AS TO THE ADMISSIBILITY OF

Application No. 27348/95
by Micheál Ó'Cathail
against Ireland

The European Commission of Human Rights (First Chamber) sitting in private on 9 April 1997, the following members being present:

Mr. M.P. PELLONPÄÄ, Acting President
Mrs. J. LIDDY
MM. E. BUSUTTIL
A. WEITZEL
C.L. ROZAKIS
L. LOUCAIDES
B. MARXER
B. CONFORTI
I. BÉKÉS
G. RESS
A. PERENIC
C. BÎRSAN
K. HERNDL
M. VILA AMIGÓ
Mrs. M. HION
Mr. R. NICOLINI

Mrs. M.F. BUQUICCHIO, Secretary to the 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 19 December 1994 by Micheál Ó'Cathail against Ireland and registered on 16 May 1995 under file No. 27348/95;

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 a Irish citizen, born in 1944 and resident in County Dublin. The applicant is separated from his wife (A), a Russian citizen and they have two children G and M, born in April 1977 and January 1979, respectively. The facts of the case as submitted by the applicant may be summarised as follows.

The applicant's previous application to the Commission (No. 15601/89) was declared inadmissible by the Commission on 10 October 1991. It related to complaints under Articles 3, 4 and 6 of the Convention in respect of separation proceedings which commenced in 1988. The applicant and A were initially awarded joint custody of G and M in May 1988 by the Circuit Court. However, in June 1988 the High Court (on appeal) ordered, inter alia, the applicant to leave the family home and to pay maintenance. A was awarded custody of G and M and the applicant was given access to G and M at weekends.
On 24 November 1989 an interim protective court order was obtained by the Eastern Health Board in relation to G. The applicant was not legally represented from 1990. On 31 October 1991 the Circuit Court made a small adjustment in maintenance but maintained the effective position as regards access and custody. This was the final decision referred to in the Commission's previous decision.

On 11 December 1991 the High Court made an order requiring the applicant to cease all contact with his sons and that he deliver M's passport to the High Court Central Office. In May 1992, on appeal from the Circuit Court, the High Court confirmed to the applicant that he could receive some information about G and M.

On 29 July 1992 the High Court made certain orders in relation to the proceeds of the sale of the family home largely in favour of A which orders, with certain alterations to the sums of money involved, were confirmed by the Supreme Court on appeal on 22 April 1993. The applicant initially alleged on appeal that the relevant High Court judge acted malevolently in that he did not allow the applicant to affirm prior to giving his evidence. The Supreme Court noted that the applicant withdrew the allegation of malevolence as regards the trial judge before the Supreme Court. On 4 and 8 February 1994 the Eastern Health Board and the solicitor acting for A confirmed in letters that both children were progressing satisfactorily.

On 22 July 1994 the High Court rejected the applicant's ex parte habeus corpus application (against the Eastern Health Board and A's solicitor) alleging that G and M were being unlawfully detained. The High Court considered that there was no evidence that anybody was being unlawfully detained. On 28 July 1994 the Supreme Court rejected the applicant's appeal finding that it was quite clear that custody of G and M was in accordance with previous court orders made pursuant to statute (the Guardianship of Infants Act 1964). The applicant submits that he issued these proceedings in the hope of seeing his children even in court.

On 14 October 1994 the High Court (on appeal from the Circuit Court) ordered that the applicant's wife deliver to the applicant, through the Family Law Registrar, the results of M's Junior Certificate examination, that certain other outstanding applications of the applicant's be listed for hearing in February 1995, that the applicant be restrained from bringing further applications to the court in respect of family matters without the leave of the court and that the applicant be restrained from interfering in any way directly or indirectly with A, G or M.

On 19 January 1995 the High Court, pursuant to the applicant's motion for further information about G and M, ordered that a doctor psychiatrically assess G and M and report to the High Court on his findings. The purpose was to consider giving the assessment results to the applicant but the report was not to indicate the whereabouts of the children and the applicant was not to attend at the place of assessment or interfere with the children in any way. On 10 February 1995 the High Court heard further submissions from the parties and confirmed that the assessment should be completed. On 27 February 1995 the High Court Registrar called the applicant to say that neither of the applicant's children wished to be assessed.

