PARTIAL

AS TO THE ADMISSIBILITY OF

Applications Nos.: 1) 15252/89; 2) 15628/89; 3)15629/89;
4) 15630/89; 5) 15857/89 and 6) 17384/90
by: Kurt NAEF
against: Switzerland

The European Commission of Human Rights sitting in private on 8 April 1991, the following members being present:

MM. C.A. NØRGAARD, President
J.A. FROWEIN
S. TRECHSEL
E. BUSUTTIL
A.S. GÖZÜBÜYÜK
A. WEITZEL
J.-C. SOYER
H.G. SCHERMERS
H. DANELIUS
Sir Basil HALL
Mr. F. MARTINEZ
Mrs. J. LIDDY
MM. L. LOUCAIDES
J.-C. GEUS
M.P. PELLONPÄÄ

Mr. H.C. KRÜGER, Secretary to the Commission

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

Having regard to the applications introduced on 1) 23 April 1987; 2) 25 July 1989; 3) 18 May 1989; 4) 18 May 1989; 5) 3 October 1989 and 6) 10 September 1990; by Kurt NAEF against Switzerland and registered on 1) 20 July 1989; 2) 4 October 1989; 3) 16 October 1989; 4) 16 October 1989; 5) 4 December 1989 and 6) 31 October 1990 under file Nos. 1) 15252/89; 2) 15628/89; 3)15629/89; 4) 15630/89; 5) 15857/89 and 6) 17384/90;

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 facts of the case, as submitted by the applicant, may be summarised as follows.

The applicant, a Swiss citizen born in 1935, is a pig-breeder residing at Oberbüren in Switzerland.

A. Proceedings instituted against the Canton of St. Gallen

I.

In 1965/1966 the applicant's pigs became ill and had to be killed. The applicant was of the opinion that the illness had been caused by manure which had entered the drinking water supply. In 1966

he introduced an action against the Oberbüren municipal and water corporation, claiming damages of 150,000 SFr. The action was dismissed by the Wil District Court (Bezirksgericht) on 27 November 1969. Following various further appeals, the St. Gallen Cantonal Court (Kantonsgericht) on 30 October and 14 November 1975 upheld the action to the amount of 85,844 SFr. Further appeals were eventually dismissed by the Federal Court (Bundesgericht).

Meanwhile, between 9 November 1971 and 4 July 1978, bankruptcy proceedings were instituted against the applicant.

II.

On 24 June 1981 the applicant introduced a responsibility action (Verantwortlichkeitsklage) against the Canton of St. Gallen, claiming damages of 653,273.60 SFr on account of the long duration of the previous proceedings. The action was dismissed on 10 December 1982 by the Federal Court on account of forfeiture (Verwirkung).

According to Section 42 of the Federal Judiciary Act (Organisationsgesetz) the Federal Court decides as the only instance on civil litigation between Cantons and private persons.

III.

On 12 December 1983 the applicant personally introduced with the Federal Court a responsibility action against the Canton of St. Gallen, claiming damages of 1,505,156.85 SFr. The applicant based his action, which numbered three pages, on the denial of justice (Rechtsverweigerung) by the St. Gallen authorities. The Federal Court then requested the applicant to consult a lawyer and introduce a new, improved action.

As a result, Mr. T., a lawyer, represented the applicant. On 7 May 1984 T. introduced with the Federal Court a request for legal aid (Armenrecht). By letter of 25 May 1984 the Court pointed out the manifest lack of responsibility of the Canton of St. Gallen for the alleged damages. Subsequently, the applicant withdrew T.'s power of attorney.

On 3 September 1984 the applicant personally introduced an improved action, numbering approximately 100 pages, in which he reduced his claims to 1,320,783.20 SFr.

