AS TO THE ADMISSIBILITY OF
Application No. 18624/91
by Gert LAGLER
against Austria

The European Commission of Human Rights sitting in private on 19 February 1992, the following members being present:

MM.J.A. FROWEIN President of the First Chamber
F. ERMACORA
G. SPERDUTI
E. BUSUTTIL
A.S. GÖZÜBÜYÜK
SirBasil HALL
Mr.C.L. ROZAKIS
Mrs.J. LIDDY
M.P. PELLONPÄÄ

Mr. M. de SALVIA, Secretary to the First Chamber

Having regard to Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 26 July 1991 by Gert LAGLER against Austria and registered on 2 August 1991 under file No 18624/91;

Having regard to the report provided for in Rule 47 of the Rules of Procedure of the Commission;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is an Austrian citizen born in 1949. He lives in Vienna.

On 10 July 1986 the applicant issued proceedings out of the Vienna Regional Court (Landesgericht) in his own name and in the name of four companies, of three of which he was both sole shareholder and general manager (Geschäftsführer), against thirty-six named defendants in connection with the failure of the applicant's business enterprises. On 6 February 1988 the court inspected the file in the criminal proceedings against the applicant which formed the background to the case. On 8 February 1988 the court decided to adjourn the proceedings until the outcome of the criminal proceedings was known. The applicant did not appeal against that decision. The criminal proceedings are still pending.

On 31 May 1988 the court rejected the suit so far as it was brought by the fourth company, which was unrepresented, even though the court had requested that a lawyer be appointed.

COMPLAINTS

The applicant alleges a violation of Article 6 para. 1 of the Convention by virtue of the length of the proceedings. He also alleges that the proceedings have been unfair, again invoking Article 6 para.

1 of the Convention.

THE LAW

1.The applicant alleges a violation of Article 6 para. 1 (Art. 6-1) of the Convention by virtue of the length of the proceedings. The Commission considers that it cannot, on the basis of the file, determine whether there has been a violation of this provision without the observations of both parties.

The Commission therefore adjourns its examination of this part of the application.

2.The applicant also alleges a violation of Article 6 para. 1 (Art. 6-1) in respect of the fairness of the proceedings.

The Commission recalls that the question whether criminal proceedings conform to the standard laid down by Article 6 para. 1 (Art. 6-1) of the Convention must be decided on the basis of the court proceedings as a whole, that is, after they have been concluded (cf. No. 7445/77, Dec. 4.7.78, D.R. 14 p. 228). There is no indication in the present case of any circumstances which could be of such importance as to be decisive for the assessment of the fairness of the proceedings even at an earlier stage.

It follows that the applicant has not yet any basis for claiming to be a victim of a violation of Article 6 para. 1 (Art. 6-1) of the Convention. This part of the application is accordingly manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission unanimously

DECIDES TO ADJOURN the examination of the complaints relating to the length of proceedings;

DECLARES INADMISSIBLE the remainder of the application.

Secretary to the First Chamber President of the First Chamber

(M. de SALVIA) (J. A. FROWEIN)