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. 64674/01
by Milenko TOTH
against Croatia

The European Court of Human Rights (Fourth Section), sitting on 5 July 2001 as a Chamber composed of

Mr G. RESS, *President*,
Mr I. CABRAL BARRETO,
Mr V. BUTKEVYCH,
Mrs N. VAJIĆ,
Mr J. HEDIGAN,
Mr M. PELLONPÄÄ,
Mrs S. BOTOUCHAROVA, *judges*,
and Mr V. BERGER, *Section Registrar*,

Having regard to the above application introduced on 16 October 2000 and registered on 15 January 2001,

Having deliberated, decides as follows:

THE FACTS

The applicant, Milenko Toth, is a Croatian citizen, born in 1962 and presently serving a prison sentence in the Lepoglava State Prison (hereinafter the "LSP").

A. The circumstances of the case

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

1. Criminal proceedings against the applicant

On 15 November 1994 the Sisak County Public Prosecutor's Office (*Okružno državno odvjetništvo Sisak*) brought charges against the applicant before the Sisak County Court (*Županijski sud u Sisku*) for attempted murder of a judge, who had previously convicted the applicant for another criminal offence, and of the judge's family.

The proceedings were joined with other proceedings concerning the trial against the applicant for murder.

On 20 September 1995 the Sisak County Court found the applicant guilty on both charges and sentenced him to 20 years' imprisonment.

Upon the applicant's appeal, on 22 May 1996 the Supreme Court (*Vrhovni sud Republike Hrvatske*) quashed the first instance judgment in the part referring to the applicant's conviction for the attempted murder and remitted the case for a re-trial. It found that the public prosecutor had amended the indictment orally, in respect of the time when the crime was committed, while he was presenting his closing arguments. The applicant had not been granted a possibility to defend himself in respect of the amended indictment.

During the re-trial the Sisak County Court heard 27 witnesses and 7 expert opinions. It found the applicant guilty, basing its conclusion on circumstantial evidence. By its judgment of 9 May 1997 the Sisak County Court sentenced the applicant to 15 years' imprisonment. In his appeal the applicant claimed that the court had erred in its determination of the facts and assessment of the evidence. The Supreme Court upheld the first instance judgment on 24 June 1998. It found that the court of first instance had correctly and thoroughly determined the facts of the case, assessed the evidence and adequately reasoned its decision.

The applicant lodged a request for the re-opening of the criminal proceedings which was, however, rejected by the Sisak County Court on 12 March 1999. The Supreme Court upheld the first instance decision on 18 August 1999.

In his subsequent constitutional complaint the applicant complained about the unfairness of the criminal proceedings against him, challenging the assessment of facts and the application of the procedural rules by the lower courts. He claimed further that he was discriminated against. On 4 October 2000 the Constitutional Court (*Ustavni sud Republike Hrvatske*) rejected the applicant's complaint, finding that his constitutional rights had not been violated.

2. Treatment in the Lepoglava State Prison

a) The applicant's health situation

Following his conviction for murder in 1995 the applicant was sent to serve his prison term in the LSP.

It appears from the medical documentation submitted that since 7 May 1997 he has suffered from various health complications including problems with his teeth, gastritis, rheumatism and swollen joints.

On 18 March, 1 April, 23 April and 6 May 1998, respectively, the applicant filed a crime report with the Ivanec Municipality Public Prosecutor's Office (*Općinsko državno odvjetništvo u Ivancu*) against D. K. and A. M., dentists in the LSP, alleging that they had administered him medication whose date of use had already expired. As a consequence he had contracted gastritis. He alleged further that S. K., the director of the LSP, had abused his office and official authority in so far as he had allowed that the inmates in the LSP receive unhealthy food of low quality.

On 6 July 1998 the public prosecutor dismissed the above report, stating that the applicant had failed to show a reasonable suspicion for his allegations.

On 14 July 1998 the applicant lodged a request for an investigation with the Varaždin County Court Investigations Department (*Istražni Odjel Županijskog suda u Varaždinu*), with the same allegations. The investigating judge of that court expressed his disagreement with that request and forwarded the case-file to the panel of the Varaždin County Court to decide thereon.

On 15 July 1998 the applicant repeated some of his allegations in a letter to the Varaždin County Court Criminal Investigations Department, stating that the dentists in the LSP had administered wrong medication to him.

