

CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

COMMISSION EUROPEENNE

DES

DROITS DE L'HOMME

EUROPEAN COMMISSION

OF

HUMAN RIGHTS

APPLICATION No. 176/56

Government of the Kingdom of Greece

against

Government of the United Kingdom of Great Britain
and Northern Ireland

DECISION OF THE COMMISSION

on the admissibility of the Application

The European Commission of Human Rights composed of:

M. P. Berg, Acting President
Mr. C.H.M. Waldock, President
MM. C.Th. Eustadiades, Vice-President
P. Faber
L.J.C. Beaufort
F.M. Dominedo
Mme. I. Fuest
MM. A. Süsterhenn
S. Petren
M. Akbay
Mme. G. Janssen-Pevtschin
M. M. Sørensen
Mr. J. Crosbie

M. Modinos acting as Secretary of the Commission

Having deliberated,

Whereas an application dated May 7th, 1956, has been presented by the Greek Government against the Government of the United Kingdom alleging violation of Human Rights and Fundamental Freedoms in Cyprus;

Whereas the Agent of the Government of the United Kingdom in a communication dated May 25th, 1956, indicated that the Government of the United Kingdom considered that a period of three months would be required for the submission of their written comments on the admissibility of the application of the Greek Government;

Whereas the Greek Government in a communication dated May 28th, 1956, requested the Commission to decide in the course of its present Session as to the admissibility of the application;

Whereas the Commission decided on May 28th, 1956, to give precedence to the matter;

Whereas the Commission further decided, on the same date to invite the Agent of the British Government to appear before it on Friday, 1st June, 1956, at 10 a.m. to clarify to the exclusion of any grounds of objection on the merits, the grounds of objection to admissibility which the British Government may have in mind possibly to raise; and having also decided to invite the Agent of the Greek Government to be present at the above-mentioned sitting in order to submit its comments;

Having heard, at its meetings on June 1st, 1956, Mr. Vallat, Agent of the United Kingdom Government, and Mr. Cambalouris, Agent of the Greek Government, as well as M. Rolin and M. Christides, counsels for the Greek Government.

Having taken note that the Agent of the Greek Government in the course of the hearing on Friday, June 1st, limited the object of the application to certain legislative measures

and administrative practices of the British authorities in Cyprus and consequently withdrew section B I (a) of the application, reserving all the rights of his Government to reintroduce it by a new application.

The Commission considers that it is in possession of all the information necessary for it to decide the question of admissibility of the application;

Whereas the provisions of Article 27, paragraphs 1 and 2 of the Convention only refer to petitions submitted under Article 25 and not to applications made by governments and are therefore inapplicable to the present case;

Whereas the provision of Article 26 concerning the exhaustion of domestic remedies according to the generally recognised rules of international law does not apply to the present application, the scope of which is to determine the compatibility with the Convention of legislative measures and administrative practices in Cyprus;

Whereas the effects of derogations made by the Government of the United Kingdom under Article 15 of the Convention relate to the merits of the case and not to the admissibility of the application;

Whereas the conditions laid down in Article 41, paragraph 1, of the Rules of Procedure of the Commission have been satisfied in this case;

Whereas no other grounds for considering the application inadmissible have been found;

Declares the application of the Greek Government to be admissible and accordingly retains it.

The Secretary of the
Commission:

The President
of the Commission:

Done at Strasbourg, 2nd June, 1956.