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

FOURTH SECTION

DECISION

Application no. 56609/13
Przemysław Wojciech RODZOCH
against Poland

The European Court of Human Rights (Fourth Section), sitting on 22 March 2016 as a Committee composed of:

Paulo Pinto de Albuquerque, *President,*
Krzysztof Wojtyczek,
Iulia Antoanella Motoc, *judges,*
and Fatoş Aracı, *Deputy Section Registrar,*

Having regard to the above application lodged on 21 August 2013,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant, Mr Przemysław Wojciech Rodzoch, is a Polish national, who was born in 1978 and lives in Dublin.

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

The applicant complained under Article 8 of the Convention about a breach of his right to respect for his family life in that the domestic court's decision dismissing his Hague Convention request to return his wrongfully abducted child to Ireland, was contrary to the child's best interest within the meaning of Article 13 (1) b of the Hague Convention and protected the interests of the child's mother who decided not to return along with the child.

On 13 February and 23 February 2015 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 40,000 Polish zlotys to cover any pecuniary and non-pecuniary damage as well as costs and expenses, which will be free of any taxes that may be applicable and it will be payable within three months from the date of notification of the decision taken by the Court. 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

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 14 April 2016.

Fatoş Aracı
Deputy Registrar

Paulo Pinto de Albuquerque
President