CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

FOURTH SECTION

DECISION

AS TO THE ADMISSIBILITY OF

Application no. 25693/94
by Aleksander SOBCZYK
against Poland

Application no. 27387/94
by Aleksander SOBCZYK
against Poland

The European Court of Human Rights (Fourth Section) sitting on 10 February 2000 as a Chamber composed of

Mr M. Pellonpää, *President*,
Mr G. Ress,
Mr A. Pastor Ridruejo,
Mr L. Caflisch,
Mr J. Makarczyk,
Mr I. Cabral Barreto,
Mrs N. Vajić, *judges*,

and Mr V. Berger, *Section Registrar*;

Having regard to Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced by Aleksander Sobczyk on 2 March 1992 against Poland and registered on 17 November 1994, and to the application introduced by Aleksander Sobczyk on 2 November 1994 against Poland and registered on 23 May 1995 under file nos. 25693/94 and 27387/95, respectively;

Having regard to the reports provided for in Rule 49 of the Rules of Court;

Having regard to the Commission's decision of 6 September 1995 to join the applications and to communicate the complaint concerning the length of civil proceedings;

Having regard to the observations submitted by the respondent Government on 23 January 1996, and the observations in reply submitted by the applicant on 21 March 1996 and the applicant's further observations submitted on 2 November 1999.

Having deliberated;

Decides as follows:

THE FACTS

The applicant, a Polish citizen born in 1952, is an engineer residing in Sosnowiec.

The facts of the case, as submitted by the parties, may be summarised as follows:

Application 25693/94

In 1990 a group of industrial enterprises in the coal industry was dismantled. As a result, the applicant was dismissed. On 27 July 1990 the Sosnowiec District Court annulled his dismissal and ordered the Minister of Industry to assign a company to re-engage him. The Ministry of Industry filed an objection against this judgment, indicating *inter alia* that the applicant could not be employed by any of the state-owned companies which constituted the former group of enterprises, as the Solidarność Trade Union had strongly objected to any former managers being employed by any of those companies.

The applicant tried unsuccessfully to secure compliance with the 1990 judgment by the Ministry, submitting numerous requests and complaints to various authorities. Meanwhile, on 1 November 1990 the applicant began to work in Q. company.

Meanwhile, the Ombudsman, in a letter to the Minister of Industry, pointed out that the failure on the part of the Ministry to comply with the judgment by ordering the applicant's re-engagement to work in a coal mine supervised by the Ministry was clearly an infringement of labour law. In April 1992 the Ministry informed the applicant that Niwka-Modrzejów coal mine would re-engage him. However, the coal mine informed the applicant that he could not be re-engaged to work because he did not meet the applicable medical requirements.

On 10 May 1993 the Sosnowiec District Prosecutor refused to institute criminal proceedings against the Minister of Industry on suspicion of unlawful termination of the applicant's employment in 1990, considering that no criminal offence had been committed and that civil enforcement proceedings were available to the applicant in order to ensure compliance with the 1990 judgment. The Katowice Regional Prosecutor confirmed this decision on 25 January 1994.

On 11 November 1994 the Sosnowiec District Prosecutor discontinued criminal proceedings concerning the allegation of forgery of the applicant's certificate of employment, considering that the persons concerned had no case to answer. The Katowice Regional Prosecutor upheld this decision on 30 March 1995.

On 27 December 1994 the Warsaw District Prosecutor, having investigated the applicant's allegations that certain documents relating to his dismissal and to a negative opinion of the Solidarność Trade Union about his re-engagement had been destroyed by the Ministry of Industry, refused to institute criminal proceedings. The Prosecutor found that there was evidence neither that such documents, apart from one memorandum of which the applicant possessed a copy, had ever existed, nor that they had been destroyed by any of the Ministry's civil servants. The Warsaw Regional Prosecutor dismissed the applicant's appeal against this decision on 12 April 1995.

Application 27387/95

On 27 May 1992 the applicant filed an action against the Niwka-Modrzejów coal mine with the Sosnowiec District Court, claiming that he should be re-engaged to work in accordance with the 1990 judgment of the same court. He also claimed compensation for the period for which he had remained unemployed as a result of the defendant's failure to comply with the 1990 judgment.

