AS TO THE ADMISSIBILITY OF

Application No. 15564/89
by R.A.
against the Netherlands

The European Commission of Human Rights sitting in private on 12 December 1991, the following members being present:

MM.C.A. NØRGAARD, President
J.A. FROWEIN
S. TRECHSEL
F. ERMACORA
G. JÖRUNDSSON
A.S. GÖZÜBÜYÜK
A. WEITZEL
J.-C. SOYER
H.G. SCHERMERS
H. DANELIUS
Mrs.G. H. THUNE
SirBasil HALL
Mr.F. MARTINEZ RUIZ
Mrs.J. LIDDY
MM.L. LOUCAIDES
J.-C. GEUS
A.V. ALMEIDA RIBEIRO
M.P. PELLONPÄÄ
B. MARXER

Mr. H.C. KRÜGER, Secretary to the Commission

Having regard to Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms;

Having regard to the application introduced on 26 September 1989 by R.A. against the Netherlands and registered on 3 October 1989 under file No. 15564/89;

Having regard to the report provided for in Rule 47 of the Rules of Procedure of the Commission;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is a British citizen, born in 1964 and at present living in the United Kingdom. Before the Commission he is represented by Ms. C.A. Lucardie, a lawyer practising in The Hague, the Netherlands.

The facts as submitted by the applicant may be summarised as follows.

On 3 December 1986, the applicant was arrested in Oslo, Norway, on charges of drug trafficking. On 16 October 1987, his trial was set for 3 December 1987. He was detained on remand but absconded on 16 November 1987.

It seems that the applicant fled to the United Kingdom where a Norwegian extradition request was apparently refused. In May 1989 he went to the Netherlands where he was immediately taken into custody with a view to his extradition to Norway.

On 14 July 1989 the Rotterdam Regional Court (Arrondissementsrechtbank) authorised his extradition. The Deputy Minister of Justice ordered the extradition on 7 September 1989. It appears that after instituting summary proceedings the applicant has been extradited. In the meantime he has served his prison sentence in Norway and has subsequently returned to the United Kingdom.

COMPLAINTS

1. The applicant complained that his extradition amounted to inhuman treatment as he had already spent 111/2 months in detention on remand in Norway under severe circumstances (3 months of solitary confinement and insufficient food) which seriously affected his health. In addition he had been detained 5 months in the Netherlands pending his extradition. Being tried and serving a sentence after these long periods of detention was contrary to Article 3 of the Convention.
2. He further complained under Article 3 in conjunction with Article 8 of the Convention that his isolation in Norway would be unbearable since his family and friends would not be able to visit him and since he neither speaks nor understands Norwegian.

3. Finally, he complained under Articles 5 para. 3 and 6 para. 1 of the Convention that during his detention on remand in Norway he had not been brought promptly before a judge and that he had thus not been tried within a reasonable time.

THE LAW

1. The applicant complained that his extradition to Norway amounted to inhuman treatment as he would have to serve a sentence after a long period of detention in unhealthy conditions. In this respect he invokes Article 3 (Art. 3) of the Convention which reads:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

The Commission notes that the applicant has been extradited to a High Contracting Party, which has recognised the right ofindividual petition set forth in Article 25 (Art. 25) of the Convention. Under these circumstances the Commission finds that Article 3 (Art. 3) did not prevent the Netherlands from extraditing the applicant to Norway (see e.g. No. 12543/86, Dec. 2.12.86, D.R. 51 p. 272).

It follows that this part of the application must be rejected as being manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

2. The applicant further complained under Article 3 in conjunction with Article 8 (Art. 3+8) of the Convention about the isolation he would have to endure in a Norwegian prison. He also complained that he had not been brought promptly before a judge in Norway and that therefore he had not been tried within a reasonable time. He invokes Articles 5 para. 3 and 6 para. 1 (Art. 5-3, 6-1) of the Convention.

The Commission observes that these complaints do not concern any fact for which the Netherlands authorities can be held responsible.

It follows that this part of the application must be rejected as being incompatible ratione personae with the Convention within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission, unanimously

DECLARES THE APPLICATION INADMISSIBLE.

Secretary to the Commission — President of the Commission

(H.C. KRÜGER) — (C.A. NØRGAARD)