A preparatory hearing (Instruktionsverhandlung) took place on 20 February 1985 at which the applicant was present. On 26 February 1985 the Federal Court granted the applicant legal aid and, upon his request, appointed H. as his lawyer. However, legal aid was granted on the condition that it would be withdrawn or reduced if it should transpire during the proceedings that some or all of the applicant's claims lacked prospects of success. The Federal Court noted in particular that on the basis of the action of 3 September 1984 the prospects of success could not be clearly assessed.

On 23 August 1985 H. informed the Federal Court that the applicant had beeen involved in friendly settlement negotiations with lawyers who were possibly responsible for the dismissal of the action by the Federal Court on 10 December 1982. On the basis of the friendly settlement reached, the applicant had obtained 226,000 SFr, his lawyer 12,000 SFr. As a result, the applicant withdrew various claims amounting to 653,273.60 SFr from his action pending before the Federal Court.

Thereupon, friendly settlement negotiations took place between the applicant and the Canton of St. Gallen which eventually proved to be

unsuccessful.

On 6 August 1986, the lawyer B., a substitute for H., introduced with the Federal Court an improved action. Therein he claimed under Item No. (1) 256,501.40 SFr damages for the consequences of the polluted drinking water on the applicant's pig-breeding. Under Items Nos. (2) - (4) he further requested approximately 400,000 SFr.

On 11 August 1986 the Federal Court invited the Canton of St. Gallen to reply to the action before 30 September 1986. The time-limit was prolonged. On 30 September 1986 the Federal Court decided to limit the proceedings to Item No. (1) of the applicant's action of 6 August 1986.

The Canton of St. Gallen filed its reply, numbering ten pages, on 15 December 1986. Therein it claimed inter alia that the Canton lacked standing (fehlende Passivlegitimation) and that in any event the action was manifestly ill-founded.

On 23 October 1987 H. informed the Federal Court that the applicant had withdrawn his power of attorney. By letter of 2 November 1987 the Federal Court replied that in view of the legal aid granted to the applicant on 26 February 1985 a withdrawal of the power of attorney was not possible. The Court further stated that, if the lawyer were to request the court to terminate his representation, the Court would hardly grant his request at that stage of the proceedings.

On 26 November 1987 the applicant wrote to the Federal Court, expressing his surprise about the Court's letter of 2 November 1987. He also requested the appointment of another lawyer.

On 15 December 1987 a further preparatory hearing took place at the Federal Court. The judge concerned put forward a friendly settlement proposal which was not accepted. Thereupon, the Court requested the parties to submit further written statements.

The applicant filed his further statement on 18 April 1988, his lawyer B. filed a separate statement on 31 May 1988. Meanwhile, on 27 May 1988, the applicant had written to the Federal Court, stating that he insisted on the withdrawal of H.'s power of attorney.

On 11 July 1988 the applicant wrote to the Federal Court complaining that he had received no reply to his letter of 27 May 1988 and that four and a half years after his action had been introduced no comprehensive reply had yet been filed by the Canton of St. Gallen.

The Canton of St. Gallen filed its reply on 22 August 1988. On 2 September 1988 the written proceedings were closed.

On 25 September 1988 a hearing was held at the Federal Court. The applicant, his lawyer B. and a representative of the Canton of St. Gallen were present. In his pleadings B. expressly maintained the applicant's claims under Items Nos. (2) - (4) of the action of 6 August 1986.

On 25 October 1988 the Court dismissed the applicant's action. The judgment numbering ten pages was served on the applicant on 18 November 1988. Therein the Court found that in view of the legal aid granted to the applicant on 26 February 1985 it could only consider the submissions presented by his lawyer to whom no reproach could be made about careless representation. The Court further considered that the action had to be dismissed as the Canton of St. Gallen lacked standing.

