AS TO THE ADMISSIBILITY OF

Application No. 28576/95
by Virginia Clare MATTHEWS
against the United Kingdom

The European Commission of Human Rights (First Chamber) sitting in private on 16 October 1996, the following members being present:

Mrs. J. LIDDY, President
MM. M.P. PELLONPÄÄ
E. BUSUTTIL
A. WEITZEL
B. MARXER
G.B. REFFI
B. CONFORTI
N. BRATZA
G. RESS
A. PERENIC
C. BÎRSAN
K. HERNDL
M. VILA AMIGÓ

Mrs. M.F. BUQUICCHIO, Secretary to the Chamber

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

Having regard to the application introduced on 14 July 1994 by Virginia Clare MATTHEWS against the United Kingdom and registered on 18 September 1995 under file No. 28576/95;

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 1952 and resident in Hampshire in the United Kingdom. She is represented before the Commission by John Wadham of Liberty. The facts as submitted by the applicant can be summarised as follows.

The applicant is a peace campaigner. In the mid 1980s she was arrested by soldiers and police and detained overnight in a pit on a military range whilst campaigning against the siting of Cruise nuclear missiles in the United Kingdom. She successfully pursued proceedings against the Chief Constable of Hampshire and the Ministry of Defence ("MOD") for which in March 1993 she was awarded £10, 000 compensation by Portsmouth County Court.

Whilst her case was being prepared, during the hearing and in the week following the trial, the applicant experienced a number of disconnections of her telephone each time she discussed the case. Conversations were brought to a close by a muffled noise followed by a click. Other communications were interrupted by fuzzy noises and click. The applicant remarked that when she made phone calls from her home she, and the individual receiving the call, heard a loud rushing noise lasting about 30 seconds. During this period the applicant had a number of telephone conversations with her lawyers regarding her case against the Chief Constable and the MOD.

On 24 March 1993, during the trial, a local reporter telephoned the applicant for information about her case. She was out at the time but he states that he heard a click as if an answerphone had gone off (even though the applicant did not have an answerphone) followed by one side of a conversation the applicant had had the previous day.

On 24 November 1993 the applicant applied to the Interception of Communications Tribunal. She complained that there were no reasonable grounds as prescribed by section 2(2) of the Interception of Communications Act 1985 ("the 1985 Act") to justify such interception, and that the interceptions were being carried out in the absence of a warrant as required by section 1(2) of the 1985 Act.

On 17 December 1993 the Tribunal Officer acknowledged the applicant's application and by letter of 27 January 1994 informed her that the Tribunal's investigation into the matter had "satisfied them that there had been no contravention of ss. 2-5 of the Interception of Communications Act 1985 in relation to the relevant warrant or relevant certificate".

Relevant domestic law and practice

On 10 April 1986 the Interception of Communications Act 1985 ("the 1985 Act") came into force in the United Kingdom pursuant to the judgment of the Court in the Malone case (Eur. Court H.R., Malone judgment of 2 August 1984, Series A no. 82). Its objective, as outlined in the Home Office White Paper dated February 1985, is to provide a clear statutory framework within which the interception of communications on public systems will be authorised and controlled in a manner commanding public confidence.

(a) Warrants.

Section 1 of the 1985 Act makes it a criminal offence for anyone to intentionally intercept a communication in the course of its transmission by means of a public telecommunications system except in four statutorily defined situations including when that interception is in obedience to a warrant issued in accordance with sections 2-6 of the 1985 Act. The prosecution of this offence is a matter for the police. However, if the Commissioner (see below) comes across a case of unauthorised interception it is accepted practice that he reports the matter to the Prime Minister.

Section 2 (1) confers on the Secretary of State the power to issue warrants requiring the interception of communications and the disclosure of intercepted material in such a manner and to such persons as are described in the warrant. Section 2 (2) of the 1985 Act provides that the Secretary of State shall not issue a warrant under this section unless he considers that a warrant is necessary (i) in the interests of national security; (ii) for the purpose of preventing or detecting serious crime; or (iii) for the purpose of safeguarding the economic well-being of the United Kingdom.