On 1 March 1995 the applicant was accorded liberty to apply to the High Court to ensure that the previous two assessment orders of the High Court not be frustrated or made effectively void by delay. On 13 March 1995 the High Court ordered, inter alia, that such an application be set down for hearing on 24 March 1995 and on 16 March 1995 the applicant filed the necessary papers. The affidavits filed in connection with this application alleged a lack of impartiality and inappropriate behaviour on the part of various judges and alleged that a High Court judge had, in July 1992, refused the applicant's request to affirm evidence.

On 24 March 1995 the applicant's motion as regards implementation of the assessment orders of the High Court was considered in substance and was rejected. The court noted, inter alia, that the way to enforce those assessment orders was to issue contempt proceedings. However, the

court went on to note that that court would not enforce "contempt proceedings against anybody in respect of a situation where that boy does not wish to be assessed". The court noted that it was entitled to take into account the views and wishes of the children (who were 16 years and almost 18 years old, respectively) and that neither of them wished to be assessed. The evidence before the court was a letter from M (who was 16 years old at the time) which the court refused to show to the applicant and on the basis of which the court noted that M did not want to be assessed. As regards G (who was almost 18 years old), the Eastern Health Board submitted that G was doing very well and was mentally fine but that he had refused to attend the assessment. The court also refused leave to appeal to the Supreme Court.

The applicant had lodged another motion with the High Court on 20 March 1995 requesting that the order of 14 October 1994, which required the applicant to obtain the leave of the court in order to issue further applications, be lifted. The High Court simply allowed the applicant to proceed with current motions.

On 3 April 1995 the applicant made an ex parte application to the President of the High Court requesting discovery of the letter from M which had been referred to in the hearing of 24 March 1995. This application was refused on the same date. On 3 April 1995 the applicant's motion for leave to state a case to the Supreme Court from the decision of the High Court of 24 March 1994 was also rejected by the High Court on the basis that the applicant had not shown to the judge any point of law which would warrant leave to state a case to the Supreme Court. On 24 April 1995 the President of the High Court refused an application by the applicant to have certain persons in the Eastern Health Board found in contempt of court for failure to comply with the assessment orders of the High Court made in January and February 1995.

On 12 April 1995 the applicant appealed to the Supreme Court from the order of the High Court of 24 March 1995. He later added the decisions of the High Court of 3 and 24 April 1995 to that Supreme Court appeal. On 19 May 1995, the Supreme Court heard the appeal and found that it did not have jurisdiction to entertain the appeal and rejected it.

In or around this time, the applicant also applied to the Circuit Court for an order that he be granted access to G and M and for an order that certain information in relation to G and M be given to the applicant. These applications were refused and the applicant appealed to the High Court.

On 27 July 1995 the High Court ruled on those appeals. It found that it had no jurisdiction under the Guardianship of Infants Act 1964 to make any order in relation to G since he had now reached the age of majority. As to M, the court noted that M was almost 17 years old and that he had not seen the applicant for over three and a half years. The judge noted that there was no evidence before him as to what in fact were M's wishes and he adjourned the matter requesting the High Court Registrar to attempt to make contact with M, to talk with him alone and to ask M what were his wishes as regards contact with his father. In the meantime, the orders of the High Court of 14 October 1994 were to stand. Finally, the judge directed State agencies, contacted by the High Court Registrar for information about M, to furnish the information requested.

These appeals were again before the High Court on 3 October 1995. The court confirmed that the High Court Registrar had been unable to locate M. However, the court noted that it did not consider that M had come to any harm and that it would appear to be the case that A and M were avoiding the applicant. The matter was adjourned for full judgment until 13 October 1995.

On 13 October 1995 the High Court found that the welfare of M

would be better served by refusing the applicant access. It referred to the fact that M did not wish to attend the psychiatric assessment ordered by the court in early 1995 and to the contents of the letter from M (and which was considered by the High Court on 24 March 1995). The High Court inferred from this that M did not want any involvement with the applicant. It also referred to M's age noting that he was almost an adult and that a considerable length of time had passed since he had seen his father. The High Court also refused to read the contents of, or to show, M's letter to the applicant who contested, inter alia, its authenticity. The court noted that M's letter had been send by A's solicitor in confidence to the judge who had presided on 24 March 1995 with a covering letter from that solicitor which indicated that the letter was indeed from M. To show that letter to the applicant would be, according to the court, a breach of that confidence. On requesting leave to appeal, the applicant was informed that there was no further appeal to the Supreme Court since the matters before the High Court were appeals from the Circuit Court.

