AS TO THE ADMISSIBILITY OF

Application No. 21576/93
by F.D.
against Norway

The European Commission of Human Rights sitting in private on 10 September 1993, the following members being present:

MM. C.A. NØRGAARD, President
S. TRECHSEL
A. WEITZEL
F. ERMACORA
E. BUSUTTIL
G. JÖRUNDSSON
A.S. GÖZÜBÜYÜK
J.-C. SOYER
H.G. SCHERMERS
H. DANELIUS
Mrs. G.H. THUNE
Mr. F. MARTINEZ
Mrs. J. LIDDY
MM. J.-C. GEUS
M.P. PELLONPÄÄ
B. MARXER
M.A. NOWICKI
I. CABRAL BARRETO
B. CONFORTI
N. BRATZA

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 4 February 1993 by F.D. against Norway and registered on 23 March 1993 under file No. 21576/93;

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

Having regard to the observations submitted by the respondent Government on 14 May 1993 and the observations in reply submitted by the applicant on 30 June 1993;

Having deliberated;

Decides as follows:

THE FACTS

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant is a so-called Kosovo Albanian, born in 1972. He is a Muslim. At present he is living in an asylum centre in Norway. Before the Commission he is represented by Mr. Eric Rundhovde, a lawyer practising in Bergen.

A. The particular facts of the case

The applicant came to Norway for the first time on 1 May 1989 and applied for asylum. His request was rejected by the Ministry of Justice

on 21 March 1990 and he was returned to Zagreb on 20 April 1990. Thereafter he stayed at home with his parents, brothers and sisters in a village called Ghloxan in Kosovo.

On 6 May 1991 he was called to serve in the Federal Yugoslav army and, in order to avoid this, he went to Switzerland on 29 June 1991 where he worked in a restaurant. He stayed there until 29 October 1991 when he returned to Kosovo and stayed at Pristina, Kosovo. He submits that he stayed there illegally and that the authorities were looking for him since he had deserted from the army. On 21 January 1992 he left for Norway by car. He submits that a friend drove him to Norway for 2000 DM.

In Norway the applicant applied for asylum or a residence permit on humanitarian grounds, referring to the situation in Yugoslavia and to the fact that he had not complied with the draft order. He was interrogated by the Norwegian police on 6 February 1992. He submitted, inter alia, that he did not want to return to Yugoslavia as long as there is a war going on there, but he would return and fight the Serbs if war broke out between the Serbs and the Albanians in Kosovo.

During the asylum/residence permit proceedings the applicant was represented by counsel under a legal aid grant.

On 21 July 1992 the Directorate for Aliens (Utlendings-direktoratet) rejected the application. In its decision the Directorate stated:

(translation)

> "the Directorate considers that it cannot be established that [the applicant] has been subjected to actions by the authorities which may be characterised as persecution within the meaning of the Aliens Act (Utlendingsloven) or the Refugee Convention.
>
> It appears from his previous application (for asylum in Norway) that [the applicant] was convicted in absentia and sentenced to six months' imprisonment for participation in demonstrations. However, there is no information in the new application which could lead to the conclusion that the authorities tried to enforce the judgment despite the fact that [the applicant] remained in his country after the alleged judgment was pronounced.
> It has been noticed that [the applicant] claims to have been arrested twice. However, no explanation as to why he was arrested, or when, has been submitted.
>
> [The applicant] has not been a member of a political party or organisation either and it is not found to be established that [the applicant] has been politically active in such a way that there is reason to fear persecution.
>
> As a reason for leaving the country [the applicant] also submits that, on 6 May 1991, he was called to do military service as from 19 June 1991. A copy of the order is enclosed.
>
> [The applicant] did not, however, comply with the order but travelled to Switzerland and started working there. [He] returned to Yugoslavia/Kosovo in October 1991 and stayed there until he left for Norway. It is considered to be extraordinary that [the applicant] returned to his country and actually stayed there for about three months if he had received a draft order with which he did not intend to comply.
>
> There is also reason to point out that fear of or an aversion to doing military service in general does not entitle to asylum or a residence permit in Norway.

Having considered the case as a whole it is not likely that there would be an imminent risk of persecution upon leaving the country within the meaning of the Aliens Act and the Refugee Convention.