Section 3 of the 1985 Act contains a detailed series of provisions restricting the scope of any warrant issued. Section 4 deals with the manner in which a warrant may be issued and with the duration of the warrant. Section 5 deals, inter alia, with the modification of any such warrant. Under Section 6 the dissemination and retention of information obtained by interception under warrant is limited and controlled.

(b) The Tribunal.

Any person can complain to the Interceptions of Communications Tribunal ("the Tribunal") in respect of a suspected interception. The Tribunal consists of five members each of whom must be a lawyer of not less than 10 years standing and can hold office for five years subject

to re-appointment. Section 7 of and Schedule 1 to the 1985 Act contains detailed provisions for the investigation of complaints by the Tribunal. If the application does not appear to the Tribunal to be frivolous the Tribunal will investigate whether there is or has been a relevant warrant and, if so, will apply the principles of judicial review in determining whether there has been a breach of sections 2-5 of the 1985 Act.

If there has been no such breach the Tribunal will merely confirm this but does not confirm whether a warrant has been issued or not. However if there has been a breach, the Tribunal must notify the applicant of its conclusion on this point, report on its findings to the Prime Minister and to the Commissioner and, if the Tribunal thinks fit, it can order the quashing of the warrant, destruction of the intercepted material and payment by the Secretary of State of compensation. The Tribunal does not give reasons for its decisions and there is no appeal from a decision of the Tribunal.

(c) Exclusion of review by court.

Section 7(8) of the 1985 Act provides:

"The decisions of the Tribunal (including any decision as to their jurisdiction) shall not be subject to appeal or liable to be questioned in any court."

(d) Exclusion of evidence of interception in proceedings before any court of tribunal.

Section 9 of the 1985 Act provides that no evidence shall be adduced by any party, in any proceedings before a court or tribunal, which tends to suggest that an unlawful interception has been committed by, inter alia, a person holding office under the Crown. There are some clearly defined exceptions to this rule, none of which is relevant to the present application. Section 9 provides as follows:

"(1) In any proceedings before any court or tribunal no evidence shall be adduced and no question in cross-examination shall be asked which (in either case) tends to suggest that:-

(a) that an offence under section 1 above had been or is to be committed by any of the persons mentioned in subsection 2 below; or

(b) that a warrant has been or is to be issued to any of those persons.

(2) The persons referred to in subsection (1) above are :-

(a) any person holding office under the Crown;

(b) the Post Office and any person engaged in the business of the Post Office; and

(c) any public telecommunications operator and any person engaged in the running of a public telecommunication system"

(e) The Commissioner.

The Commissioner is appointed by the Prime Minister and must have held or hold a high judicial office. The Commissioner's role is mainly a supervisory one. His functions include the following:

(i) to keep under review the carrying out by the Secretary of State of the functions conferred on him by sections 2-5 of the 1985 Act;

(ii) to keep under review the adequacy of the arrangements under section 6 of the 1985 Act;

(iii) to assist the Tribunal;

(iv) to report to the Prime Minister if the Commissioner is of the opinion that there has been a breach of sections 2-5 of the 1985 Act which has not been so reported by the Tribunal or if the arrangements under section 6 of the 1985 Act are inadequate;

(v) to make an annual report to the Prime Minister on the exercise of his functions, which report must be laid before Parliament. The Prime Minister has the power to exclude any matter from the report if publication would be prejudicial to national security, to the prevention or detection of serious crime or to the well-being of the United Kingdom. The report must state if any matter has been excluded.

(f) The Commissioner's Reports (1986-1993).

In general the reports of the Commissioner to the Prime Minister have indicated an increase in new warrants issued, but the Commissioner has been satisfied that in all cases those new warrants were justified under section 2 of the 1985 Act.