A further decision of the Federal Court of 25 October 1988 concerned legal aid. The Court noted therein that the applicant's claims as to Item No. (1) of his improved action of 6 August 1986

had now been dismissed. With regard to the remaining items the Court found that they lacked prospects of success inter alia as the Court had already finally decided certain issues on 10 December 1982. As a result, the Court decided to withdraw the legal aid granted to the applicant and to terminate H.'s representation. The Court also requested the applicant to pay advance costs of 6,000 SFr. If the applicant failed to pay this sum the Court threatened to declare inadmissible the remaining items of the applicant's action.

By letter of 16 December 1988 the applicant complained to the Federal Court that he did not have the means to pay the sum of 6,000 SFr.

On 6 January 1989 the Federal Court declared inadmissible the remaining items of the applicant's action as he had failed to pay the advance costs.

B. Proceedings instituted against the veterinary doctor Sch.

I.

In 1979 again many of the applicant's pigs became ill and died. The applicant introduced an action for damages amounting to 177,076 SFr against the veterinary doctor Sch. whom he claimed was responsible for the death of the animals. While the Wil District Court upheld the action to the amount of 35,000 SFr. the St. Gallen Cantonal Court, upon appeal, dismissed the claim on 17 December 1987.

The applicant then filed a plea of nullity (Nichtigkeits-beschwerde) with the Court of Cassation (Kassationsgericht) of the Canton of St. Gallen which the latter declined to deal with as the applicant had failed to pay the necessary advance costs.

Against the decision of the St. Gallen Cantonal Court of 17 December 1987 the applicant filed an appeal (Berufung) which the Federal Court dismissed on 4 July 1989.

According to Section 43 of the Federal Judiciary Act (Organisationsgesetz) the appeal serves as a remedy to complain of the violation of Federal law. With regard to the violation of constitutional rights, among which the Federal Court includes Convention rights, a public law appeal (staatsrechtliche Beschwerde) must be employed.

On 21 August 1989 the Federal Court dismissed the applicant's request to reopen the Federal Court's decision of 4 July 1989.

In a further decision of 13 September 1989 the Federal Court declared inadmissible as being out of time the applicant's public law appeal directed against the proceedings before the Court of Cassation.

II.

Meanwhile, Sch. introduced execution proceedings against the applicant. On 1 September 1989 the Wil District Court granted execution (definitive Rechtsöffnung) to the amount of 41,751 SFr. Upon the applicant's appeal the St. Gallen Cantonal Court requested an advance payment of costs of 300 SFr. As the applicant failed to pay this amount, the proceedings were terminated. The applicant then requested reinstitution into the time-limit. This request was dismissed by the St. Gallen Cantonal Court on 29 November 1989. The applicant's further public law appeal was dismissed by the Federal Court on 9 January 1990.

C. Criminal proceedings instituted against the applicant

I.

On 15 December 1982 the applicant was stopped in his car by the police. He was suspected of driving under the influence of alcohol and had to undergo a breath analysis the result of which was positive. Thereupon a blood test was ordered which was sent to the St. Gallen Forensic Medicine Institute (gerichtsmedizinisches Institut). In its expert opinion the Institute concluded that the applicant had had a blood alcohol concentration between 1.4 and 1.5 °/oo.

On 4 March 1983 criminal proceedings were instituted against the applicant. On 8 October 1985 he was questioned by the investigating judge.

On 27 October 1987 the Wil District Office (Bezirksamt) informed the applicant of its intention to issue a penal order (Strafbefehl) against him. The applicant was given a time-limit of eight days to consult the case-file and submit any further evidence.

On 5 November 1985 the applicant's lawyer requested consultation of the case-file. On 6 November 1985 the investigating judge replied that the time-limit had expired on 4 November 1985; he also transmitted a penal order, dated 6 November 1985, in which the Wil District Office convicted the applicant of driving under the influence of alcohol and obstruction of official acts, and sentenced him to a fine of 200 SFr and two weeks' suspended imprisonment.

