CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FIRST SECTION

PARTIAL DECISION

AS TO THE ADMISSIBILITY OF

Application no. 57468/00
by Jan DAŃCZAK
against Poland

The European Court of Human Rights (First Section), sitting on 3 July 2001 as a Chamber composed of

Mrs E. PALM, *President*,
Mrs W. THOMASSEN,
Mr GAUKUR JÖRUNDSSON,
Mr J. MAKARCZYK,
Mr R. TÜRMEN,
Mr C. BÎRSAN,
Mr R. MARUSTE, *judges*,
and Mr M. O'BOYLE, *Section Registrar*,

Having regard to the above application introduced on 24 May 1999 and registered on 22 May 2000,

Having deliberated, decides as follows:

THE FACTS

The applicant, Jan Dańczak, is a Polish national, born in 1954 and living in Sapy, Poland. The facts of the case, as submitted by the applicant, may be summarised as follows.

(a) Facts prior to 1 May 1993

On 17 July 1992 the applicant filed with the Skierniewice Regional Court (Sąd Wojewódzki) an action for damages against his neighbours, S.K. and S.K. He claimed that the defendants had caused damage to his barn by improperly storing silage and animal waste.

In 1992 the court adjourned two hearings. On 16 February 1993 the court held a hearing and ordered an expert report.

(b) Facts after 30 April 1993

On 25 July 1993 the expert submitted his report to the court. A hearing listed for 17 September 1993 was adjourned due to the absence of the defendants' lawyer. On 14 October 1993 the court held a hearing. Later, the court ordered another expert report. In January 1994 the report was submitted to the court. On 29 March 1994 the court held a hearing.

Hearings listed for 31 January and 23 February 1996 were adjourned. On 10 July 1996 the court ordered a further expert report. In February 1997 the expert report was submitted to the court.

On 8 September 1997 the court stayed the proceedings because one of the defendants had died. Later, his heirs joined the proceedings. It appears that, subsequently, the court resumed the proceedings.

On 6 May 1998 the court held a hearing. A hearing listed for 30 October 1998 was adjourned due to the absence of the defendants' lawyer.

On 18 March 1999 the court held a hearing. On 31 March 1999 the Regional Court dismissed the applicant's claim. The applicant appealed. On 21 October 1999 the Łódź Court of Appeal (Sąd Apelacyjny) refused his appeal and upheld the first-instance judgment.

COMPLAINTS

1. The applicant complains under Article 6 § 1 of the Convention about the unreasonable length of the proceedings.

2. Further, the applicant complains under Article 6 § 1 of the Convention about the outcome of the proceedings and the assessment of evidence by the domestic courts.

THE LAW

1. The applicant complains under Article 6 § 1 of the Convention about the unreasonable length of the proceedings.

The Court considers that it cannot, on the basis of the file, determine the admissibility of this complaint and that it is therefore necessary, in accordance with Rule 54 § 3 (b) of the Rules of Court, to give notice of this complaint to the respondent Government.

2. The applicant further complains under Article 6 § 1 of the Convention about the outcome of the proceedings and the assessment of evidence.

The Court reiterates that according to Article 19 of the Convention, the Court's duty is to ensure the observance of the engagements undertaken by the Contracting Parties in the Convention. In particular, it is not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention. Moreover, while Article 6 of the Convention guarantees the right to a fair hearing, it does not lay down any rules on the admissibility of evidence or the way it should be assessed, which are therefore primarily matters for regulation by national law and the national courts (see Garcia Ruiz v. Spain [GC], no. 30544/96, § 28, ECHR 1999-I).

The Court observes that the applicant does not allege any particular failure to respect his right to a fair hearing but objects to the unfavourable outcome of the proceedings. The applicant further complains about the assessment of evidence in the proceedings concerned.

The Court finds no elements which would indicate that the national courts went beyond their discretion as to the assessment of evidence presented in the course of the proceedings complained of. Nor does it consider that the unfavourable outcome of the proceedings had in itself any bearing on the applicant's right to a fair trial. Assessing the proceedings complained of as a whole, the Court finds no indication that they were unfairly conducted.

It follows that this part of the application is therefore manifestly ill-founded within the meaning of Article 35 § 3 of the Convention and must be rejected in accordance with Article 35 § 4 of the Convention.

For these reasons, the Court, unanimously,

Decides to adjourn the examination of the applicant's complaint that the length of the civil proceedings in his case exceeded a "reasonable time" within the meaning of Article 6 § 1 of the Convention;

Declares inadmissible the remainder of the application.

Michael O'BOYLE
Registrar

Elisabeth PALM
President