On 20 October 1999 the applicant filed a crime report with the Ministry of Justice, alleging that the dentist D. K. had poisoned him with wrong medication which had caused him gastritis. He alleged further that he was given the wrong medication and medical treatment by other medical personnel in the prison and was not provided with an adequate diet.

On 29 October 1999 the above report was forwarded to the Varaždin County Court.

On 29 November 1999 the applicant filed with the Ministry of Justice a request for damages caused to him due to the wrong medical treatment and inadequate diet in the LSP.

By letter of 21 December 1999 the Ministry of Justice informed the applicant that it had no jurisdiction to decide upon the above request and instructed him to file his request for damages against the Republic of Croatia with a regular civil court.

On 28 December 1999 the Varaždin County Court accepted the investigating judge's disagreement with the applicant's request for an investigation. It stated that in respect of the applicant's allegations against the medical personnel of the LSP for the offence of medical malpractice the applicant was not entitled, according to the relevant provisions of the Criminal Procedure Act, to request an investigation but, instead, had to file a motion to indict with the competent court. As regards the applicant's allegations against the director of the LSP the court accepted the report submitted by the investigating judge who had found, based on the reports of

the inspection regularly conducted in the LSP, that the quality of food for the inmates was adequate.

On 11 January 2000 the applicant appealed against the above decision to the Supreme Court.

On 13 January 2000 the applicant filed with the Ivanec Municipal Court a motion to indict D. K. and A. M., dentists in the prison, and S. K., the director of the prison. He repeated his allegations against them.

On 28 February 2000 the Varaždin Municipal Court dismissed various of the applicant's motions to indict four judges of the Varaždin County Court, the director of the LSP, a member of the prison personnel and two prison dentists. In respect of the allegations against the prison director, a member of the prison personnel and two dentists, the court found that the applicant had previously filed a crime report and a request for an investigation with the public prosecutor, which were dismissed, of alleged medical malpractice and abuse of the office and official authority, while in his motion to indict he had alleged that they had accepted a bribe. Accordingly, he had to file a crime report with the competent public prosecutor for alleged bribing.

On 2 March 2000 the applicant filed a crime report with the Ivanec Municipality Public Prosecutor's Office against the medical personnel in the LSP for the brutal treatment of the wounded, sick and prisoners of war and medical malpractice alleging that they had administered to him wrong medication and failed to provide him with adequate medical treatment for his various illnesses. He also requested compensation for physical and mental suffering caused to him by ill-treatment in prison.

On 8 March 2000 the applicant appealed against the Varaždin Municipal's Court decision of 28 February 2000 to the Varaždin County Court.

On 17 July 2000 the applicant wrote to Parliament alleging, *inter alia*, that the LSP authorities had been depriving him of medical assistance.

On 19 September 2000 the Supreme Court upheld the Varaždin County Court's decision of 28 December 1998 accepting the investigating judge's disagreement with the applicant's request for an investigation.

On 9 October 2000 the applicant lodged a constitutional complaint against the above Supreme Court's decision.

On 6 December 2000 the Constitutional Court rejected the applicant's complaint of 9 October 2000 as inadmissible.

On 4 January 2001 the Varaždin County Court rejected the applicant's appeal against the Varaždin Municipal Court's decision of 28 February 2000.

b) Allegations of torture

On 1 February 2000 the LSP director adopted a disciplinary measure against the applicant, ordering solitary confinement for of 21 days, for using obscene and insulting language against the prison personnel in his letter of 21 January 2000 sent to the Ivanec Municipal Court.

On 2 February 2000 the applicant filed a motion with the Ivanec Municipal Court to indict S. K., the prison director, his deputy and three other members of the prison personnel alleging that the deputy director had ordered solitary confinement against him for of 21 days and that he had threatened to kill the applicant if he continued to file crime reports against him. The applicant alleged also that the members of the prison personnel had tortured him, attempted to poison him and prevented him from receiving medical treatment.

On 20 February 2000 the applicant sent a letter to the president of Croatia repeating his allegations against the prison personnel.

On 21 February 2000 the applicant appealed to the LSP director against the decision ordering disciplinary measure against him.

On 28 February 2000 the LSP director dismissed the applicant's appeal.

