The European Commission of Human Rights sitting in private on 2 December 1986 the following members being present:

MM. C. A. NØRGAARD, President
E. BUSUTTIL
G. JÖRUNDSSON
G. TENEKIDES
S. TRECHSEL
B. KIERNAN
A. S. GÖZÜBÜYÜK
A. WEITZEL
J. C. SOYER
H. DANELIUS
G. BATLINER
Mrs. G. H. THUNE
Sir Basil HALL
Mr. F. MARTINEZ

Mr. H. C. KRÜGER Secretary to the Commission

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

Having regard to the application introduced on 24 December 1985 by E.F. against the United Kingdom and registered on 11 March 1986 under file N° 12066/86;

Having regard to the report provided for in Rule 40 of the Rules of Procedure of the Commission;

Having deliberated;

Decides as follows:

THE FACTS

The applicant, Mr. E.F., is a citizen of the United Kingdom born in 1949. He resides, at present, in Bristol, United Kingdom. He is represented in the proceedings before the Commission by B. M. Birnberg and Co., Solicitors, London.

In 1981 the applicant was sentenced to seven years' imprisonment for armed robbery. He then became entitled to consideration for parole after the completion of one-third of his sentence in March 1984. He had good reason to consider that a request for parole on that date would be favourably received.

In 11 October 1983 the Home Secretary, Mr. Leon Brittan, announced a change in parole policy. Henceforth he intended to exercise his discretion to ensure that prisoners serving sentences of five years or more for offences of violence and drug trafficking would be granted parole only during the last months before the end of their sentence or in circumstances which were genuinely exceptional.

The applicant, together with other prisoners, introduced proceedings for judicial review of the Home Secretary's decision. His application was rejected by the High Court on 30 April 1984. An appeal to the Court of Appeal was also dismissed on 6 July 1984 as was a further appeal to the House of Lords on 15 November 1984.

COMPLAINTS

Article 7 (art. 7)

The applicant complains, under Article 7 (art. 7) of the Convention, that the effect of the Home Secretary's new policy is to impose a

penalty that is harsher than that originally imposed upon him at the time of his sentence and applicable at the time of the commission of the offence.

PROCEEDINGS BEFORE THE COMMISSION

On 3 March 1986 the Commission rejected a similar complaint under inter alia Article 7 (art. 7) of the Convention in the cases of Hogben v. United Kingdom (Application No. 11653/85) and Honeyman v. the United Kingdom (Application No. 11732/86). In the light of these decisions, the applicant's legal advisers were requested to indicate whether the applicant intended to maintain his application before the Commission. In a letter dated 17 June 1986 the applicant's solicitor stated that, in view of the Commission's decision in the cases of Hogben and Honeyman, the applicant no longer intended to maintain his application before the Commission.

FINDING OF THE COMMISSION

The Commission notes that the applicant no longer intends to maintain his application before the Commission and finds that there are no reasons relating to the general interest why the Commission should continue to examine the application.

For these reasons, the Commission

DECIDES TO STRIKE THE APPLICATION OFF ITS LIST OF CASES

Secretary to the Commission President of the Commission

(H. C. KRÜGER) (C. A. NØRGAARD)