Application N° 7990/77

Terence **GALLOGLY**

against

the United Kingdom

Report of the Commission

(Adopted on 2 October 1984)

2.063
06.2

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I. THE PARTIES

1. The Report, which is drawn up by the Commission in accordance with Rule 54 of its Rules of Procedure, concerns the application brought by Mr Terence Gallogly against the United Kingdom.

2. The applicant was represented before the Commission by the National Council for Civil Liberties (NCCL) and Mr Cedric Thornberry, Barrister.

3. The United Kigndom Government was represented before the Commission by its Agent, Mr D H Anderson, and subsequently Mrs A Glover, both of the Foreign and Commonwealth Office.

II. SUMMARY OF THE FACTS

4. The facts of the case are set out in the Commission's Decision of 11 May 1981, attached hereto as an Appendix (pp 5 - 42).

5. The pertinent facts and complaints are as follows: The applicant had been a prisoner between 1974 and 1976. He originally complained of events in October 1976 involving his recall to prison from a pre-release, employment/hostel scheme. However, the remaining part of the application, and the subject of the present Report, concerns an alleged interference with the applicant's right to respect for correspondence, contrary to Art 8 of the Convention (the refusal of permission to write to a Member of Parliament and a trade union), and an alleged absence of effective domestic remedies for this complaint, contrary to Art 13 of the Convention.

III. THE PROCEEDINGS

6. The present application was introduced on 21 April 1977 and registered on 7 August 1977. On 4 July 1978 the Commission decided to invite the parties to submit their written observations on the admissibility of the application, in accordance with Rule 42 (2)(b) of its Rules of Procedure. The Government's observations were submitted on 5 December 1978, the applicant's on 15 March 1979. On 4 May 1979

the Commission requested supplementary observations from the parties, to which the applicant responded on 3 July 1979 and the Government on 20 July 1979, and again on 27 September 1979 and 25 October 1979 respectively, commenting on each other's observations. Further clarification was requested by the Commission on 13 March 1980, clarification which the Government submitted on 1 April 1980 and the applicant on 29 April 1980.

7. A hearing on the whole case was held on 11 May 1981, the Commission's decision on admissibility being given the same day, after deliberations. The Commission declared admissible the complaints of interference with correspondence and a lack of remedies, and rejected the remainder of the application. The admissible case was then adjourned pending the outcome of the test applications of Silver and others v the United Kingdom, pending before the European Court of Human Rights. The Court delivered its judgment on the merits of the test case on 25 March 1983 and its judgment on the Art 50 question on 24 October 1983.

8. On 18 January 1984, when copies of the Art 50 judgment were sent to the applicant's representatives, the Secretary to the Commission, also referring to a reform in the prison censorship rules which the Government had implemented in England, asked whether the applicant wished to maintain his application to the Commission. On 27 June 1984 the NCCL notified the Commission of the applicant's wish to pursue the remainder of his case. Accordingly the parties were asked, on 4 July 1984, whether they wished to submit written conclusions on the merits of the case. However on 24 August 1984 the NCCL informed the Secretary that the applicant, after further consideration, wished to withdraw his application.

9. The Government was subsequently consulted, in accordance with Rule 49 (2) of the Rules of Procedure, as to the striking of the present application off the Commission's list of cases. The Government informed the Commission on 4 September 1984 that it would have no objections to the Commission following such a course.

10. On 2 October 1984 the Commission decided to strike the application off its list, in accordance with Rules 44 (1)(b) and 49 of its Rules of Procedure. It adopted the present Report and decided to transmit it to the Committee of Ministers and the parties for information and to publish it. The following members were present:

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MM. C.A. NØRGAARD, President
G. SPERDUTI
J.A. FROWEIN
E. BUSUTTIL
G. JORUNDSSON
S. TRECHSEL
B. KIERNAN
J.A. CARRILLO
A.S. GOZUBUYUK
A. WEITZEL
J.C. SOYER
H.G. SCHERMERS
H. DANELIUS
G. BATLINER
A.E. ANTON
H. VANDENBERGHE
Mrs G.H. THUNE

THE DECISION OF THE COMMISSION

11. The Commission notes that the applicant has requested the withdrawal of his application and that a reform of the prison censorship rules in England has been implemented by the Government. The Commission finds that there are no reasons of a general character affecting the observance of the Convention which warrant further examination of the application. Accordingly, it accedes to the applicant's request.

12. For these reasons, the Commission, having regard to Rules 44 (1)(b), 49 and 54 of its Rules of Procedure,

- decides to strike Application N° 7990/77 off its list;

- adopts the present Report;

- decides to send the present Report to the Committee of Ministers for information, to send it also to the parties, and to publish it.

Secretary to the Commission — President of the Commission

(H.C. KRUGER) — (C.A. NØRGAARD)