On 25 June 1992 the defendant enterprise submitted its pleadings in reply to the applicant's statement of claim. Subsequently there was an exchange of pleadings between the parties. In August 1992 the judge rapporteur fixed the date for the first hearing in October 1992. Subsequently the applicant informed the court that he would be unable to attend this hearing for medical reasons.

At the hearing of 26 October 1992 the parties' lawyers requested the court to stay the proceedings and the court granted their request. In December 1992 the applicant requested the court to order the Ministry of Industry to join the proceedings as co-defendant and to resume the proceedings. The court refused to resume the proceedings, considering that the applicable provisions of the Code of Civil Procedure did not allow for so doing.

In January 1993 the applicant asked the court whether the Minister of Industry had already been ordered to join the proceedings. Later in January he informed the court that he had withdrawn the power of attorney of his lawyer and requested the court to appoint a lawyer to represent him under the legal aid scheme. He also again requested that the proceedings be resumed. In a letter of 31 January 1993, the applicant indicated to the court that the length of the proceedings had exceeded a reasonable time.

On 10 February 1993 the court resumed the proceedings and appointed a lawyer under the legal aid scheme to represent the applicant. On 18 February 1993 the applicant requested that the court summon the prosecutor to join the proceedings. The next hearing, which was due to be held on 29 March 1993, was adjourned as the representative of the defendant enterprise had not been properly summoned. By a letter of 29 March 1993 the applicant increased his compensation claim to 1.000.000.000 (old) Polish zlotys.

In April 1993 the case was transmitted to the Katowice Regional Court as the District Court considered this necessary in view of the amount of the applicant's increased claim. The case- file reached the Regional Court on 22 April 1993. On 28 April 1993 the court ordered that the first hearing before the Regional Court be held on 30 June 1993 and that the Minister of Industry be ordered to join the proceedings as a co-defendant.

On 5 May 1993 the applicant complained to the Minister of Justice about the length of the civil proceedings and about the District Court's failure to assess correctly the value of his claim. On 17 May 1993 the applicant complained again about the delay in the proceedings and requested the Katowice Regional Court to order the Minister of Industry to join the proceedings as a co-defendant.

At a hearing on 30 June 1993, the Katowice Regional Court ordered that the Ministry of Industry should join the proceedings as a co-defendant and requested the defendant enterprise to submit a list of posts in which the applicant could eventually be re-engaged. The applicant was requested to submit information about his earnings since his engagement in Q. company. The applicant complied with this request on 5 July 1993.

The next hearing was held on 10 August 1993. In order to establish the applicant's state of health in connection with his claim for compensation for health loss allegedly caused by stress originating from his dismissal, the court requested several public health care institutions to submit the applicant's medical records. The court further requested the defendant enterprise to submit a description of health requirements for the posts in which the applicant could eventually be re-employed, and the Ministry as a co-defendant to submit documents relating to the taking over of the obligations of the applicant's former employer' by the defendant coal-mine Niwka-Modrzejów, and in particular to the trade union's position concerning the re-engagement of former managers.

As the medical documents requested by the court were not submitted in their entirety, on 13 October and 17 November 1993 the hearings were adjourned and the court reminded the health care institutions concerned of their duty to submit them.

At a hearing on 22 December 1993 the court found that part of the applicant's medical records had been lost while being processed by the health care institutions. The applicant was therefore obliged to submit his medical insurance booklet to the court.

On 17 January 1994 the applicant submitted to the court a compensation claim for lost income from technical inventions which he was unable to obtain as a result of his dismissal.

At a hearing on 26 January 1994 the Katowice Regional Court heard evidence from the parties and examined the medical documents submitted by the applicant. The court further prepared a list of questions to be replied to by a neurologist, psychiatrist and psychologist in order to establish whether the applicant suffered from any illnesses which could have originated from or be linked to his dismissal. On 31 January 1994 a request to prepare a medical expert opinion within one month, a list of questions and the applicant's medical records were sent to the Department of Forensic Medicine of the Silesian Medical University.

In a letter of 11 April 1994 the President of the Katowice Regional Court informed the applicant that the expert opinion would not be ready for three months, as it is the normal practice of the Medical University.

On 9 May 1994 the applicant complained to the court and to the Minister of Justice, alleging that the court had amended the list of questions to be answered by the medical experts and had deleted several questions which were essential to the outcome of the case. The applicant indicated that he had become aware of this only during his medical examination at the Medical University. He requested the court to put these questions to the experts. This letter apparently remained unanswered.