Nor is there reason to give [the applicant] a residence or a work permit in Norway in accordance with Section 8, subsection 2, of the Aliens Act.

Section 15, subsection 1, of the Aliens Act does not prevent a return to the country of origin."

The applicant appealed against this decision to the Ministry of Justice. During these proceedings he was represented by his present representative under a grant of legal aid.

In its decision of 29 September 1992, rejecting the appeal, the Ministry stated inter alia:

(translation)

"[the applicant] submits in his application of 25 January 1992 that he has received a draft order. However, it is clear that this is not a mobilisation order but an order for ordinary first time military service. The Ministry refers in this respect to the fact that non-appearance for ordinary first time military service does not constitute a basis for granting asylum in Norway.

After considering the case as a whole the Ministry does not find that such strong humanitarian considerations or particular connections with Norway exist that [the applicant] should receive a residence permit in accordance with Section 8, subsection 2, of the Aliens Act. The Ministry considers it obvious that a possible reaction from the authorities due to the fact that [the applicant] has evaded military service is not of such character as would necessitate the granting of a residence permit in accordance with Section 8, subsection 2. The so-called 'immediate danger of war' situation was not at hand when [the applicant] was allegedly called to do his first time military service. Furthermore, the Federal (Yugoslav) Army is not a party in the present war in former Yugoslavia. It should also be pointed out that [the applicant] remained in Kosovo approximately three months after he was called to the army. Furthermore, it is recalled that the Ministry is constantly informed of the situation in Kosovo and that it is not considered to be such that a residence permit on humanitarian grounds could be granted.
...
The decision should be enforced in accordance with Sections 40 and 41 of the Aliens Act. In this connection the Ministry points out that the present situation in Yugoslavia requires that a deportation will only take place in consultation with the Ministry."

The applicant submits that deportation would mean that he will be taken by air to Skopje in Macedonia, and then by bus to the Kosovo border, where he will receive certain travel money and otherwise be left there. He also submits that the border between Macedonia and Kosovo is closed and that he could not therefore return to Kosovo without being arrested by the Serbian dominated authorities in Kosovo.

On 7 October 1992 the applicant instituted proceedings in the City Court (byrett) of Oslo claiming that the decision to refuse him asylum or a residence permit and to deport him was illegal. He also applied for legal aid as his previous legal aid grant only covered the proceedings before the administrative authorities ending with the decision of the Ministry of Justice. He furthermore requested that the court proceedings be given suspensive effect. The latter request was

subsequently withdrawn as he was informed that he would not be deported while the case was pending.

On 14 October 1992 the applicant's request for legal aid was refused by the County Governor (Fylkesmannen). This decision was upheld by the Ministry of Justice on 27 January 1993.

The case was heard in the City Court on 11 February 1993. The applicant was present, but not represented. The respondent State was represented by its Solicitor General (Regjeringsadvokaten).

In its judgment of 17 February 1993, finding in favour of the respondent State, the Court stated inter alia:

> "The Court must first consider whether [the applicant] has a right to asylum in accordance with Section 17 of the Aliens Act. Thereafter the question of a residence permit in accordance with Section 8, subsection 2, of the Aliens Act arises and finally the question whether Section 15 of the Act is applicable.
>
> The requirements under Section 17 of the Act are that the alien should be considered a refugee. A refugee within the meaning of this Act is someone who falls under Section 1A of the Refugee Convention, i.e. a person who rightly fears persecution due to race, religion, nationality, membership of a particular social group or due to his political conviction.
>
> Non-appearance for first time military service cannot in itself constitute the basis for granting asylum. Such a an act is normally punished in most countries ... .
>
> However, if someone risks a disproportionately severe sentence therefor, due to his nationality or political opinion ... he may nevertheless be considered to be a refugee.
>
> [The applicant] should have appeared for ordinary first time military service in 1991, before the war started. The Court must therefore consider it established that as a starting point he does not risk being convicted under the more severe sanctions applicable in case of wartime desertion. It has been submitted that only a few judgments have been pronounced, concerning refusal by Kosovo Albanians to do military service. Of these pronounced the sentence imposed lies between 6 and 13 months. Furthermore it has been submitted that more than 100,000 - 200,000 persons have refused to appear for military service in Serbia most recently, both Kosovo Albanians and others. The Court finds no reason to doubt this information. This means that the Serbian authorities' possibilities of pursuing such offences are minimal. [The applicant] has also stayed in Kosovo for three months after he should have joined the military without this leading to reactions, something which supports this opinion.
>
> On the other hand it may be questioned whether the situation in Kosovo is so tense and unclear that it is difficult to say anything about how the authorities would react towards military objectors in the future. The Court refers to the fact that the situation in Kosovo from several sides is characterised by being explosive even without concrete reasons to fear that the war in Yugoslavia will spread to Kosovo in the near future. The situation for

