January 2008,

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

Having deliberated, decides as follows:

PROCEDURE

The applicant, Mr Marian Niewiński, is a Polish national who was born in 1960 and lives in Zielona Góra. The Polish Government ("the Government") were represented by their Agent, Mr J. Wołąsiewicz of the Ministry of Foreign Affairs.

On 10 November 2009 the President of the Fourth Section of the Court decided to communicate the applicant's complaint under Article 6 § 1 of the Convention concerning the excessive length of criminal proceedings which began on an unspecified date in 2002 and are still pending before the first-instance court.

THE LAW

On 20 January 2010 the Court received the following declaration from the Government:

> "I, Jakub Wołąsiewicz, Agent of the Polish Government, declare that the Government of Poland offer to pay PLN 20,000 (twenty thousand Polish zlotys) to Mr Marian Niewiński with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be free of any taxes that may be applicable and payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. In the event of failure to pay this sum within the said three-month period, the Government undertake to pay simple interest on it, from 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."

On 16 November 2010 the Court received the following declaration signed by the applicant:

> "I, Marian Niewiński, note that the Government of Poland are prepared to pay me the sum of PLN 20,000 (twenty thousand Polish zlotys) with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.
>
> This sum, which is to cover any pecuniary and non-pecuniary damage as well as costs and expenses, will be free of any taxes that may be applicable and payable within three months from the date of notification of the decision taken by the Court pursuant to Article 37 § 1 of the European Convention on Human Rights. From the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amount at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.
>
> I accept the proposal and waive any further claims against Poland in respect of the facts giving rise to this application. I declare that this constitutes a final resolution of the case."

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 (Article 37 § 1 *in fine* of the Convention). 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.

Fatoş Aracı
Deputy Registrar

David Thór Björgvinsson
President