1986 Report

Since this was the first report of the Commissioner (then Lord Justice Lloyd, a member of the Court of Appeal) it was largely concerned with explaining how the 1985 Act operated in practice. In this regard the Commissioner pointed out the following:

"<the Commissioner> cannot in the nature of things know, nor could he well find out, whether there has been an unlawful interception in breach of section 1. That is a job for the police. By unlawful interception I mean interception without a warrant and without any of the other defences provided by section 1" (para. 3).

1990 Report

The Commissioner noted as follows:

"My task is to ensure that those who issue warrants do not overstep the mark ... Where possible I see all new warrants issued since my previous visit. Where the number of new warrants is too great for this, I select cases at random. ... I am shown everything I ask to see. Although I cannot claim to have seen every warrant, I am satisfied that this system works. ... I have no reason to suppose that any warrants have, as it were, slipped through the net. I am confident that this has not been the case" (para. 8).

The Commissioner also referred to the common assumption that members of the public seem to make that their telephones are being intercepted because they hear a "mysterious clicking noise". He confirmed that the device used for interception of calls is inaudible to the subscriber either on connection or in operation. He went on to describe the device used (by those responsible for running a public telecommunications system) for metering. A warrant under the 1985 Act is not required for a metering device as it is used to record the duration and destination of calls in order to verify a subscriber account and does not involve listening to the telephone conversation.

In relation to the standard form notice issued by the Tribunal to a complainant confirming that there has been no breach of sections

2-5 of the 1985 Act (used whether a warrant has been issued or not), the Commissioner noted the following:

> "If he complains to the police he is told that they cannot take action unless the interception was unauthorised. Since the subscriber does not know and cannot find out from the tribunal whether there has been any interception he is said to be without any effective remedy. There is some force in this argument. ... If any subscriber could find out whether his telephone was being intercepted or not, then the secrecy which is essential to the successful operation of the system would be gone" (para. 19).

1991 Report

Since the Commissioner was coming to the end of his second term his report included a review of the previous six years' operation of the 1985 Act (1985-1991 inclusive). He commented as follows:

> "7. .....As part of my duties I make regular visits to HM Customs, the police and the security and intelligence agencies in England, Scotland and Northern Ireland. From the start I have been impressed by the determination of the agencies not only to obey the letter of the law but also the spirit... I am satisfied that the system is working as intended by Parliament, and is working well.
>
> 8. What I have said about the agencies applies equally to those operating the postal and public telecommunications services. Unless they have a warrant in their hands, or are satisfied that it has been signed, they do not carry out the interception. This is one of the main safeguards built into the Act"

In response to allegations made in the Guardian newspaper implying that there were many unauthorised interceptions, the Commissioner stated that there was no basis whatever for this speculation.

In response to similar allegations made in a television documentary programme, he noted as follows:

> "There is not the slightest truth in the suggestion, repeated in the Guardian on the 16 July, that the law is being 'bent' by GCHQ, and that British businessmen are being 'ambushed' as a matter of routine" (para. 13).

1992 Report

In this report the Commissioner (Sir Thomas Bingham, now the Lord Chief Justice) outlined four safeguards against "abuse" contained in the 1985 Act (cf paras. 5-8 of the 1992 Report). He described the first safeguard as follows:

> "It is the professional vigilance, competence and integrity of those who initiate and prepare warrant applications for consideration by Secretaries of State. In the first instance applications for warrants are initiated by police forces ..., HM Customs and Excise and the intelligence agencies. Such applications are channelled, as appropriate, through the Home Office, the Foreign and Commonwealth office, the Scottish office or the Northern Ireland office. Since 1 April 1992 applications for warrants relating to serious crime from police forces in England and Wales have been submitted through the National Criminal Intelligence Service. Previously the Metropolitan police had fulfilled this role. Before any application reaches the Secretary of State it is considered at various levels both within the initiating body and within the presenting department. ...

> Such a process would of course afford little protection if the officials responsible for handling these cases, in the initiating bodies or the presenting departments, were unmindful of the statutory criteria or careless whether they were satisfied or not. In the course of my investigations ... I have paid attention to this important aspect. I have been greatly impressed by the detailed understanding and scrupulous observance of the statutory criteria by the officials who handle these applications."