the Kosovo Albanians is difficult. They are harassed by the Serbs and the Court has no reason to doubt that there is a serious fear of open conflict/war. It has been submitted that frequent searches and identity controls take place, as well as brief detentions. The Serbs fear among other things that the Kosovo Albanians would take up arms. This general harassment and fear of conflict is not normally considered to constitute a basis for asylum.

A risk of imprisonment due to a refusal to do military service in such circumstances, in particular in the light of the atrocities which this war has shown, makes it easy to understand that [the applicant] seriously fears persecution due to his refusal to do military service.

The Court has nevertheless reached the conclusion that this fear cannot be decisive in respect of the question whether [the applicant] should be considered a refugee. The Court considers that, in accordance with the definition of a refugee, it is a requirement that this fear must relate to a more concrete development and base itself on information concerning the treatment of military objectors in the country.

The question must also be raised whether it is possible that [the applicant] will be particularly severely punished if arrested because he has participated in demonstrations against the authorities earlier. He has maintained during the hearing that he has been convicted and sentenced to six months' imprisonment in absentia in 1989 therefor, and that the police have looked for him at his parents' home in order to arrest him for political activity.

The Court does not find it unlikely that [the applicant] has participated in some of the many political demonstrations in Kosovo in the 80's. A proposal for a constitutional amendment limiting the self-government was followed by demonstrations and strikes in January/February 1989. However, the Court finds it unlikely that [the applicant] thereby caught the attention of the authorities due to his political opinion. ... It is clear that [the applicant] since then stayed in Kosovo approximately one year and two months without the authorities succeeding in finding him. [He] alleges that this was due to the fact that he did not stay with his parents but stayed in Kosovo illegally. The Court finds, however, that this supports the view that the authorities did not make an effort in order to find him and there is no reason to fear that he will be subjected to a particularly severe punishment due to political activity.

As regards the risk that [the applicant], if forced to do military service, will have to participate in acts of war which take place in former Yugoslavia and which the UN has condemned ... the Court refers to the fact that troops from the Federal Yugoslav Army do not participate in the acts of war which take place. Therefore [the applicant] does not risk having to participate in these acts of war which the UN has condemned. Furthermore, the Serbs do not want to train the Kosovo Albanians in handling weapons.

One may of course ask whether the situation in Yugoslavia is so turbulent that it is difficult to say anything about the risk of being engaged in such acts of war in the future. However, the Court has reached the conclusion that it must be considered to be a fact that the Federal Yugoslav Army, including troops from Kosovo and Monte-

negro, does not for the time being participate in the acts of war which take place, regardless of the fact that the situation in Yugoslavia has been turbulent now for some time.

[The applicant] has also submitted that he has a right to a residence permit in accordance with Section 8, subsection 2, of the Aliens Act. This provision provides that when strong humanitarian considerations so require, or when the alien has special connections with the country, a work or residence permit may be given despite the fact that the requirements are not fulfilled.

The administrative authorities have a margin of appreciation here, i.e. the Court cannot review the use thereof. This follows from the fact that the word 'may' has been used. Only errors in applying the margin of appreciation may be reviewed.

The Court finds that no such errors have been committed in applying the margin of appreciation. Nothing indicates that the Ministry of Justice has based itself on incorrect facts, that irrelevant considerations have been applied or that there has been an unjustifiable differential treatment. The conclusion is therefore that the Court must find in favour of the State on this point.