The applicant filed an appeal claiming in particular that he had received the letter of 27 October 1985 only on 29 October, for which reason the time-limit expired only on 6 November 1985. The appeal was dismissed by the Indictment Chamber (Anklagekammer) of Canton St. Gallen on 3 February 1986. The applicant's further public law appeal was declared inadmissible by the Federal Court on 14 January 1987, inter alia as the applicant had not complied with the requirements under Section 90 of the Federal Judiciary Act. Under this provision, the public law appeal must state in time inter alia the constitutional or Convention rights which the applicant considers to have been violated.

II.

Meanwhile, on 21 November 1985, the applicant filed an objection against the penal order. The case was then referred to the Wil Judicial Commission (Gerichtskommission) which on 1 September 1987 confirmed the previous conviction. The applicant's appeal was dismissed on 8 March 1988 by the St. Gallen Cantonal Court (Kantonsgericht). On 16 December 1988 the Court of Cassation of the Canton of St. Gallen dismissed his plea of nullity. His subsequent plea of nullity to the Federal Court was dismissed on 28 February 1989. The Court found, inter alia, that insofar as the applicant complained of not having had a fair trial, as for instance that a further expert opinion should have been ordered, this had to be raised in a public law appeal.

Against the decision of the Court of Cassation of 16 December 1988 the applicant also filed a public law appeal in which he complained inter alia that he did not have a fair trial and that the previous instance had incorrectly assessed the evidence. He also pointed out that the investigating judge had required nearly three years for his investigations and that under such circumstances a proper investigation was not possible.

The Federal Court dismissed the applicant's public law appeal on 3 May 1989. It found inter alia that reliance could be placed on the expert opinion submitted in the proceedings by the St. Gallen

Forensic Medicine Institute as to the applicant's blood alcohol concentration. For this reason the Court regarded it as unnecessary to obtain further evidence, for instance by hearing witnesses who could testify as to the alcohol consumed by the applicant. With regard to the period of three years required for the investigation, the Court found that this comparatively lengthy delay had not caused the applicant any prejudice.

D. Institution of criminal proceedings against third persons

Apparently in the proceedings concerning the applicant's first responsibility action against the Canton of St. Gallen he requested the lawyer L. to represent him. When L.'s office missed a time-limit for filing the applicant's appeal, the applicant requested damages. Negotiations then started inter alia with an insurance company with whom L.'s office was insured. Subsequently, the applicant attempted to introduce criminal proceedings against L. as well as against another lawyer and the responsible agents of the insurance company. The proceedings were eventually terminated. The applicant then introduced, in last resort, a public law appeal with the Federal Court which was dismissed on 20 January 1987.

E. Proceedings instituted against the Swiss Confederation

Following the outcome of the second action which the applicant had brought against the Canton of St. Gallen, he introduced with the Federal Finance Department (Eidgenössisches Finanzdepartement) a claim for damages which, he alleged, resulted from the Federal Court's decision of 25 October 1988 (see above A). The Department dismissed the claim on 23 March 1989.

The applicant then introduced with the Federal Court a claim for damages, amounting to 671,554.90 SFr. against the Swiss Confederation (Schweizerische Eidgenossenschaft). On 14 December 1989 the Federal Court dismissed the applicant's challenge of Federal Court judges and his request for legal aid, as the decisions of the Federal Court of which the applicant complained had become definitive and could not be made the object of a claim for damages. The Court therefore invited him to pay advance court costs amounting to 6,500 SFr.

The applicant then requested the reopening of the previous proceedings. On 6 March 1990 the Federal Court rejected this request and again invited the applicant to pay advance court costs amounting to 6,500 SFr.

In a further decision of 4 May 1990 the Federal Court noted that the applicant had failed to pay the advance court costs and declared his action inadmissible.

COMPLAINTS

A. Proceedings instituted against the Canton of St. Gallen

In Application No. 15252/89 the applicant complains under Article 6 of the Convention of the length of the proceedings before the Federal Court.

In Application No. 15629/89 the applicant complains under Article 6 of the Convention of the decision of 25 October 1988 of the Federal Court which refused him legal aid.