The Commissioner noted that the second major safeguard against abuse is the requirement of the Secretary of State to personally sign or authorise every warrant. In this way "there may be no official interception save on the personal authority of the Secretary of State."

The Commissioner noted that he himself is the third safeguard as he checks, through visits, discussions, investigations and inspections, that warrants have not been issued in contravention of the 1985 Act and that the appropriate procedures have been followed. He pointed out that he saw no case in which the statutory restrictions were deliberately evaded or corners knowingly cut. The Tribunal was noted as being the fourth safeguard and the Commissioner added that in no case which was investigated by the Tribunal did it find that any contravention of the 1985 Act had occurred.

1993 Report

The Commissioner indicated that his "clear impression is that at every level up to and including Secretaries of State every effort is made to scrupulously comply with the Act".

COMPLAINTS

1. The applicant complains that there has been an interference with her right to respect for her private life and her right to freedom of expression, as guaranteed by Articles 8 and 10 of the Convention respectively, arising out of the interception of telephone calls made from her private home at a time when she was engaged in litigation against the police and the Ministry of Defence. She claims that the interference was not lawful within domestic law or that the domestic law is not sufficiently precise, that the interception did not pursue a legitimate aim in that it appears to have been to gather information to be used in the legal proceedings that she was pursuing and that the interference was not necessary in a democratic society since it did not include the procedural safeguards necessary to prevent abuse.

2. The applicant further complains under Article 6 of the Convention that she has been unable to have the question of the justifiability of the disclosure of her confidential conversation determined in proceedings which comply with Article 6. The applicant claims that in the light of recent developments in the law of confidentiality in the United Kingdom, she now has, at the very least on arguable grounds, a right recognised by English law to have the confidentiality of her telephone conversations respected and that the authorities have a corresponding duty not to intercept her telephone conversations except for the purposes for which the power of interception is conferred. The applicant claims that a fortiori, she has an arguable claim for relief against unauthorised interceptions by the police. Consequently she claims that the denial of access to a court for the purposes of determining the issue and the effects of sections 7(8) and 9 of the 1985 Act in particular, constitute a violation of Article 6 of the Convention.

3. The applicant further complains under Article 13 that she has no effective remedy in respect of her complaints.

THE LAW

1. The applicant complains under Articles 8 and 10 (Art. 8, 10) that the interception of telephone calls made to and from her home at a time when she was pursuing proceedings for compensation against the Chief Constable of Hampshire Police and the Ministry of Defence contravened her right to respect for her private life and freedom of expression as guaranteed by Articles 8 and 10 (Art. 8, 10) of the Convention.

The Commission recalls that where interference is alleged in the communication of information by correspondence Article 8 (Art. 8) is the lex specialis and no separate issue arises under Article 10 (Art. 10) of the Convention (cf. Eur. Court HR, Silver and others v. United Kingdom, judgment of 25 March 1983, Series A no. 61, p. 9, paras. 106-107; No. 13590/88, Dec. 8.11.1989, D.R. 63 pp. 174-180). The Commission considers that the same principle applies in respect of the communication of information by telephone and will therefore examine the applicant's complaints under Article 8 (Art. 8) of the Convention, which provides as follows:

> "1. Everyone has the right to respect for his private and family life, his home and his correspondence.
>
> 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

The Commission recalls that Article 8 (Art. 8) of the Convention provides that there shall be no interference with the rights guaranteed therein unless the interference is "in accordance with the law", pursues one or more of the legitimate aims referred to in paragraph 2 of Article 8 (Art. 8) and is "necessary in a democratic society" (see, for example, Eur. Court HR, Huvig v. France judgment of 24 April 1990, Series A no. 176-B, p. 52, para. 25).