An alien may be protected against persecution under Section 15 of the Aliens Act regardless of the fact that he cannot be considered a refugee if inter alia, for similar reasons as set out in the definition of a refugee, he is in imminent danger of losing his life or of being subjected to inhuman treatment if returned. It is here the alien's situation at the time of his return which is decisive.

As regards the Kosovo Albanians who have been returned, between 50 - 100 because of minor criminal offences, the State has maintained that they have not been subjected to any particular treatment upon return in so far as the State has been informed. It is alleged that the Ministry of Justice inter alia receives information from LDK (a legal political party dominated by Kosovo Albanians) and that it would have been informed if something had happened. The deportation had taken place by air to Macedonia and subsequently by bus or private car to Kosovo. Many asylum seekers also returned voluntarily and visited Kosovo. The Court has no reason to believe that this information is not correct. Nothing has been submitted, in particular as regards whether Kosovo Albanian miliary objectors have been returned, for example how many, but the Court finds that there are no reasonable grounds for suspecting that they will be subjected to a particular persecution because they have left their country. In this connection it must be kept in mind that the risk of being convicted for refusal to do military service does not in itself suffice to bring Section 15 into play. In this respect the question also arises whether the tense situation in Kosovo, the insecurity in regard to how the situation will develop compared with the risk of being detained for refusal to do military service in such a situation, implies that Section 15 applies.

However, the Court has reached the conclusion that the risk of losing his life or of [the applicant] being subjected to inhuman treatment if he is deported, is not of the imminence which is required in order to be protected under this provision.

> According to the submissions, the Ministry of Justice will not in any circumstances decide to deport (the applicant) before the European Commission of Human Rights has decided in the case. The situation may then have changed and the authorities must in view of all the circumstances prevailing at the moment of deportation decide whether [the applicant], due to similar reasons as those set out in the definition of a refugee, is in imminent danger of losing his life or of being subjected to inhuman treatment, cf. Section 15 of the Aliens Act."

The applicant appealed against this judgment to the Eidsivating High Court (Lagmannsrett) where the case is at present pending. The appeal has no suspensive effect.

B. Domestic law and practice

Asylum

The right to refuse asylum in Norway is regulated by the Aliens Act of 24 June 1988. According to Section 4 of the Act, it shall be applied in accordance with international rules by which Norway is bound when these are intended to safeguard the position of foreign nationals. Norwegian practice concerning refugees and the question of "non-refoulement" should therefore be applied in accordance with the 1951 Convention relating to the status of refugees, and the European Convention on Human Rights.

Section 16 of the Aliens Act concerning the determination of refugee status refers directly to the definition in Article 1 A of the 1951 Convention, from which it follows that a refugee is a person who stays outside his country of origin, and who may fear persecution from the authorities in his country of origin, due to e.g. political or religious activity, or ethnic or national origin.

According to Section 17, subsection 1, of the Aliens Act, a foreign national considered a refugee has, with some exceptions, the right to asylum in Norway.

According to Article 15 of the Aliens Act, no foreign national should be sent to any area where he or she may fear persecution of such a kind as may justify recognition as a refugee, or where the foreigner will not feel confident about being sent to such an area. A corresponding protection applies to foreign nationals, who for reasons similar to those given in the definition of a refugee, are in considerable danger of losing their lives or being made to suffer inhuman treatment. This section applies to foreign nationals in general.

Residence permit

According to Section 8 of the Aliens Act a residence permit can be issued on humanitarian grounds if asylum is denied. Whether or not such a residence permit should be granted depends on an individual assessment in each case. Section 8 does not give a foreign national an automatic right to a residence permit, but it follows from the Aliens Act that a residence permit will be granted on humanitarian grounds if a foreign national may be subjected to a considerable danger of losing his life or if he risks suffering inhuman treatment due to reasons similar to those applicable to refugees.

Available remedies

According to Sections 15 and 21 of the Aliens Act, the Directorate for Aliens will in the first instance decide whether an asylum seeker can be considered a refugee. If asylum is denied, the Directorate shall on its own account assess whether the asylum seeker should be granted a residence permit on humanitarian grounds. Under Chapter VI of the Public Administration Act (Forvaltningsloven) of 10 February 1967 the asylum seeker can appeal to the Ministry of Justice if asylum or both asylum and the request for a residence permit are denied.