In Application No. 15630/89 the applicant complains of the dismissal by the Federal Court of his action on 25 October 1988. He complains that he did not have a lawyer of his own choice and that the proceedings lasted too long. The applicant relies on Article 6 of the

Convention.

B. Proceedings instituted against the veterinary doctor Sch.

In Application No. 15857/89 the applicant complains under Article 6 of the Convention of the unfairness of the various proceedings and the ensuing incorrect decisions. With regard to the proceedings resulting in the Federal Court's decision of 4 July 1989 he complains that neither the Wil District Court nor the St. Gallen Cantonal Court heard witnesses to whom the applicant had referred. He had also not been granted legal aid. In respect of the decision of the Federal Court of 13 September 1989 the applicant complains of the proceedings before the Court of Cassation of the Canton of St. Gallen. The applicant also directs his complaints against the decisions of the Federal Court on 21 August 1989 and 9 January 1990 as well as against various Federal Court judges.

C. Criminal proceedings instituted against the applicant

In Application No. 15252/89 the applicant complains under Article 6 of the Convention of the refusal of the authorities, in particular of the Federal Court in its decision of 14 January 1987, to let him consult the case-file and submit further evidence in the proceedings leading to the penal order of 6 November 1985. He further complains that these criminal proceedings were not conducted "within a reasonable time" within the meaning of Article 6 para. 1 of the Convention.

In Application No. 15628/89 the applicant complains under Articles 5 and 6 of the Convention of the unfairness of the criminal proceedings instituted against him, resulting in the incorrect decisions of the Federal Court of 28 February and 3 May 1989. He claims that these proceedings were unlawful and that a further expert opinion should have been ordered. He further complains of the manner in which the policemen handled him when he was stopped in his car. The applicant also refers to his complaints made in Application No. 15252/89.

D. Institution of criminal proceedings against third persons

In Application No. 15252/89 the applicant complains under Article 6 of the Convention that the Swiss authorities did not pursue the criminal proceedings which he attempted to institute against various persons.

E. Proceedings instituted against the Swiss Confederation

In Application No. 17384/90 the applicant complains under Article 6 of the Convention of the Federal Court's decision of 4 May 1990. He also complains of the lack of impartiality of the Federal Court judges and of the sum of 6,500 SFr which he should have paid in advance.

THE LAW

1. The applicant complains under Articles 1, 5 and 6 (Art. 1, 5, 6) of the Convention of the various proceedings and the ensuing decisions.

2. The Commission finds it convenient to join Applications Nos. 15252/89, 15628/89, 15629/89, 15630/89, 15857/89 and 17384/90.

3. a) Under Article 25 (Art. 25) of the Convention it is only the alleged violation of one of the rights and freedoms set out in the Convention that can be the subject of an application presented by a person, non-governmental organisation or group of individuals.

In the present case, insofar as the applicant complains that the authorities did not introduce criminal proceedings against various persons, the Commission recalls that no right to introduce criminal proceedings is enshrined in the Convention and that Article 6 (Art. 6) of the Convention does not apply to such proceedings (see No. 9777/82, Dec. 14.7.83, D.R. 34 p. 158).

Insofar as the applicant complains of the decision of the Federal Court of 21 August 1989 not to reopen its previous decision concerning the veterinary surgeon Sch., and of that Court's decision of 9 January 1990, also concerning Sch., not to grant the applicant reinstitution into the time-limit, the Commission considers that Article 6 (Art. 6) also does not apply to proceedings concerning the reopening of previous proceedings or the reinstitution into a time-limit (see No. 7761/77, Dec. 8.5.78, D.R. 14 p. 171).