In a letter of 13 June 1994 the President of the Regional Court indicated to the President of the Labour Division of the Katowice Regional Court that the proceedings in the applicant's case were unacceptably long and ordered him to supervise their conduct, in particular with a view to ensuring that the expert opinion be prepared speedily.

On 1 September 1994 the Minister of Justice informed the applicant that his complaint about the length of the proceedings had been transmitted for investigation to the President of the Katowice Court of Appeal.

The expert opinion was submitted to the Katowice Regional Court on 18 October 1994, after the court had urged the experts in writing seven times, on 11 April, 12 May, 10 June, 7 July and 5 September 1994, and by telephone on 14 June and on 20 July 1994, to speed up their work.

The expert report was submitted to the court on 18 October 1994. On the same day part of the applicant's medical files were returned by experts. On 3 November 1994 the applicant requested the court to reconstruct the part of the case-file which had allegedly been lost during the transfer from the Medical University. He complained about the length of the proceedings. The remaining part of the files was submitted to the court on 10 November 1994. On 14 November 1994 the court fixed the date of the next hearing for 29 November 1994.

On 22 November 1994 the Minister of Justice informed the applicant that the missing medical files had been found and that the next hearing before the Katowice Regional Court had been fixed for 29 November 1994, with a view to pronouncing the judgment on that date.

At the hearing held on 29 November 1994 the applicant's lawyer was not present due to bad health. The court decided to request the local Bar to appoint a new lawyer and to request the Medical University to submit an additional opinion in order to establish the percentage of the applicant's health's loss which could be attributed to his dismissal. On 30 November 1994 the case file was again sent to the Medical University for an addendum to the opinion to be prepared.

On 24 December 1994 the applicant complained to the President of Poland about the length of the proceedings. In a letter of 4 January 1995 the Bureau of the President informed the applicant that it did not have power to take any measures relating to the length of civil proceedings.

On 29 December 1994 the applicant submitted pleadings to the court in which he claimed that the Ministry of Industry should order his re-engagement to work. On 5 January 1995 the court urged the Medical University to submit the complementary medical opinion.

On 6 January 1995 the President of the Katowice Court of Appeal transmitted to the applicant a letter from the President of the Labour Division of the Katowice Regional Court explaining that the delay in the proceedings in 1994 was due to the experts' failure to prepare the report speedily. On the same day the additional expert report was submitted to the court. On 9 January 1995 the presiding judge fixed the date of the next hearing for 24 January 1995 and ordered the defendant to submit a list of salaries earned by persons employed in posts similar to that of the applicant in order to establish the income which he had lost as a result of his dismissal.

On 19 January 1995 the applicant complained to the Bureau of the Council of Ministers about the length of the proceedings. He submitted, in particular, that since 26 January 1994 the court had not taken any measures to ensure that the expert opinion be prepared, that the court had not reacted to the fact that the Ministry of Industry had persistently failed to send its representative to the hearings, that the court had ordered him to submit the same documents several times and that the hearings had not been held often enough.

At a hearing of 24 January 1995 the court again questioned the applicant and decided that the medical report should be submitted to the Medical University so that its specialists could reply to objections that the applicant had expressed in its regard.

In their further report of 9 February 1995 the medical experts estimated the applicant's health loss at ten percent.

On 20 February 1995 the applicant submitted pleadings to the court. He requested that the defendants apologise in writing for his unjustified dismissal and publish the apology in the gazette of the mining industry.

In his pleadings of 7 March 1995 the applicant requested the court to give a decision to the effect that he should be employed by the defendant enterprise Niwka-Modrzejów as Chief Mechanic. In his further pleadings of 15 March 1995 the applicant claimed that the period from 1 August 1990 to 1 February 1992 should be counted towards a period giving rise to social insurance disability benefits due to employees of the mining industry.

The hearing on 21 March 1995 was adjourned, as the medical experts failed to attend, having submitted a justification therefor. They were questioned by the court at the hearing on 6 April 1995.

