



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



**CASE OF MALEC v. POLAND**

*(Application no. 28623/12)*



*This judgment will become final in the circumstances set out in Article 44 § 2 of the Convention. It may be subject to editorial revision.*







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■ *Stasik v. Poland* § 8

## THE LAW

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“1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

### A. Admissibility

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■ *F.v. Poland* § 4

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### B. Merits

#### 1. *The parties' submissions*

##### (a) **The applicant**

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##### (b) **The Government**

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2. *The Court's assessment*

(a) **General principles**

[REDACTED] *Olsson v. Sweden*, [REDACTED] *Kojnity v. Hungary*, [REDACTED] *Hokkanen v. Finland*, [REDACTED] *Cristescu v. Romania*, [REDACTED] *Zawadka v. Poland*, [REDACTED] *L.J.v. Lithuania*, [REDACTED] *mutatis mutandis*, [REDACTED] *Hokkanen*, [REDACTED] *facto*, [REDACTED] *P.F.*, [REDACTED] *Kuppinger v. Germany*, [REDACTED] *Olsson*, [REDACTED] *Plaza v. Poland*.

(b) **Application of the above principles to the present case**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] *v. Poland*, [REDACTED] *G.B.v. Lithuania*, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] *Kasik v. Poland*, [REDACTED]  
[REDACTED] *Vaire v. Portugal*, [REDACTED] *gnaccolo-Zenide v. Romania*, [REDACTED] *Law and Others v. France*, [REDACTED]  
§ 41  
[REDACTED]  
[REDACTED]  
[REDACTED]

“If the Court finds that there has been a violation of the Convention or the Protocols thereto, and if the internal law of the High Contracting Party concerned allows only partial reparation to be made, the Court shall, if necessary, afford just satisfaction to the injured party.”

**A. Damage**

[REDACTED]  
[REDACTED]  
[REDACTED]

**B. Costs and expenses**

[REDACTED]  
[REDACTED]  
[REDACTED]

**C. Default interest**

§ 101

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

*Declares* § 101

*Holds* § 101

*Holds*

§ 101

§ 101

§ 101

§ 101

*Dismisses* § 101

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