

COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

(Or. English)

EUROPEAN COMMISSION
OF HUMAN RIGHTS

Application No. 8077/77

Michael BAKER
against
UNITED KINGDOM

Report of the Commission

(Adopted on 14 May 1984)

STRASBOURG

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I. THE PARTIES

1. This Report, which is drawn up by the Commission, in accordance with Rule 54 of its Rules of Procedure, concerns the application brought by Michael Baker against the United Kingdom.
2. The applicant was represented before the Commission by Messrs Bindman & Partners, Solicitors, London.
3. The United Kingdom Government was represented before the Commission by its Agents, firstly Mr D.H. Anderson, succeeded by 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 Final Decision of 13 March 1980, attached hereto as an Appendix (pp 4 - 13).
5. The pertinent facts and complaints are as follows: The applicant is a United Kingdom citizen, born in 1943, who, at the time of lodging his application, was detained in HM Prison Wakefield, Yorkshire. The applicant complained of the refusal by prison authorities to allow him to write two special letters and the stopping of two of his outgoing letters. He claimed a breach of his right to respect for correspondence ensured by Art 8 of the Convention.

III. THE PROCEEDINGS

6. The present application was introduced on 9 August 1977 and registered on 21 October 1977. On 9 October 1978 the Commission decided to give notice of part of the application to the respondent Government in accordance with Rule 42 (2)(b) of the Rules of Procedure, the parties' written observations being requested. It also declared part of the application inadmissible concerning the applicant's further original complaints about money sent to him.
7. On 19 March 1979 the Government submitted their observations on admissibility, to which the applicant replied on 2 October 1979. The Government submitted further comments on 27 November 1979, to which the applicant replied on 15 January 1980.

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8. On 13 March 1980 the Commission declared part of the remaining application admissible concerning stopped letters, and adjourned its examination of the merits pending the outcome of several test applications, Silver and others against the United Kingdom, which were pending. The applicant's complaint concerning special letters was declared inadmissible. On 11 October 1980 the Commission adopted its Report under Art 31 of the Convention in the test case and subsequently referred it to the European Court of Human Rights for decision. The Court delivered its judgment on the merits on 25 March 1983 and its judgment on the Art 50 question on 24 October 1983. The applicant's solicitors were kept informed of these developments.

9. On 16 January 1984, when copies of the Art 50 judgment were sent to the applicant's solicitors, the Secretary to the Commission, also referring to the reform in prison censorship rules which the Government had implemented, asked whether the applicant wished to maintain his application to the Commission. No reply to the inquiry has been received from the applicant's solicitor, despite a reminder.

10. On 28 March 1984 the Government were 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 4 April 1984 that they would have no objections to the Commission following such a course.

11. On 14 May 1984, the Commission decided to strike the present 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:

MM. C.A. NØRGAARD, President
G. SPERDUTI
F. ERMACORA
J.E.S. FAWCETT
M.A. TRIANTAFYLIDIS
E. BUSUTIL
T. OPSAHL
G. JORUNDSSON
G. TENEKIDES
S. TRECHSEL
M. MELCHIOR
J. SAMPAIO
J.A. CARRILLO
A.S. GOZUBUYUK
A. WEITZEL
J.C. SOYER
H.G. SCHERMERS
H. DANELIUS
G. BATLINER

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IV. THE DECISION OF THE COMMISSION


12. The Commission notes that the applicant has apparently failed to instruct his solicitors to maintain and pursue his application before the Commission. The Commission also notes that a reform of the prison censorship rules was implemented by the Government whilst the test case of Silver and others was pending before the Court.

13. The Commission finds, therefore, that the applicant has lost interest in his case and that there are no reasons of a general character affecting the observance of the Convention which warrant further examination of the application.

14. 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° 8077/77 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


(H.C. KRUGER)

President of the Commission


(C.A. NØRGAARD)