

BGE 20010412_41202_98 vom 12. April 2001

Bundesgericht (BGE), 2001-04-12, FR

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IT: BGE 20010412_41202_98 del 12 aprile 2001

Erwägungen

E. 1

The applicant complains under Article 1 of Protocol No. 1 of a breach of his property right in that he has not been able to dispose of his real properties for 40 years. In this respect he also raises complaints under Article 14 of the Convention.

E. 2

The applicant further complains under Article 6 § 1 of the Convention of the outcome of the proceedings before the Federal Court. However, the Court recalls that it is not its function to deal with errors of fact or of law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention (see the *Schenk v. Switzerland* judgment of 12 July 1988, Series A no. 140, p. 29, § 45; *Garcia Ruiz v. Spain*, no. 30544/96, § 28, ECHR 1991-I, pp. 98 -99). The Court notes that the Federal Court carefully examined the applicant's complaint. There is no indication that the applicant could not sufficiently put forward his point of view, or that the proceedings were unfairly conducted in any other way. It follows that this part of the application is manifestly ill-founded within the meaning of Article 35 § 3 and must be rejected under Article 35 § 4 of the Convention.

E. 3

Insofar as the applicant complains under Article 1 of Protocol No. 1 and Article 14 of the Convention that he was not able to dispose of his property rights, the Court notes that Switzerland has not ratified Protocol No. 1. It follows that the remainder of the application is inadmissible as being incompatible *ratione personae* with the provisions of the Convention, within the meaning of Article 35 §§ 3 and 4 of the Convention. *Entscheid* For these reasons, the Court unanimously Decides to adjourn the examination of the applicant's complaint about the unreasonable length of the proceedings; Declares inadmissible the remainder of the application. Erik Fribergh Registrar Christos Rozakis President

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