On 1 March 2000 the applicant was placed in solitary confinement in duration of 21 days.

On 6 March 2000 the applicant filed with the Ivanec Municipal Court submissions additional to his previous motions to indict the director of the Lepoglava prison and four other members of the prison authorities. He alleged, *inter alia*, that the prison authorities had placed him in solitary confinement for 21 days although he was seriously ill and prevented him from using his bed during the daytime. In addition he maintained his allegation that the deputy director had threatened to kill the applicant if he continued with his allegations against the prison authorities.

On 15 March 2000 the applicant sent a letter to the Red Cross Committee alleging that he had been tortured in the LSP.

On 17 July 2000 the applicant wrote to Parliament alleging that the LSP authorities had been confiscating his letters, torturing him and depriving him of medical assistance.

On 19 July 2000 the Ivanec Municipal Court forwarded the applicant's submissions to the Ivanec Public Prosecutor's Office.

On 1 September 2000 the applicant filed yet another motion with the Ivanec Municipal Court to indict the prison director and four other members of the prison authorities, repeating his previous allegations.

On 26 November 2000 the applicant sent a letter to the Ministry of Justice alleging that he had been physically attacked by inmates and prison guards and requesting to be taken to another department.

It appears that so far no decision has been taken in respect of the applicant's allegations.

c) Correspondence

i. Allegations concerning the opening and confiscating of the applicant's letters

In his letter of 14 June 1999 to the Minister of Justice, the applicant alleged that the prison authorities were opening and reading his letters sent to various authorities.

On 13 January 2000 the applicant filed with the Ivanec Municipal Court a motion to indict S. M. alleging that, as a member of the prison personnel, he had opened his letters containing information about criminal activities of the prison authorities.

On 2 February 2000 the applicant filed another motion to indict S. K., the prison director, his deputy and three other members of the prison personnel, alleging that they had confiscated the letters that he had attempted to send to the Ivanec Municipal Court and various other authorities. The letters had contained information on the alleged criminal activity of some judges, and the prison personnel.

On 7 February 2000 the applicant sent a letter to the Minister of Justice alleging that on 2 February 2000 the prison authorities had confiscated his letters containing information against the president of the Supreme Court and an employee of the Ministry of Justice. He alleged further that all members of the prison personnel had stolen various objects from the prison premises such as windows, doors, tables, chairs and wine barrels. He alleged further that they had stolen a package sent to the applicant from his brother on 17 November 1999, which had contained a telephone card and stamps.

On 20 February 2000 the applicant sent a letter to the president of Croatia repeating his allegations against the prison personnel.

On 1 March 2000 the applicant sent a letter to the Prime Minister alleging that the prison authorities had confiscated his letters and packages that his mother and brothers had sent him.

On 6 March 2000 the applicant filed with the Ivanec Municipal Court additional submissions to his previous motions to indict the director of the LSP and four other members of the prison authorities. He alleged that on 1 March 2000 his letter to the Prime Minister had been open by the prison authorities, kept for several days and then forwarded to the Minister of Justice, instead to the Prime Minister.

He alleged further that some of his letters addressed to various authorities were kept or confiscated.

On 14 March 2000 the applicant wrote again to the Prime Minister complaining about his letters being confiscated by the prison authorities.

On 21 April 2000 the Prime Minister's Office informed the applicant that they had received his letters and forwarded them to the Ministry of Justice.

ii. The applicant's correspondence with domestic authorities

On 16 January 2000 the applicant filed with the Zagreb Municipal Court a motion to indict the president of the Supreme Court.

On 17 January 2000 the applicant filed with the Zagreb Municipal Court a motion to indict V. J., an employee of the Ministry of Justice.

On 24 January 2000 the applicant filed with the Varaždin Municipal Court a motion to indict four judges of the Varaždin County Court.

On 31 January 2000 the applicant sent a letter to the Minister of Justice informing him that he had filed a motion to indict an employee of the Ministry of Justice.

On 19 February 2000 the applicant again sent copies of his previous motions to indict the president of the Supreme Court and an employee of the Ministry of Justice to the Ivanec Municipal Court.

On 25 February 2000 the Ivanec Municipal Court decided that it had no jurisdiction over the applicant's motion to indict an employee of the Ministry of Justice and consequently transferred the case to the Zagreb Municipal Court.