By a judgment of 13 April 1995 the court awarded the applicant compensation from the Ministry of Industry of 13,163 PZL for the loss of income resulting from his remaining unemployed from August 1990 to March 1992 and 4,413 PZL for loss of health caused by stress which he had suffered, and dismissed the applicant's remaining claims. Written grounds of the judgment were sent to the parties on 19 May 1995. On 26 June 1996 the court dismissed the applicant's request of 18 May 1995 to have the judgment supplemented by rulings on his various requests and claims submitted in the course of the proceedings.

On 28 April 1995 the Katowice District Prosecutor refused the applicant's request to institute criminal proceedings against persons who had allegedly breached his rights guaranteed by various provisions of labour law and had committed numerous other offences to the applicant's detriment.

On 6 June 1995 the applicant, and on 16 June 1995 the Ministry of Industry, lodged their appeals against the judgment of 13 April 1995 with the Regional Court. On 13 September 1996 the case file and the appeals were transmitted to the Katowice Court of Appeal.

On 26 June 1995 the applicant was re-engaged in the Niwka-Modrzejów coal mine, pursuant to the judgment of 27 July 1990. Apparently the applicant, dissatisfied with his new post, later instituted proceedings in the Sosnowiec District Court, claiming that he should obtain a post identical to that from which he had been dismissed in 1990.

On 19 September 1995 the Katowice Regional Prosecutor quashed in part the District Prosecutor's decision of 28 April 1995 and ordered that the case be re-examined as regards the alleged breach of the applicant's rights as an employee. On 30 November 1995 the Katowice District Prosecutor discontinued the investigations, finding that no offence had been committed. The applicant appealed.

On 20 December 1995 the applicant complained to the Ministry of Justice that there was no progress in the appellate proceedings pending before the Katowice Court of Appeal.

In letters of 22 and 29 January and of 2 and 3 February 1996 the applicant submitted additional arguments in support of his appeal to the Katowice Court of Appeal.

On 16 February 1996 the Katowice Court of Appeal amended in part the judgment of 13 April 1995 in that it reduced certain sums awarded to the applicant as compensation and increased other sums. The court also dismissed the applicant's appeal in part. Further, a part of the first-instance judgment concerning the compensation claim for the loss of earnings, caused by the defendant enterprise's failure to re-engage the applicant in the period after April 1992, and the compensation claim for his reduced earning power resulting from the deterioration of his health, was quashed and the case was remitted to the lower court for reconsideration.

The case was subsequently re-examined by the Katowice Regional Court. Hearings were held before that court on 4 and 29 November 1996, 13 December 1996, 21 February 1997, 14 March 1997 and 8 August 1997.

By a partial judgment of 14 August 1997 the Katowice Regional Court awarded the applicant compensation. The defendant coal mine lodged an appeal against this judgment. On 25 March 1998 the Katowice Court of Appeal dismissed its appeal.

A further hearing was held before the Katowice Regional Court on 9 October 1998. The applicant was questioned and on that occasion he reduced his compensation claims. The hearing was adjourned in order for the defendants to submit their comments.

On 20 November 1998 the hearing was adjourned as the defendant's representatives failed to attend. On the same date the court imposed a fine on the applicant for insulting the court. By a judgment of 15 January 1999 the Katowice Regional Court awarded further compensation to the applicant. On the same date the court rejected the applicant's appeal against the decision of 20 November imposing a fine on him.

On 5 March 1999 the Regional Court refused the applicant's request to have the judgment of 15 January 1999 explained and its legal contents interpreted.

On 15 October 1999 the Katowice Court of Appeal dismissed the applicant's appeal against the judgment of 15 January 1999.

Apparently the applicant lodged a cassation appeal with the Supreme Court.

Throughout the proceedings the applicant on numerous occasions requested, to no avail, that criminal proceedings be instituted against various persons who had allegedly committed offences to his detriment. He also submitted numerous complaints to various authorities, complaining about diverse aspects of his situation.

COMPLAINTS

The applicant complains under Article 6 § 1 of the Convention about the refusals of the prosecuting authorities to institute criminal proceedings relating to his dismissal, about the various irregularities of the dismissal proceedings, about the failure on the part of the Ministry of Industry and the Niwka-Modrzejów coal mine to comply with the 1990 judgment, and about the alleged prohibition to employ him, referred to as "Berufsverbot" (prohibition from work).

He further complains about the length of the civil proceedings for compensation and re-engagement.

