

Application No. 8317/78

Thomas McFeeley et al

against

UNITED KINGDOM

Report of the Commission

(Adopted on 2 October 1984)

TABLE OF CONTENTS

	<u>Page</u>
I. THE PARTIES (paras 1 - 3)	2
II. THE SUMMARY OF THE FACTS (paras 4 - 5)	2
III. THE PROCEEDINGS BEFORE THE COMMISSION (paras 6 - 10)	3-4
IV. THE DECISION OF THE COMMISSION (paras 11 - 13)	4
APPENDIX: Decision on Admissibility	5-25

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 applications brought by Messrs. Thomas McFeeley, Kieran Nugent, John Hunter and William Campbell against the United Kingdom.
2. The applicants were represented before the Commission by Messrs. Francis Keenan, Solicitor, and Kevin Doyle, Barrister, professor of law.
3. The United Kingdom Government was represented before the Commission by its Agent, Mr. D.H. Anderson, and subsequently Mr. D.M. Edwards and Mrs. A. Glover, all of the Foreign and Commonwealth Office.

II. SUMMARY OF THE FACTS

4. The facts of the case are set out in the Commission's Final Decision of 14 May 1981 attached hereto as an Appendix (pp 5 - 25).
5. The pertinent facts and complaints are as follows: The applicants, at the time of lodging their application, were all prisoners detained at HM Prison, The Maze, Northern Ireland. They originally complained of many aspects of their treatment in prison and conditions of detention. However the remaining part of the application, and the subject of the present Report, concerns an alleged interference with their right to respect for correspondence, contrary to Art. 8 of the Convention, and the alleged absence of effective domestic remedies for this and their other Convention claims, contrary to Art. 13 of the Convention. The applicants complained of
 - limitations on the number of letters which they could send and receive;
 - the reading by the prison authorities of letters and the stoppage of some of them;
 - an inadequate supply of writing materials;
 - (the applicant Mr. Campbell) the stoppage by the prison authorities of notes intended for his Solicitor.

8317/78

III. THE PROCEEDINGS

6. The present application was introduced on 9 August 1978 and registered on 16 August 1978. In the course of its examination of the application, the Commission decided on 13 July 1979 to invite the parties to submit their observations on the aforementioned aspects of the case in accordance with Rule 42 (2)(b) of its Rules of Procedure. The Government's observations were received on 24 October 1979, the applicant's on 23 November 1979. In a partial decision dated 15 May 1980, the Commission adjourned its consideration of the complaints under Arts 8 and 13 and declared inadmissible the remainder of the application (see DR 20 pp 44 - 161, at para 235).

7. Supplementary observations on the Art. 13 complaint were submitted by the Government on 7 January 1981 to which the applicants did not reply, relying on their previous written submissions in the case. In a letter dated 14 May 1981, the Agent of the respondent Government informed the Commission of the Government's acceptance of admissibility concerning the applicants' complaints under Arts. 8 and 13. On 14 May 1981 the Commission declared these aspects of the application admissible and adjourned further consideration of the case pending the outcome of the test case of Silver and Others against the United Kingdom pending before the European Court of Human Rights. The Court delivered its judgment on the merits of that 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 applicants' solicitor, the Secretary to the Commission, also referring to a reform in the prison censorship rules which the Government had implemented in Northern Ireland, asked whether the applicants wished to maintain their applications to the Commission. No adequate reply to that inquiry has been received from the applicants' solicitor, despite urgent reminders sent on 19 March, 19 April and 4 July 1984.

9. On 30 March 1984 the Government was consulted, in accordance with Rule 49 (2) of the Commission's Rules of Procedure, as to striking the present application off the Commission's list of cases. The Government informed the Commission on 11 April 1984 that it would have no objection 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:

8317/78

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 a certain reform of the prison censorship rules in Northern Ireland has been implemented by the Government. The Commission also notes that the applicants have failed to take steps, including the instruction of their solicitor, to maintain and pursue their application before the Commission.

12. The Commission finds, therefore, that the applicants have lost interest in their case and that there are no reasons of a general character affecting the observance of the Convention which warrant further examination of the application.

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

- decides to strike Application No. 8317/78 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)