It follows that this part of the application must be rejected as being incompatible ratione materiae with the Convention within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

b) The Commission further considers that no issue arises as to the applicability of Article 6 (Art. 6) of the Convention to the proceedings instituted by the applicant against the veterinary surgeon Sch. and to the criminal proceedings instituted against the applicant on account of driving under the influence of alcohol. On the other hand, an issue could arise as to the applicability of Article 6 (Art. 6) to the proceedings before the Federal Court concerning the applicant's actions against the Canton of St. Gallen and the Swiss Confederation. However, the Commission need not at this stage resolve this issue. It considers that to the extent that these complaints are not adjourned for further examination they are in any event inadmissible for the following reasons.

4. Under Article 26 (Art. 26) of the Convention the Commission may only deal with the matter after all domestic remedies have been exhausted according to the generally recognised rules of international law, and only within a period of six months from the date on which the final decision was taken.

a) Insofar as the applicant complains under Article 6 (Art. 6) of the Convention of the unfairness of the proceedings against the veterinary doctor Sch., leading to the decision of the Federal Court of 4 July 1989, the Commission considers that the applicant has not shown that he obtained by means of a public law appeal a decision of that Court on these complaints.

The Commission further recalls that domestic remedies within the meaning of Article 26 (Art. 26) of the Convention have not been exhausted where a domestic remedy is not admitted because of a procedural omission or mistake (see No. 6878/75, Dec. 6.10.76, D.R. 6 p. 79).

In the present case, insofar as the applicant complains under Article 6 (Art. 6) of the Convention of the unfairness of the proceedings instituted against Sch. before the Court of Cassation, the Commission observes that in this respect the Federal Court on 13 September 1989 declared the applicant's public law appeal inadmissible as being out of time. Insofar as the applicant complains of the authorities' refusal, inter alia, to consult the case-file in the proceedings leading to the penal order of 6 November 1985, the Commission notes that on 14 January 1987 the Federal Court declared the respective public law appeal inadmissible as he had not complied with the

requirements under Section 90 of the Federal Judiciary Act.

In this respect, therefore, the applicant has not exhausted the remedies available to him under Swiss law.

b) Insofar as the applicant may be understood as complaining, with regard to the proceedings instituted against the Swiss Confederation, of the decision of the Federal Court of 14 December 1989, the Commission considers that the applicant only informed the Commission of this decision in Application No. 17384/90 which was introduced on 10 September 1990, that is more than six months after the date of this decision.

In this respect, therefore, the application has been introduced out of time.

c) It follows that this part of the application must be rejected under Article 27 para. 3 (Art. 27-3) of the Convention.

5. Under Article 6 para. 1 (Art. 6-1) of the Convention the applicant has raised various complaints concerning lack of access to a court.

a) Insofar as the applicant complains that in the proceedings concerning his action against the Canton of St. Gallen, the Federal Court on 25 October 1988 refused him legal aid, the Commission considers that the refusal of legal aid for civil proceedings which have no prospects of success does not constitute a denial of access to a court, provided this refusal is not arbitrary (No. 8158/78, Dec. 10.7.80, D.R. 21 p. 95). In the present case the Commission does not consider it arbitrary if the Federal Court in its decision of 25 October 1988 found that the remaining claims of the applicant's action lacked prospects of success, inter alia as the Court had already finally decided certain issues on 10 December 1982.

Insofar as the applicant complains that in these proceedings he did not have a lawyer of his own choice, the Commission recalls that Article 6 (Art. 6) of the Convention does not debar Contracting States from making regulations, in the interests of the good administration of Justice, concerning the access to courts (No. 6916/75, Dec. 8.10.76, D.R. 6 p. 107). In the present case the Commission considers that it does not render the proceedings unfair if in 1989 at a comparatively late stage of the proceedings the Federal Court refused to change the applicant's lawyer. The Commission notes in particular that the applicant has not sufficiently substantiated in what respect the lawyer H. who was then representing him did not properly fulfil his task.