The applicant complains under Article 6 of the Convention that all the decisions pronounced in the cases in which he was involved were unfair and to his detriment.

The applicant finally complains under Article 13 of the Convention that he does not have an effective remedy against the alleged prohibition to work as the prosecuting authorities repeatedly refuse to institute criminal proceedings against the various persons concerned.

THE LAW

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

Article 6 § 1 of the Convention in its relevant part reads:

> "In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing within a reasonable time by (a)... tribunal..."

a) The Government submit that the application, insofar as it relates to events prior to the date of recognition of the right of individual petition by Poland, is outside the competence *ratione temporis* of the Court.

Insofar as the applicant's complaints relate to the period before 1 May 1993, the Court recalls that Poland has recognised the competence of the Commission to receive individual applications "from any person, non-governmental organisation or group of individuals claiming to be a victim of a violation of the rights recognised in the Convention through any act, decision or event occurring after 30 April 1993". According to Article 6 of Protocol No. 11 to the Convention, this limitation shall remain valid for the jurisdiction of the Court under that Protocol. It follows that the Court is not competent to examine complaints relating to violations of the Convention by acts, decisions or events that have occurred prior to 1 May 1993. However, in cases where it can, by reason of its competence *ratione temporis*, only examine part of the proceedings, it may take into account, in order to assess the length, the stage reached in the proceedings at the beginning of the period under consideration (see the Foti and Others v. Italy judgment of 10 December 1982, Series A no. 56, p. 18, § 53).

It follows that the Court is competent *ratione temporis* to examine the applicant's complaints insofar as they relate to the events after 30 April 1993, taking into consideration the stage of the proceedings reached at that date.

b) Under Article 35 of the Convention, the Court may only deal with a matter after all domestic remedies have been exhausted.

The Government contend that the applicant cannot be regarded as having exhausted available domestic remedies with regard to the complaint about the length of the proceedings. The Government submit that there is no general remedy available under Polish law to complain about the length of proceedings. However, they submit that the usual judicial remedies, i.e. appeals against procedural and substantive court decisions, could be used in this respect. The applicant has not shown that he invoked the length of proceedings in the appeals which he filed against various judgments on the merits of the case. Neither has he complained about the length of the proceedings in his appeals against the procedural decisions. He also had at his disposal administrative remedies, which would enable the proceedings to be accelerated.

The applicant submits that under Polish law applicable at the relevant time an individual did not have *locus standi* in the Constitutional Court and could not lodge any complaint about an alleged violation of his rights guaranteed by the Convention, including the right to have his case heard within a reasonable time. He submits that the authorities failed to deal with his case expeditiously, acting out of politically motivated hostility. As regards the administrative complaints referred to by the Government, he emphasises that he lodged all possible complaints, including administrative complaints, concerning the length of the proceedings to all authorities concerned, to no avail.

The Court recalls in this respect that, according to the Court's case-law, there is no effective remedy under Polish law to complain about the length of civil proceedings (No. 33082/96 Wojnowicz v. Poland, Dec. 18.11.1999 [Fourth Section], unpublished). In the light of the submissions of the parties to the present case, the Court sees no reason for departing from its case-law. Therefore, the Court finds that the applicant did not have at his disposal an effective remedy which would have enabled him to submit the substance of his complaint under Article 6 § 1 of the Convention to the domestic authorities. Accordingly, the complaint about the length of civil proceedings cannot be declared inadmissible for non-exhaustion of domestic remedies.

c) As regards the substance of the complaint, the Government first contend that the case should be regarded as complex both as to its legal and factual aspects. There was a complicated legal and factual background to the case, which has both civil and labour law aspects. As the applicant claimed both his re-engagement and compensation, the decision in the case was of great significance for him as he was waiting for his re-engagement, and his health had allegedly been affected by his dismissal. It was therefore necessary to establish a causal link between the dismissal and his state of health, by way of expert reports.

The Government submit that the applicant's conduct contributed to the prolongation of the proceedings as he submitted approximately 70 various letters and requests to the court. On numerous occasions he changed and extended his claims. He also questioned the expert conclusions. He further withdrew the power of attorney he had given his lawyer and requested the court to appoint a new one. In addition, it was following the applicant's request motivated by the need of medical treatment in a sanatorium that the court decided to stay the proceedings, which were subsequently resumed in February 1993. Finally, the District Court was obliged to transfer the case to the Regional Court following the applicant's request of 29 March 1993 that compensation of one billion (old) PLZ be awarded to him, as only the latter court had jurisdiction to examine such an increased claim.