As regards information being supplied to the applicant, the High Court saw no reason why the applicant should not get certain information about M and ordered that A, who had custody of M, furnish the required information within a month of service of the order of the High Court. The High Court recognised that the applicant may experience some difficulty in serving the order (in light of the lack of clear indications at the time as to A's and, consequently, M's whereabouts) but noted that the applicant could bring an application for further directions in relation to the service of the order if he encountered difficulties in that respect.

On 18 December 1995 the Circuit Court found that A was in contempt of the order of, inter alia, the High Court order dated 13 October 1995. It ordered that A return M to the jurisdiction, that M be produced before the Circuit Court, that the department of Foreign Affairs issue a temporary passport for M to the applicant, that any passport presently lodged in court in M's name be returned to the applicant and that the matter be listed for mention on 17 January 1996.

However, on 24 January 1996 the Circuit Court, while continuing the order that A was in contempt of court, discharged the remaining orders of 18 December 1995, the Circuit Court recognising that such remaining issues were High Court matters. The Circuit Court also granted liberty to the applicant to bring an application to vary the current maintenance order against him and rejected his application for an order finding the Department of Foreign Affairs in contempt of court.

On 20 March 1996 the High Court rejected the applicant's motion requesting relief on an ex parte basis for the implementation by that court of the Circuit Court's orders as regards M's passport. The High Court pointed out that it could not treat the application as one for ex parte relief without proceedings before the High Court being issued. In addition and since the applicant required the leave of the court to issue such proceedings, that court considered the applicant's motion as an application for leave to take proceedings. However, the applicant had no draft proceedings before the court outlining his intended cause of action and the High Court pointed out to him that if he drafted such proceedings the High Court would consider such a leave application. Since, therefore, the High Court had no basis upon which to hear the application, it was refused.

On 22 March 1996, the President of the High Court refused leave to the applicant to issue High Court proceedings effectively to obtain similar orders as had been made (18 December 1995) and subsequently discharged (24 January 1996) by the Circuit Court. The President found that the proceedings did not disclose any reasonable cause of action and that they were frivolous and vexatious. The applicant appealed to the Supreme Court and on 29 March 1996 that appeal was rejected.

On 1 February 1996 the applicant applied to vary the maintenance order against him and on 21 February 1996 the Circuit Court substantially reduced the maintenance previously payable. On 15 March 1996 the applicant made another maintenance application to the Circuit Court and on 17 April 1996 the Circuit Court discharged the maintenance order altogether.

COMPLAINTS

The applicant takes issue with the decisions of the courts against him submitting that those decisions constitute a violation of his rights as a father. He further considers that the courts acted in a biased and intolerant way and that there was a deliberate ploy to deny him information about his sons. He also complains about the denial of his right to affirm prior to giving evidence in certain hearings.

The applicant states that he makes these complaints on his own behalf and on behalf of his children and he invokes Articles 3, 4, 5, 6, 8, 9, 10, 12 and 13 of the Convention.

THE LAW

1. The Commission notes the applicant's statement that he makes this application on his own behalf and on behalf of his children, M and G. However, the Commission recalls that the applicant does not have custody of his children and has not had access to or contact with them for a considerable period of time namely, at least since the order of the High Court of 11 December 1991. In such circumstances, the Commission cannot accept that the applicant can introduce an application to the Commission on his children's behalf.

2. The Commission has examined the various decisions of the domestic courts of which the applicant complains in light of the six-month time-limit laid down by Article 26 (Art. 26) of the Convention. In this respect, the Commission recalls that the applicant did not raise Article 8 (Art. 8) in his previous application and that the date of introduction of the present application is 19 December 1994.

Accordingly, the Commission considers that the complaints about the decisions on custody and access taken in May and June 1988 have been introduced by the applicant outside of that time-limit. The applicant's later application for a re-consideration of access based on current circumstances, which was rejected by the High Court in July 1995 (in relation to G) and in October 1995 (in relation to M), is not sufficient to re-start the running of the time-limit as regards the earlier access decisions.

The complaint in relation to the interim care decision taken on 24 November 1989 in relation to G is also out of time, there being no evidence of any further proceedings or appeals in that respect within six months of the date of the introduction of the application. In addition, the complaint about the decision of 11 December 1991 prohibiting all contact by the applicant with his children was also introduced outside of the relevant time-limit. In this latter respect, the Commission considers that the subsequent proceedings as regards obtaining certain information in relation to the children constitute a separate matter (dealt with at 3. below).