On 3 March 2000 the applicant appealed against the Ivanec Municipal Court's decision of 25 February 2000.

On 3 March 2000 the Zagreb Municipal Court informed the applicant that his motion to indict the president of the Supreme Court was regarded as an information and had been forwarded to the competent public prosecutor.

On 28 March 2000 the Varaždin County Court quashed the Ivanec Municipal Court's decision of 25 February 2000 and remitted the case to the court of first instance for re-examination.

On 8 September 2000 the applicant filed another motion to indict judges of the Varaždin Municipal and County Courts, repeating his previous allegations against them.

On 11 September 2000 the applicant filed a crime report with the Varaždin Public Prosecutor's Office against judges V. F., S. M. and D. K., alleging that they had received bribes and obstructed evidence, and also against the LSP director, his deputy and one other member of the prison staff, alleging that they had offered bribes to the above judges.

On 5 February 2001 the applicant filed a crime report with the Varaždin Public Prosecutor's Office against the Varaždin County Court's judges B. S., S. V-P. and Z. P., alleging that they had received bribes and failed to report a criminal offence. In addition, he alleged that judges M. O., D. K., S. M. and N. B. had been offered bribes.

On 10 February 2001 the applicant filed with the Varaždin Municipal Court a motion to indict repeating his allegations from the above crime report.

Most of the above letters were sent by registered mail. It appears from the receipts submitted that the letters had reached their respective destinations.

B. Relevant domestic law

The relevant provisions of the Criminal Procedure Act (*Zakon o kaznenom postupku*, Official Gazette 110/1997) read as follows:

"CHAPTER FIVE

INJURED PERSON AND PRIVATE PROSECUTOR

Section 47

(1) As regards criminal offences prosecuted upon a motion[1] or private charge,[2] the motion or private charge shall be submitted within a term of three months from the day when the authorised person learns of the offence and perpetrator.

…

Section 48

(1) The motion for prosecution shall be submitted to the Public Prosecutor's Office, and the private charge submitted to the court having jurisdiction over the case.

(2) If the injured person himself reports the offence or files a motion for indemnification, he shall be deemed to have submitted a motion for prosecution.

(3) When the injured person reports the offence or files a motion for prosecution and it transpires in the course of proceedings that an offence subject to private prosecution is involved, the crime report or the motion shall be deemed to be a timely private charge if submitted within the term prescribed for submitting private charges. A private charge submitted in due time shall be deemed to be a timely motion of the injured person if it transpires in the course of proceedings that an offence prosecuted upon motion is involved.

Section 55

(1)... where the Public Prosecutor determines that no grounds exist to institute prosecution for an offence subject to public prosecution or prosecution upon a motion or where he determines that there are no grounds to institute prosecution against one of the accessories reported to the authorities, he shall be bound within eight days to notify the injured person thereof and instruct him that he can assume prosecution by himself...

(2) The injured person shall be entitled to institute or continue prosecution within eight days following receipt of the notice referred to in paragraph 1 of this Section.

...

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[1] In the Croatian system of criminal law, offences exist where public prosecution undertaken by the Public Prosecutor may not take place unless the injured person, as the authorised person, moves that criminal proceedings be instituted. Such a motion is called a motion for prosecution.

[2] According to the Croatian Criminal Code some minor offences are prosecuted by the injured party who initiates proceedings, files the private charge and represents the prosecution in the court.

Section 58

(1) The subsidiary prosecutor shall have the same rights as the Public Prosecutor, except for those which are vested in the Public Prosecutor as a state authority.

...

CHAPTER SIXTEEN

PRE-INVESTIGATORY PROCEEDINGS

1. Crime Report

Section 171

(1) All state authorities and all other legal entities shall be bound to report criminal offences subject to public prosecution about which they have learned themselves or from other sources.

...

Section 172

(1) Citizens shall report criminal offences subject to public prosecution.

...

Section 173

(1) The report shall be filed with the competent Public Prosecutor in writing or orally.

...

(3) If the report is filed with the court, the police authority or a Public Prosecutor lacking jurisdiction, they shall receive it and immediately forward it to the Public Prosecutor having jurisdiction.

