CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FOURTH SECTION

PARTIAL DECISION

AS TO THE ADMISSIBILITY OF

Application no. 52595/99
by Mirosław SKOWROŃSKI
against Poland

The European Court of Human Rights (Fourth Section), sitting on 28 June 2001 as a Chamber composed of

Mr G. RESS, *President*,
Mr A. PASTOR RIDRUEJO,
Mr L. CAFLISCH,
Mr J. MAKARCZYK,
Mr I. CABRAL BARRETO,
Mrs N. VAJIĆ,
Mr M. PELLONPÄÄ, *judges*,
and Mr V. BERGER, *Section Registrar*,

Having regard to the above application introduced on 23 February 1999 and registered on 15 November 1999,

Having deliberated, decides as follows:

THE FACTS

The applicant is a Polish national, born in 1955 and living in Śniechy, Poland.

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

In 1987 the applicant filed with the Lipno District Court (*Sąd Rejonowy*) an action in which he requested that the co-ownership of an estate be dissolved.

The court held hearings on 3 January 1988 and 2 March 1990.

At the hearing held on 11 May 1990 the court ordered an expert opinion.

It held a further hearing on 24 May 1991.

On 19 March 1992 the applicant submitted to the court a letter in which he stated that he did not wish to pursue the case. He pointed out that in the course of those lengthy proceedings his financial situation had changed and, unlike at the beginning of them, he would not be able to pay anything to the opposing party in case he was granted the sole ownership of the estate on payment of a certain amount.

The court held a hearing on 3 April 1992. The opposing party's lawyer did not agree to the applicant's proposal to discontinue the proceedings.

On 5 June 1992 the court ordered an expert opinion.

At the hearing held on 10 July 1996 the parties to the proceedings requested that the proceedings be stayed, as they considered reaching an out-of-court settlement. Their request was granted.

At the request of the opposing party the court resumed the proceedings on 6 January 1997.

It held a hearing on 14 February 1997, at which it ordered a further expert opinion.

The court held hearings on 10 October 1997 and 21 November 1997, as well as 8 April, 11 September and 16 October 1998. It ordered further expert opinions.

On 9 December 1998 the court gave judgment. It granted the sole ownership of the estate to the opposing party.

Commented [Note1]: To be checked.

COMPLAINTS

1. The applicant complains under Article 6 § 1 of the Convention that the proceedings exceeded a reasonable time.

2. He further complains under Article 6 § 1 of the Convention that the proceedings were unfair and not public, because his wife was asked to leave the courtroom.

3. Finally, the applicant complains under Article 1 of Protocol No. 1 that he was deprived of his property.

THE LAW

1. The applicant complains under Article 6 § 1 of the Convention about the allegedly 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 the Court, to give notice of this complaint to the respondent Government.

2. The applicant complains under Article 6 § 1 of the Convention about the alleged unfairness of the proceedings and the alleged lack of their public character.

The Court observes that the applicant did not lodge an appeal against the judgment of the Lipno District Court and thus failed to exhaust domestic remedies within the meaning of Article 35 § 1 of the Convention. It follows that this complaint must be rejected pursuant to Article 35 § 4.

3. The applicant complains under Article 1 of Protocol No. 1 about the alleged deprivation of his property.

The Court notes that the domestic proceedings in the present case concern a civil law dispute between private individuals and therefore they may not themselves engage the responsibility of the State under Article 1 of Protocol No. 1 (see, *mutatis mutandis*, Ruiz Mateos v. the United Kingdom, application no. 13021/87, Commission decision of 8 September 1988, DR 57, p. 268). It follows that this part the application is incompatible *ratione materiae* with the provisions of the Convention, within the meaning of Article 35 § 3 and must be rejected, in accordance with Article 35 § 4.

For these reasons, the Court unanimously

Decides to adjourn the examination of the applicant's complaint about the allegedly unreasonable length of the proceedings;

Declares inadmissible the remainder of the application.

Vincent BERGER
Registrar

Georg RESS
President

Commented [Note2]: Summarise the complaints without necessarily citing the invoked Convention Articles.