As to whether there has been an interference, the Commission recalls that in this case the applicant complained to the Interception of Communications Tribunal ("the Tribunal") that conversations on her home telephone had been intercepted and that, by a letter of 27 January 1994, she was informed that the Tribunal had investigated her complaint and was satisfied that there had been no contravention of ss. 2-5 of the 1985 Act. The response of the Tribunal meant either (i) that the interceptions were lawful, having been carried out pursuant to a warrant issued under s. 2 of the 1985 Act in the interests of either (a) national security or (b) preventing or detecting serious crime, (ii) that the interceptions were unlawful, no warrant having been issued, (in which case the Tribunal would not have had jurisdiction to investigate whether interception had taken place, that being a matter for the police) or (iii) that no interceptions had taken place.

The Commission notes that the applicant has no concrete proof to support her allegation that her telephone communications were intercepted. The Commission recalls however that " an individual may, under certain conditions, claim to be a victim of a violation occasioned by the mere existence of secret measures without having to allege that such measures were in fact applied to him" (Eur. Court HR, Klass v. Germany judgment of 6 September 1978, Series A no. 28, p. 18 para. 34; No. 18601/91, Dec. 2.4.1993 (unpublished)).

Similarly, in the Malone case, the Court agreed with the Commission that the existence of laws and practices permitting and establishing a system for effecting secret surveillance amounted in itself to an interference with the applicant's rights under Article 8 (Art. 8) of the Convention, apart from any measures actually taken against him (Eur. Court HR, Malone v. United Kingdom judgment of 2

August 1984, Series A no. 82, p. 31, para. 64).

The Commission has held that this case-law cannot be interpreted so broadly as to encompass every person in the United Kingdom who fears that the Security Service may have compiled information about him. However, an applicant cannot reasonably be expected to prove that information concerning his private life has been compiled and retained. It is sufficient, in the area of secret measures, that the existence of practices permitting secret surveillance be established and that there is a reasonable likelihood that the Security Service has compiled and retained information concerning his private life (see. e.g. Nos. 18601/91, Dec. 4.4.1993, 20271/92, Dec. 1.9.1993, 20317/92, Dec 1.9.1993 (unpublished) with further references). The Commission considers that the same approach must be adopted as to the level of proof required of an applicant who alleges that his/her telephone communications have been intercepted by the police authorities.

The Commission notes that the applicant has claimed that she and those she spoke to on her phone during the relevant period heard a loud rushing noise on the line lasting about thirty seconds. She claims that when a local reporter phoned her during the trial he heard a click as if an answer phone had started followed by one side of a conversation that the applicant had heard the previous day. The Commission recalls the 1990 Report of the Commissioner (see relevant domestic law and practice above) where he stated that members of the public seem to make the common assumption that their telephones are being intercepted because they hear a "mysterious clicking noise" although the device used for interception of calls is inaudible to the subscriber either on connection or in operation. However, in view of the fact that the applicant was active in the campaign against Cruise (nuclear) missiles in the United Kingdom, the Commission will assume for the purposes of this decision that the applicant has established a reasonable possibility that her telephone conversations were intercepted pursuant to a warrant for the purposes of national security.

a. Interception pursuant to a warrant.

Insofar as an interference with the applicant's telephone communications pursuant to a warrant has been assumed, such interference must be justified under the second paragraph of Article 8 para. 1 (Art. 8-1). This requires an interference to be "in accordance with law", to pursue a legitimate aim and to be "necessary in a democratic society" for one or more of the reasons specified. As regards the notion of "necessity", the case-law of the Convention organs emphasises that while Contracting States may need to collect information regarding national security there must exist adequate and effective guarantees against abuse (eg. Eur.Court H.R., Klass v. Germany, loc. cit., p. 23, para. 50).

The Commission recalls its findings in Christie v. United Kingdom (No. 21482/93, Dec. 27.6.94, D.R. 78-A p. 119) that insofar as any interception was carried out pursuant to a warrant issued in accordance with s. 2(2)(a) of the 1985 Act (that is in the interests of national security), the 1985 Act, if properly applied, provides a framework of safeguards against any arbitrary or unreasonable use of statutory powers in respect of an individual and satisfies the threshold requirements of Article 8 para. 2 (Art. 8-2). In the absence of any evidence or indication that the actual practice followed is otherwise than provided by the relevant legislation, the Commission must assume that the relevant authorities are properly applying the legislation in issue (Eur. Court HR, Klass v. Germany loc. cit. para. 59). No such evidence or indication has been provided by the applicant. It follows that the Commission sees no requirement in this case to depart from its findings in Christie and considers that any interception that might have taken place in this case for the purposes of national security can be regarded as in accordance with law and necessary in a democratic

society in the pursuit of a legitimate aim.

b. Unlawful interception (interception without a warrant).

