

BGE 20010607_33499_96 vom 7. Juni 2001

Bundesgericht (BGE), 2001-06-07, FR

Quelle: https://mcp.opencaselaw.ch/entscheid/bge_20010607_33499_96

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IT: BGE 20010607_33499_96 del 7 giugno 2001

Erwägungen

E. 1

The applicants complain under Article 6 § 1 of the Convention that in the proceedings before the Federal Court they could not consult the case-file or reply to the statements of the Cantonal Court, which numbered seven pages and was fully considered by the Federal Court, and to those of the opposing party, which numbered five pages. These statements, according to them, contained detailed, new and partly insulting explanations. After the applicants had filed their request on 11 December 1995, four months elapsed until the decision was served, so that there would have been sufficient time for the Federal Court to part with the case-file for a few days. It is unclear, finally, why the applicants should arbitrarily have to pay costs for proceedings capriciously instituted by the opposing party.

E. 2

The applicants also complain under Article 13 of the Convention that they did not have an effective remedy at their disposal to raise these complaints in the domestic proceedings. However, having regard to its decision under Article 6 of the Convention, the Court is not required to examine the case under Article 13 as its requirements are less strict than, and are here absorbed by, those of Article 6 (see the *Philis v. Greece* judgment of 27 August 1991, Series A no. 209, p. 23 § 67). It follows that the remainder of the application is, therefore, manifestly ill-founded within the meaning of Article 35 § 3 of the Convention. **Entscheid** For these reasons, the Court unanimously Declares admissible, without prejudging the merits, the applicants' complaints under Article 6 § 1 of the Convention that in the proceedings before the Federal Court they could not reply to the statements of the lower court and of the opposing party, and that they were not able to consult the case-file; Declares inadmissible the remainder of the application. Vincent Berger Registrar
Georg Ress President

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