With respect to the conduct of the authorities, the Government submit that they dealt with the case expeditiously. It was only the preparation of the expert reports by the Medical University which caused a certain delay, but the court took measures in order to accelerate their preparation.

The Government conclude that the case was examined within a reasonable time and that, consequently, this part of the application should be declared manifestly ill-founded.

The applicant contests the Government's conclusions. He contends that, as the proceedings were not progressing, new losses which he had sustained were successively coming to light. Thus, he had no choice but to submit new claims to the court. He also increased his financial claims in view of the considerable inflation in Poland at the relevant time. He submits that the court did not hold hearings at reasonable intervals and that it did not take any measures to make the defendants' representatives attend hearings, despite the applicant's repeated requests to this effect. The courts were unaware of the special nature of laws governing labour relations in the coal-mining industry and were incompetent in this respect. The Regional Court did not correctly prepare the questions to be replied to by the medical experts, and immediately after their report had been submitted to the court, a supplementary report had to be ordered. It took the court several months to decide whether the Ministry of Industry should join the proceedings as co-defendant. The transfer of the case file from the Regional Court to the Court of Appeal took five months. The Regional Court failed to take effective measures to ensure that the experts acted diligently when preparing their report. The applicant reiterates that his medical files were lost in the course of the proceedings. He emphasises that in cases concerning labour relations, the court should have been more active *ex officio* in order to establish the facts relevant for the determination of the case.

The Court considers, in the light of the criteria established by the case-law of the Convention organs on the question of "reasonable time", and having regard to all the information in its possession, that an examination of the merits of the complaint is required.

2. The applicant alleges that the circumstances of the case amount to a prohibition on his employment, as in 1989 the Solidarność Trade Union expressed the opinion that he should not be re-employed.

The Court observes that the Convention does not guarantee a right to employment and that, in any event, in November 1990 the applicant was employed by Q. company. It follows that this part of the application is incompatible *ratione materiae* with the provisions of the Convention, within the meaning of Article 35 § 3, and must be declared inadmissible under Article 35 § 4 of the Convention.

3. The applicant further complains under Article 6 § 1 of the Convention about the various refusals of the public prosecutor to institute criminal proceedings against various persons.

The Court recalls that the right of access to a court does not include a right to have criminal proceedings instituted against a third person (Eur. Comm. HR, no. 22998/93, Dec. 14.12.1996, D.R. 87-A, p. 24). It follows that this part of the application is incompatible *ratione materiae* with the provisions of the Convention, within the meaning of Article 35 § 3 of the Convention, and must be rejected pursuant to Article 35 § 4.

4. The applicant complains under Article 6 of the Convention that all the official decisions were to his detriment.

The Court recalls that, according to Article 19 of the Convention, its 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 the Schenk v. Switzerland judgment of 12 July 1988, Series A no. 140, p. 29, §§ 45 and 46, and the Garcia Ruiz v. Spain judgment of 21 January 1999, § 28, to be published in the official R*eports* of the Court).

In the present case the Court notes that the applicant had ample opportunity to put his arguments to the courts and that he availed himself thereof in full, submitting numerous pleadings, advancing detailed factual and legal arguments and actively arguing his case. The Court sees no indication that the applicant, who was represented by a lawyer paid by the legal aid scheme, was hindered in any manner from arguing his case effectively.

It follows that this part of the application is therefore manifestly ill-founded within the meaning of Article 35 § 3 of the Convention.

5. The applicant complains finally under Article 13 of the Convention that he does not have an effective remedy against the alleged prohibition from work. However, the Court reiterates its above finding that the Convention does not guarantee a right to work. It follows that the complaint under Article 13 of the Convention is incompatible *ratione materiae* within the meaning of Article 35 § 3 and must be rejected under Article 35 § 4 of the Convention.

For these reasons, the Court unanimously,

DECLARES ADMISSIBLE, without prejudging the merits, the applicant's complaint about the length of civil proceedings;

DECLARES INADMISSIBLE the remainder of the application.

Vincent Berger
Registrar

Matti Pellonpää
President