Similarly, the Commission considers the complaints about the decisions of May and June 1988 in relation to the imposition of maintenance and of 31 October 1991 as regards the level of maintenance to be out of time. Later applications for a reconsideration of the imposition and level of maintenance (dealt with by the Circuit Court in February and April 1996 on the basis of the prevailing circumstances) are insufficient to restart the running of the six-month time-limit as regards the earlier maintenance decisions. Furthermore,

the courts' decisions as regards the family home of May and June 1988, July 1992 and April 1993 were handed down outside of the six-month time-limit set down by Article 26 (Art. 26) of the Convention.

The applicant also complains that he was denied the right to affirm (as opposed to taking an oath to which oath the applicant alleges he has a religious objection) prior to giving evidence in May and June 1988 before the Circuit and High Courts. He claims, in particular, that the Circuit Court judge, in May 1988, referred to him as a fundamentalist catholic and stated that "I say that the <applicant> averred rather than taking the oath when giving evidence". The applicant also alleges that he was allowed to affirm by a certain High Court judge in December 1991 but that it subsequently became clear to him that that judge had not in fact accepted his evidence given in December 1991 because on 29 July 1992 the same judge insisted that he take a religious oath. However and even assuming that the decision of the Supreme Court of April 1993 was the final decision in this respect, the Commission considers that these complaints have also been introduced outside of the time-limit set down by Article 26 (Art. 26) of the Convention. The Commission does not consider that the applicant's later reference to his alleged inability to affirm in an affidavit, filed in the context of proceedings to enforce the High Court assessment orders of 19 January 1995 and 10 February 1995, constitutes an effective remedy in relation to his complaint about affirming evidence and, accordingly, the relevant six-month time-limit does not run from the date of that reference.

Accordingly, the Commission must declare these complaints inadmissible pursuant to Article 27 para. 3 (Art. 27-3) of the Convention.

3. The applicant complains that the remaining decisions of the courts against him constituted a violation of his rights as a father. The Commission has considered these complaints under Article 8 (Art. 8) of the Convention which Article had been invoked by the applicant. The relevant parts of Article 8 (Art. 8) of the Convention provide as follows:

> "1. Everyone has the right to respect for his ... family life ...
>
> 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."

The Commission considers that it does not have to decide whether the decisions of which the applicant complains constituted an interference with his family life because the complaints of the applicant in these respects are, in any event, inadmissible for the reasons set out below.

(a) The Commission has examined whether any interference with the applicant's family life by such decisions of the courts would be justified under Article 8 para. 2 (Art. 8-2) of the Convention, namely, whether it is "in accordance with the law", pursues one or more of the legitimate aims set out in Article 8 para. 2 (Art. 8-2) and whether it is "necessary in a democratic society" for one or more of those reasons. In this respect the Commission notes that the courts' decisions were rendered in the exercise of the courts' jurisdiction under the Guardianship of Infants Act 1964. The Commission accordingly finds that the decisions in question were in accordance with the law and that they pursued the legitimate aims of protecting the children's

health and rights.

As to whether the measures were necessary within the meaning of Article 8 para. 2 (Art. 8-2) of the Convention, the case-law of the Convention organs establishes that the notion of necessity implies that the interference corresponds to a pressing social need and that it is proportionate to the aim pursued. Furthermore, in determining whether an interference is necessary, the Convention organs will take into account that a margin of appreciation is left to the Contracting States who are in principle in a better position to make an initial assessment as to the necessity of a given measure (Eur. Court HR, W. v. the United Kingdom judgment of 8 July 1987, Series A no. 121, p. 27, para. 59). Moreover, when determining whether or not the decisions were necessary, the Commission observes that it is not its task to take the place of the competent national courts and make a fresh examination of all the facts and evidence. The Commission's task is to examine whether the reasons adduced to justify the interference at issue are "relevant and sufficient" (Eur. Court HR, Olsson v. Sweden judgment of 24 March 1988, Series A no. 130, p. 32, para. 68). The Commission has thus considered below the remaining decisions against the applicant.

- As regards the decisions in relation to the supply of information to the applicant about his children, the Commission notes that the applicant is effectively claiming that, while the courts recognised that he should obtain certain information, those courts refused to enforce their orders in this respect.