Section 174

(1) The Public Prosecutor shall dismiss a crime report by ruling with statements of reasons if from the report if follows that ... no reasonable suspicion exists that the suspect committed the reported offence. The Public Prosecutor shall notify the injured person within eight days of the dismissal and of the grounds thereof ...

(2) If the Public Prosecutor is unable to establish from the crime report whether or not allegations in the report are credible, or if facts stated in the report do not suffice for a decision on whether he should request the opening of an investigation, or if only rumours reach Public Prosecutor that a criminal offence has been committed, and particularly if the offender is unknown, the Public Prosecutor shall, if he cannot do this alone or through other authorities, request the police authorities to obtain necessary information and undertake other measures for discovering the offence and the perpetrator. The police authorities shall notify the Public Prosecutor within a term

of thirty days of the measures undertaken; the Public Prosecutor may at any time require information on the measures undertaken.

(3) At his request, the state authorities, organisations, commercial companies and other legal entities shall provide the Public Prosecutor with the required information, except that representing a lawfully protected secret.

(4) The Public Prosecutor may for the purpose of collecting necessary information summon the person who filed a crime report, the suspect and other persons if he considers that their statements may contribute to the assessment of the credibility of the allegations made in the report...

(5) If, even after undertaking actions referred to in paragraphs 2 and 3 of this Section, circumstances from paragraph 1 of this Section still exist or there is no reasonable suspicion that the reported person committed the offence subject to public prosecution, the Public Prosecutor shall dismiss the report.

...

CHAPTER SEVENTEEN

INVESTIGATION

Section 187

(1) An investigation shall be instituted against a designated person when reasonable suspicion exists that he has committed a criminal offence.

...

Section 188

(1) The investigation shall be conducted upon the request of the authorised prosecutor.

(2) A request for investigation shall be submitted to the investigating judge of the court having jurisdiction thereof.

(3) The request shall contain: the name of the person against whom the investigation is requested, the description of those factual aspects of the act which constitute the elements of the definition of the offence, the statutory name of the offence, the circumstances on which the reasonable suspicion is founded, and the existing evidence.

...

Section 189

(1) Upon receiving the request for investigation, the investigating judge shall without delay examine the file and interrogate the person against whom the investigation is requested except if there is a danger in delay. If the investigating judge agrees with the request, he shall render the ruling on the opening of the investigation...

(2) Before deciding on the request for investigation ... the court shall summon to the preliminary hearing the injured person ...

Section 190

...

(3) If the investigating judge does not agree with the Public Prosecutor's[3] request for investigation, he shall request the panel of the county court to make a disposition thereon. The parties and the injured person file an appeal from the ruling of the panel ...

Section 203

(1) The investigating judge shall conclude the investigation when he finds that the case has been sufficiently clarified so that the indictment may be preferred or the proceedings discontinued."

CHAPTER TWENTY-FIVE

SUMMARY PROCEEDINGS

Section 430 provide that the provision regulating summary proceedings shall apply in the proceedings before a municipal court for offences punishable by fine or imprisonment for a term less than three years as a principal punishment.

Section 431

"(1) Criminal proceedings shall be instituted upon a motion to indict of Public Prosecutor, a subsidiary prosecutor or upon a private charge.

(2) The Public Prosecutor may submit a motion to indict merely upon a crime report.

...

Section 433

(1) If a crime report was submitted by an injured person and the Public Prosecutor fails within a term of one month either to prefer a motion to indict or to notify the injured person of the dismissal of the crime report, the injured person shall be entitled to institute a prosecution as a prosecutor by submitting a motion to indict to the court...

...

[3] The same applies in cases where an injured party acts as subsidiary prosecutor.

Section 435

(1) When court receives a motion to indict or a private charge, the judge shall first examine whether the court has jurisdiction, whether certain investigatory actions should be carried out and whether grounds for the dismissal of the motion to indict or the private charge exist.

..."

COMPLAINTS

1. In respect of the criminal proceedings against him the applicant complains that he was deprived of a fair trial in so far as the courts wrongly assessed the facts of the case and discriminated against him. He invokes Article 6 § 1 and Articles 13 and 14 of the Convention.

2. In respect of the proceedings concerning his request for the re-opening of the criminal proceedings the applicant complains that the same panel of judges of the Supreme Court which decided upon his appeal also rejected his application for the re-opening of the proceedings.