Following the administrative proceedings an asylum seeker has the possibility of instituting proceedings in the ordinary courts of law against the State concerning the refusals to grant him asylum or a residence permit. These proceedings have no suspensive effect unless the court so decides and they follow the usual civil law procedure. Such procedure comprises three court levels: the City Court, the High Court and, with leave, the Supreme Court (Høyesterett).

Free legal aid

According to Section 42, subsection 3, of the Aliens Act, and Section 13, subsection 1, of the Act of 13 June 1980 relating to Legal Aid, aliens are entitled to free legal aid in connection with the administrative processing of applications for asylum, without being subject to a means test. This represents preferential treatment in comparison with Norwegian citizens. In accordance with Section 42, subsection 4, of the Aliens Act, the authorities have the right to demand a refund if the alien can afford it.

In accordance with the Immigration Regulations, Sections 131 - 133, the police shall provide information on the applicant's right to legal aid, and the authorities' right to demand a refund. Legal guidance shall be given in a language understood by the alien. The police shall furthermore assist the alien in contacting a lawyer, if so requested.

The right to free legal aid applies to both the processing of the case in the first instance, and to possible appeals to the superior administrative authorities. The authorities meet lawyers' fees for up to five hours' work at 495.- NOK per hour in connection with the processing at first instance, and one hour for the processing of appeals.

In the event of the alien wanting to have his case examined by the courts of law, the standard regulations governing free legal aid take effect. The regulations relating to free legal aid are identical for aliens and Norwegian citizens. The regulations governing free legal aid are contained in Chapter IV of the Legal Aid Act. Should the applicant meet the economic conditions and if the County Governor deems it reasonable, free legal aid may be awarded. An overall assessment shall be made, and there shall be particular emphasis on the nature of the case, the implications of the case for the plaintiff, and the likelihood of the application being successful. According to Section 28 of the Legal Aid Act, the County Governor's decision may be appealed to the Ministry of Justice.

In the event of free legal aid being granted before a particular court, the alien must make a fresh application if he wishes to appeal the case to a higher court.

If free legal aid has been awarded, it also covers the administrative fee charged by the court before which the case is being heard.

COMPLAINTS

The applicant complains of a violation of Articles 3 and 13 of the Convention.

As regards Article 3, he refers to the general situation in former Yugoslavia and to the fact that he has refused to join the Federal Yugoslav Army. He maintains that he risks up to ten years' imprisonment and being forced to do military service, helping the Serbs. He also maintains that there is no guarantee that the courts in Kosovo could guarantee him a fair trial or that prison conditions would comply with Article 3 of the Convention. He submits that the general situation in Kosovo is very turbulent and the information from there is controlled by the Serbs. He considers that it would be contrary to Article 3 of the Convention to deport him to Kosovo in the present circumstances.

As regards Article 13, the applicant complains that the refusal to grant him legal aid deprived him of an effective remedy before a national authority in order to bring his case before the ordinary courts of law.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 4 February 1993 and registered on 23 March 1993.

On 10 February 1993 the Commission decided to apply Rule 36 of its Rules of Procedure, having found that it was desirable not to deport the applicant to former Yugoslavia until it had had an opportunity to examine the case further.

On 8 April 1993 the Commission decided to prolong its indication under Rule 36 of its Rules of Procedure and to bring the application to the notice of the respondent Government, inviting them to submit written observations on the admissibility and merits of the case.

The Government's observations were submitted on 14 May 1993 and the applicant's observations in reply were submitted on 30 June 1993.

On 9 July 1993 the Commission decided to prolong its indication under Rule 36 of its Rules of Procedure.

THE LAW

1. The applicant complains that, if returned to Kosovo, he risks being subjected to treatment contrary to Article 3 (Art. 3) of the Convention which reads as follows:

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

In support of his contention the applicant refers to the general situation in former Yugoslavia and the particular situation of the Kosovo Albanians. Furthermore, he refers to his own political views and to the fact that he has refused to comply with the draft order to the Federal Yugoslav Army. He maintains that he risks up to ten years' imprisonment for draft evasion. In addition the applicant maintains that there is no guarantee that the courts in Kosovo would comply with the fair trial requirements or that prison conditions would be in accordance with Article 3 (Art. 3) of the Convention. He submits that the situation in Kosovo is very turbulent and fully under Serbian

control. If returned, he would accordingly face imprisonment or, while doing his military service, be completely in the hands of the Serbian authorities.

