

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

FIRST SECTION

DECISION

Application no. 59214/18
Rafał ZYCH
against Poland
(see appended table)

The European Court of Human Rights (First Section), sitting on 23 March 2023 as a Committee composed of:

Alena Poláčková*, President*,
Gilberto Felici,
Raffaele Sabato*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 3 April 2019,

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

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant's complaints under Article 8 of the Convention concerning the lack of proper separation of the sanitary facilities from the rest of the cells in which the applicant was serving his sentence were communicated to the Polish Government ("the Government").

The Court received the 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, subject to an undertaking by the Government to pay him the amount detailed in the appended table. This amount will be converted into the currency of the respondent State at the rate applicable on the date of payment, and will 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 undertake 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 the Protocols thereto 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 13 April 2023.

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	Date of receipt of Government's declaration	Date of receipt of Applicant's declaration	Amount awarded for pecuniary and non-pecuniary damage and costs and expenses per applicant (in euros)[1]
59214/18 03/04/2019	**Rafal ZYCH** 1976	17/01/2023	12/12/2022	1,200

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