In the first place, the High Court on 24 March 1995 considered the issue of non-compliance by the respondents with its previous orders for a psychiatric assessment of M and G. The High Court concluded, on the basis of a letter from M and on the basis of the submissions of the Eastern Health Board, that neither G nor M wanted to be assessed for the purpose of giving information to the applicant. The judge referred to the relatively advanced ages of the children (M being 16 years old and G being almost 18 years old) and stated that the court would not enforce contempt proceedings if the reason for the refusal to comply with assessment orders was the relevant child's unwillingness to be assessed for the purpose of supplying information to his father. Accordingly, on 24 April 1995 the High Court rejected contempt of court proceedings issued by the applicant as regards the enforcement of the assessment orders. The Supreme Court did not have jurisdiction to hear the appeal from the decision of 24 March 1995.

Secondly, in March 1996 the High Court found that proposed proceedings by the applicant, effectively to attempt to enforce the High Court order of 13 October 1995 to supply information, did not disclose a cause of action and were frivolous and vexatious. The Supreme Court rejected an appeal the same month. However, the Commission is cognisant of the position in March 1996 - M was at that stage 17 years old, the High Court had, as recently as 13 October 1995 in the context of an access appeal, established that M did not want any involvement with the applicant and there is no evidence that M's point of view had changed since October 1995.

The Commission considers that it is clear that the High Court balanced what it considered to be the applicant's legitimate claim to information about his children against what it found to be the wishes and interests of the children. It is of the view that the High Court's position, that it would not enforce contempt proceedings or take other enforcement action which ran counter to the established wishes of the children, to be justifiable. It is true that the applicant was refused access to M's letter and disputed, inter alia, its authenticity. However, the Commission notes that the High Court judge found, on 24 March 1995, that that letter indicated that M had no interest in information going to his father. The Commission considers it plain that M's position would have also covered the contents of his letter which was not directed to the applicant but (as the High Court subsequently

noted on 13 October 1995) was submitted in confidence to the High Court judge who presided on 24 March 1995.

- As regards the decisions of the courts on access, the Commission notes that, by the time the applicant applied for a re-consideration of access (between April and July 1995), G was either close to or over the age of majority. The High Court considered the Circuit Court appeal in relation to access to G on 26 and 27 July 1995 and found that it no longer had jurisdiction under the Guardianship of Infants Act 1964 in relation to G who had since April of that year reached the age of majority. As regards M, on 27 July 1995 the High Court adjourned the appeal hearings to allow the High Court Registrar establish M's wishes. On 3 October 1995 the High Court judge confirmed that the Registrar had been unable to locate M. While noting its failure in this respect, the court also noted that it did not consider that any harm had come to M and that it would appear to be the case that A and M were deliberating avoiding the applicant.

On 13 October 1995 the High Court gave its judgment on the access matter concerning M and noted that it must have regard to the welfare of M which was the paramount consideration upon which to base its decision on access. It noted that M was then almost 17 years old, that he had not seen the applicant in over three and half years, that he had not turned up for the psychiatric assessment ordered in early 1995 by the High Court and that M did not want any involvement with the applicant. The judge was satisfied that the interests of M were best served by denying access.

- As regards the 1996 decisions on maintenance, the Commission notes that there is no evidence of any application for a variation of the maintenance order made after the order of the court in 31 October 1991 until 1996 at which stage the Circuit Court dealt with the two maintenance applications promptly (within periods of three and four weeks, respectively from the date of the relevant applications). On the first occasion, the Circuit Court initially considerably reduced the level of maintenance (February 1996) and, on the second occasion, discharged the maintenance order altogether (April 1996). In such circumstances, the Commission does not consider, even assuming the decisions on maintenance affected the applicant's family life, that such decisions disclose any lack of respect for his rights under Article 8 (Art. 8) of the Convention (No. 24875/94, Dec. 6.9.96, D.R. 86, pp. 74 at 81).

- As regards the decision of 14 October 1994, the Commission notes that that decision is essentially a re-affirmation of the decision of December 1991 which restrained the applicant from having any contact with his children, in respect of which latter decision the applicant's complaint is out of time (see 2. above). In any event and apart from the general allegations of bias which have been considered below under Article 6 (Art. 6) of the Convention, the applicant has not made any submissions whatsoever as to why he considers that this order should not have been made against him.