The Government maintain that, although the Serbian authorities are harassing a large number of ethnic Albanians, there is nothing which indicates that the applicant would be particularly exposed to such harassment. His political activities have been minimal and he has not been subjected to ill-treatment while in Kosovo.

As regards the draft order the Government submit, in particular, that being drafted into military service, with possible prosecution for default, does not in itself violate Article 3 (Art. 3) of the Convention. Conscientious objectors who have been punished in Serbia recently have received sentences ranging from six to eighteen months' imprisonment and there have been no objections to the way in which these cases have been handled by the Serbian authorities.

The Government conclude that it is highly unlikely that the applicant would be met with any kind of reaction if returned to Kosovo. At any rate, any reaction on the part of the Serbian authorities would not, in the opinion of the Government, exceed the minimum level of severity required by Article 3 (Art. 3) of the Convention.

The Commission recalls that Contracting States have the right to control the entry, residence and expulsion of aliens. The right to political asylum is not protected in either the Convention or its Protocols (Eur. Court H.R., Vilvarajah and Others judgment of 30 October 1991, Series A no. 215, p. 34, para. 102). However, expulsion by a Contracting State of an asylum seeker may give rise to an issue under Article 3 (Art. 3) of the Convention and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the person concerned would face a real risk of being subjected to torture or to inhuman or degrading treatment or punishment in the country to which he is to be expelled (ibid., para. 103). A mere possibility of ill-treatment is not in itself sufficient (ibid., p. 37, para. 111).

The examination of the present case involves, on the one hand, the applicant's personal situation and, on the other, the general situation in Kosovo. For this purpose the parties have provided relevant material which includes information from the United Nations High Commissioner for Refugees and Amnesty International as well as information concerning the applicant's particular situation. Having regard thereto the Commission finds that the general situation in Kosovo at present is not of a kind that an expulsion to that area of former Yugoslavia would as such amount to a violation of the Convention or its Protocols. In order to raise an issue under the provision invoked there should accordingly be some substantiation as to the existence of a specific risk of treatment contrary to Article 3 (Art. 3) of the Convention.

In the present case such particular circumstances might be that the applicant is a draft evader. However, the Commission shares the Government's doubts as to whether the applicant will, in the circumstances, receive any punishment at all. Furthermore, the Commission does not find that the possible sanction for draft evasion is so severe as to raise an issue under Article 3 (Art. 3) of the Convention (cf. No. 11017/84, Dec. 13.3.86, D.R. 46 p. 176 and No. 12364/86, Dec. 17.10.86, D.R. 50 p. 280).

Accordingly, the Commission concludes, on the evidence before it concerning the applicant's background and the general situation in Kosovo, that it has not been established that there are substantial

grounds for believing that the applicant would be exposed to a real risk of being subjected to treatment contrary to Article 3 (Art. 3) of the Convention if returned to Kosovo.

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 also complains of a violation of Article 13 (Art. 13) of the Convention due to the fact that he was not granted legal aid in order to bring his case before the ordinary courts of law.

The Commission recalls that according to the provisions of the Norwegian Aliens Act, an alien may apply for asylum or a residence permit to the Directorate for Aliens. The Directorate's decisions may be appealed against to the Ministry of Justice. The alien is entitled to free legal aid in connection with these proceedings, without being subject to a means test.

Subsequently, the alien may institute proceedings in the ordinary courts of law and may be granted legal aid for that purpose provided he fulfils certain general requirements for obtaining such aid.

The Commission considers that a system as described above does not disclose any appearance of a violation of Article 13 (Art. 13) of the Convention. It follows that this part of the application is also manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission, by a majority

DECLARES THE APPLICATION INADMISSIBLE.

Secretary to the Commission	President of the Commission
(H.C. KRÜGER)	(C.A. NØRGAARD)