Insofar as the applicant may be understood as complaining that the Federal Court declared inadmissible various public law appeals, or parts thereof, the Commission equally finds that it does not render the proceedings unfair if the Federal Court required, in order to deal with the applicant's appeals, that certain formal conditions were met with regard to the public law appeal statements.

Accordingly, these complaints do not disclose any appearance of a violation of Article 6 para. 1 (Art. 6-1) of the Convention. This part of the application is therefore manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

b) Insofar as the applicant complains that in the proceedings which he instituted against the Swiss Confederation he was asked to pay advance court costs of 6,500 SFr, the Commission considers that further information is required and that the Government's observations on the applications should be obtained under Rule 48 para. 2 (b) of the Commission's Rules of Procedure. Accordingly, the Commission reserves the examination of this part of the applications.

6. The applicant also complains of the dismissal by the Federal Court of his action against the Canton of St. Gallen and of his conviction on account of driving under the influence of alcohol.

The Commission recalls that, in accordance with Article 19 (Art. 19) of the Convention, its only task is to ensure the observance of the obligations undertaken by the Parties in the Convention. In particular, it is not competent to deal with applications alleging that errors of law or facts have been committed by domestic courts, except where it considers that such errors might have involved a possible violation of the rights and freedoms set out in the Convention (see e.g. No. 458/59, Dec. 29.3.60, Yearbook 3 pp. 222, 236; No. 5258/71, Dec. 8.2.73, Collection 43 pp. 71, 77; No. 7987/77, Dec. 13.12.79, D.R. 18 pp. 31, 45).

a) It is true that the applicant also complains under Article 6 (Art. 6) of the Convention of the unfairness of the proceedings leading to his conviction. However, the Commission finds no indication that the applicant, who in the proceedings leading to the Federal Court's decisions of 28 February and 3 May 1989 was represented by a lawyer, could not present his case properly or that the proceedings were improperly conducted. In particular, it does not render the proceedings unfair if the Federal Court, for instance, found that reliance could be placed on an expert opinion prepared by the St. Gallen Forensic Medicine Institute for which reason it was considered unnecessary to obtain further evidence.

In this respect, therefore, the application is also manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

b) The applicant further complains under Article 6 para. 1 (Art. 6-1) of the Convention of the length of the proceedings which he instituted against the Canton of St. Gallen.

Under this provision the applicant also complains of the length of the criminal proceedings instituted against him on account of driving under the influence of alcohol.

With regard to the applicant's complaints the Commission considers that further information is required and that the Government's observations on the applications should be obtained under Rule 48 para. 2 (b) of the Commission's Rules of Procedure. Accordingly, the Commission reserves the examination of this part of the applications.

7. The applicant raises various other complaints, inter alia about the manner in which the police handled him when he was stopped on suspicion of driving under the influence of alcohol, and about the lack of impartiality of various judges.

The Commission has examined the applicant's further complaints as they have been submitted by him. However, after considering the case as a whole, the Commission finds that the remainder of the application does not disclose any appearance of a violation of the rights and freedoms set out in the Convention. It follows that this part of the application is manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission by a majority,

1. DECIDES TO JOIN APPLICATIONS NOS. 15252/89, 15628/89, 15629/89, 15630/89, 15857/89 AND 17384/90;

2. DECIDES TO ADJOURN THE EXAMINATION OF THE APPLICANT'S

COMPLAINTS ABOUT THE LENGTH OF THE PROCEEDINGS INSTITUTED AGAINST THE CANTON OF ST. GALLEN, THE LENGTH OF THE CRIMINAL PROCEEDINGS INSTITUTED AGAINST THE APPLICANT AND THE COURT COSTS OF 6,500 SFR WHICH HE WAS ASKED TO PAY IN FURTHER PROCEEDINGS AGAINST THE SWISS CONFEDERATION;

3. DECLARES INADMISSIBLE THE REMAINDER OF THE APPLICATIONS.

Secretary to the Commission — President of the Commission

(H.C. KRÜGER) — (C.A. NØRGAARD)