- Finally and as regards the rejection of the habeas corpus applications by the High and Supreme Courts on 22 and 28 July 1994, respectively, the Commission notes that such proceedings relate to the lawfulness of the detention of persons and that both courts found that the custody of G and M was clearly lawful, it being in accordance with court orders made pursuant to the Guardianship of Infants Act 1964. It is also noted that the applicant submits that he issued these proceedings in the hope of seeing his children even in court.

(b) As regards the procedural requirements implied in Article 8 (Art. 8) of the Convention to ensure effective respect for family life (Eur. Court HR, H. v. United Kingdom judgment of 8 July 1987, Series A no. 120, pp. 27-28 and 59, paras. 87-90 and W. v. United Kingdom judgment, loc. cit., pp. 28-29, pp. 63-65), the Commission is satisfied

that, although the applicant was unrepresented since 1990, he was given every possibility of putting forward any views which in his opinion would be decisive for the outcome of the relevant proceedings.

It is true that the applicant has been involved in proceedings in relation to various matters concerning his family since 1988. However, the core matters of custody, access and maintenance were all decided by the courts in 1988. In April 1993 the Supreme Court made its final decision as regards the family home. The proceedings seeking a re-consideration by the courts of access and maintenance were not issued until 1995 and 1996, respectively at which stage they were dealt with quickly. The proceedings requesting further information were first commenced by the applicant in late 1994 and a considerable number of related applications and appeals had been dealt with by the Circuit, High and Supreme Courts by 29 March 1996.

In such circumstances, the Commission also considers that the length of each of the numerous sets of proceedings was reasonable and that it did not lead to a de facto determination of the issues involved by the mere effluxion of time or deprive the applicant of a decision upon the merits of the case. The Commission therefore finds that the application does not disclose any lack of respect for the applicant's family life in light of the procedural requirements implicit in Article 8 (Art. 8) of the Convention.

The Commission therefore concludes, bearing in mind the margin of appreciation accorded to the domestic authorities, that in the circumstances of the present case any interference with the applicant's family life by decisions of the above courts of which he complains was justified as being necessary in a democratic society for the protection of the health and rights of the children. Consequently, this part of the application is manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

4. The applicant also raises Article 6 (Art. 6) of the Convention in relation to the decisions of the courts against him. In particular, he alleges that the courts acted in a biased, intolerant and bigoted way and that there was a deliberate ploy by the courts to deny him information about his children. However, the Commission finds no evidence to support these allegations and considers these submissions unsubstantiated.

The Commission has also considered under Article 6 (Art. 6) of the Convention the order made on 14 October 1994 which required the applicant to obtain the consent of a court prior to issuing proceedings. However, the Commission considers that in light of the variety and substantial number of applications with which the applicant was allowed to proceed, this order against him did not deny the applicant the very essence of his right of access to court and was proportionate to the aim of ensuring the proper administration of justice (No. 11559/85, Dec. 2.12.85, D.R. 45, p. 281).

Furthermore, the Commission has considered under this Article the non-disclosure to the applicant of M's letter sent to the judge who handed down the decision of 24 March 1995. The Commission notes its comments above as to the position adopted by M in that letter. In any event and insofar as the applicant challenges the authenticity of that letter, the Commission notes that the High Court, in dealing with this point in its judgment of 13 October 1995, noted that the letter was sent to the High Court by A's solicitor whose covering letter (which was read to the applicant during the hearing on 13 October 1995) made it clear that that solicitor considered that the letter was written by M. The Commission further notes, in this respect, that the decision of 3 April 1995 to refuse discovery of M's letter to the applicant related to an ex parte motion rather than adversarial proceedings between two parties.

Accordingly, the Commission must declare the complaints of the applicant under Article 6 (Art. 6) of the Convention manifestly ill-founded and inadmissible pursuant to Article 27 para. 2 (Art. 27-2) of the Convention.

5. The applicant in his first letter to the Commission in the present application also invoked Articles 3, 5, 9, 10, and 12 (Art. 3, 5, 9, 10, 12) of the Convention but he has not specified in what respects. However and insofar as such complaints have been introduced within the time limit set down by Article 26 (Art. 26) of the Convention, the Commission does not find any evidence from the submissions of the applicant of treatment which would amount to a violation of those Articles.

Accordingly, the Commission must declare these complaints manifestly ill-founded and inadmissible pursuant to Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

M.F. BUQUICCHIO
Secretary
to the First Chamber

M.P. PELLONPÄÄ
Acting President
of the First Chamber