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

FOURTH SECTION

DECISION

Application no. 38104/11
Krzysztof SZAFRAŃSKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 7 March 2017 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 August 2011,

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 Krzysztof Szafrański, is a Polish national, who was born in 1971 and is detained in Wierzchowo. He was represented before the Court by Mr S. Schrage, a lawyer practising in Berlin.

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

3. The applicant complained under Article 6 § 2 of the Convention about a breach of his right to be presumed innocent. He further complained under Article 5 § 3 of the Convention about the length of his detention on remand and under Article 6 § 1 of the Convention about the length of the criminal proceedings against him.

4. The applicant's complaints under Articles 5 § 3, and 6 §§ 1 and 2 of the Convention were communicated to the Government. The Government proposed a friendly settlement with regard to the alleged violation of Article 6 § 2 of the Convention and submitted their observations on the

admissibility and merits of the remaining part of the application. These observations were forwarded to the applicant, who was invited to submit his own observations. No reply was received to the Registry's letter.

5. On 6 August 2014 and 3 April 2014 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 6,000 Polish zlotys (PLN), equivalent to 1,400 euros (EUR), 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. This sum 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

6. The Court takes note of the friendly settlement reached between the parties with regard to the complaint under Article 6 § 2 of the Convention. 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.

7. The Court further considers that the applicant may be regarded as no longer wishing to pursue the remainder of his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the complaints concerning the allegedly unreasonable length of the applicant's detention on remand and of the criminal proceedings against him.

8. 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 as far as the complaint under Article 6 § 2 of the Convention is concerned;

Decides to strike the remainder of the application out of its list of cases in accordance with Article 37 of the Convention.

Done in English and notified in writing on 30 March 2017.

Andrea Tamietti	Nona Tsotsoria
Deputy Registrar	President