3. In respect of his detention in the Lepoglava prison the applicant invokes Article 3 of the Convention and complains firstly that he has been administered wrong medication and given an inadequate diet and in general received inadequate medical treatment which amounted to inhuman and degrading treatment.

Secondly, the applicant complains that he was ill-treated during 21 days of solitary confinement.

4. He complains also under Article 8 of the Convention that the prison authorities violated his right to respect of his correspondence by confiscating his letters, addressed to various Croatian authorities, which contained allegations of the criminal activities of the prison personnel.

THE LAW

1. The applicant complains firstly that the criminal proceedings against him were unfair in so far as the Sisak County Court convicted him on the basis of the statements of false witnesses and wrongly assessed facts. He invokes Articles 6, 13 and 14 of the Convention.

In so far as the applicant's complaint may be understood to concern assessment of the evidence and the result of the proceedings before the domestic courts, the Court reiterates that, according to Article 19 of the Convention, its duty is to ensure the observance of the engagements undertaken by the Contracting Parties to 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, §§ 45-46, and *Garcia Ruiz v. Spain*, no. 30544/96, Reports of Judgments and Decisions 1999-I, § 28).

The Court finds that there is nothing to indicate that the national courts' evaluation of the facts and evidence presented in the applicant's trial for attempted murder was contrary to Article 6 of the Convention. The applicant was fully able to state his case and challenge the evidence; all essential evidence was presented; he had a public hearing at first instance; the courts' decisions were satisfactorily reasoned and disclose no sign of arbitrariness or discrimination.

The Court notes also that the applicant was able to lodge an appeal against the first instance judgment as well as a constitutional complaint.

In these circumstances the Court finds that the case discloses no appearance of a violation of the provisions invoked by the applicant.

It follows this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

2. The applicant complains also that, contrary to Article 6 of the Convention, the panel of judges of the Supreme Court which on 18 August 1999 rejected his request for the re-opening of the criminal proceedings was the same as the one which had previously rejected his appeal against his conviction.

In this respect the Court recalls that, according to established case-law of the Convention organs, Article 6 does not apply to proceedings concerning the re-opening of a criminal case (see, *inter alia*, X. v. Austria, application no. 7761/77, Commission decision of 8 May 1978, Decisions and Reports (DR) 14, pp. 171, 174, and José Maria Ruiz Mateos and Others v. Spain, application no. 24469/94, Commission decision of 2 December 1994, DR 79, p. 141).

It follows that his part of the application is incompatible *ratione materiae* with the provisions of the Convention and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

3. The applicant complains further that he was not given proper medical treatment and adequate diet for his health problems. In addition, he alleges that he was ill-treated in the LSP in that he was allegedly beaten up by the prison guards during the 21 days of his solitary confinement. In addition he was allegedly not allowed to use his bed during the daytime and was placed in a cold cell and left without any medical attention although, according to the prison rules, a physician should have visited him every day during his solitary confinement. Furthermore, the deputy prison director allegedly threatened to kill him. In this respect the Court notes that also the question

arises as to the availability of an effective domestic remedy against inadequate medical treatment in prison. The relevant Convention provisions of Article 3 and 13 read as follows:

> "No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

> "Everyone whose rights and freedoms as set forth in [the] Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

The Court considers that it cannot, on the basis of the case-file, determine the admissibility of those complaints and that it is therefore necessary, in accordance with Rule 54 § 3 (b) of the Rules of Court, to give notice of this part of the application to the respondent Government.

4. Finally, the applicant alleges that the LSP authorities confiscated and opened some letters containing allegations of the criminal activities of the prison personnel that he attempted to send to relevant authorities. He invokes Article 8 of the Convention.

The Court notes that it appears from the file that the applicant has been continuously and intensely corresponding with domestic authorities, including filing various motions to indict and crime reports against the prison personnel, various judges and other state officials. Having regard to this, the Court does not find it established that the applicant's correspondence has been interfered with contrary to Article 8 of the Convention.

It follows this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

Decides to adjourn the examination of the applicant's complaints concerning the lack of proper medical treatment as well as the lack of effective domestic remedy in respect of such treatment and the allegations of ill-treatment against him during his solitary confinement of 21 days in the Lepoglava prison;

Declares inadmissible the remainder of the application.

Vincent BERGER
Registrar

Georg RESS
President