Insofar as the applicant claims that the interception may have been carried out without a warrant, the Commission recalls that such interception would constitute a criminal offence under s. 1 of the 1985 Act. Further safeguards include the fact that were the Tribunal or the Commissioner to come across an instance of unauthorised interception they would be expected to report it, that one of the functions of the Commissioner, a member of the senior judiciary, is to review the system and, as the Commissioner stated in his 1991 report, that those operating the postal and public telecommunications services do not carry out the interception unless they have a warrant in their hands, or are satisfied that one has been signed.

While the Commission is aware that responsibility for investigating such offences lies with the police and not with the Tribunal, which can only consider interception carried out pursuant to a warrant, and that in this case the applicant is alleging that the police may have carried or caused the interception to be carried out, it does not consider that the applicant has shown evidence of any malafides on the part of the police, the mere fact that she was pursuing legal proceedings against the Chief Constable being insufficient. Further, the Commission observes that the applicant does not appear to have complained to the Police Complaints Authority or to the Director of Public Prosecutions in respect of the alleged unauthorised interception. In these circumstances the Commission does not consider that the applicant has shown sufficient likelihood of unlawful interception to establish an interference within the meaning of Article 8 (Art. 8) of the Convention.

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

2. The applicant further complains that she has been unable to have the justifiability of the interception of her telephone communications determined in proceedings that provide the guarantees laid down in Article 6 (Art. 6) of the Convention. That provision, so far as relevant, provides as follows.

> "1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.."

The Commission recalls that everyone has the right to have any claim relating to his civil rights or obligations brought before a court or tribunal (Eur. Court HR, Golder v. United Kingdom judgment of 21 February 1975, Series A no. 18, p 18, para. 36). However, in interpreting the concept of civil rights and obligations, the Convention organs cannot create substantive rights which have no basis in the domestic law of the State concerned (No. 14324/88, Dec. 19.4.91, D.R. 69, p. 227 with further references).

The applicant seeks to argue that the creation of a criminal offence in respect of the unauthorised interception of a communication in the course of its transmission by post or by means of a public telecommunication system under s.1 of the 1985 Act, has created a corresponding right not to have one's communications intercepted which amounts to a civil right to have the confidentiality of one's telephone conversations respected. The Commission does not accept that the creation of a criminal obligation leads to the automatic conferral of a corresponding civil right within the meaning of Article 6 (Art. 6).

Insofar as the applicant refers to English case law which she

claims establishes that such a right has now been recognised in English law, the Commission notes that that case law concerns the equitable duty of confidence that arises where information or documents are compulsorily obtained. The owner of the documents or information compulsorily obtained is entitled to restrain their use for purposes other than those for which the powers to obtain them were conferred. The right or "equitable duty of confidence" arises from the relationship between the parties and the circumstances of the communication. Thus, applying those principles, had the authorites intercepted the applicant's communications, they would have had a duty of confidentiality in respect of the contents of any such communications and the applicant would have had an actionable claim had the authorities breached that duty of confidence.

In the view of the Commission, the case law relied on by the applicant does not establish a general right of confidentiality in domestic law or support the applicant's contention that she has a specific right in domestic law not to have her telephone conversations intercepted which would a amount to a civil right within the meaning of Article 6 para. 1 (Art. 6-1) of the Convention.

It follows that Article 6 para. 1 (Art. 6-1) is inapplicable to the circumstances of the case and that this part of the complaint must be dismissed as incompatible ratione materiae within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

3. Finally the applicant complains that she has been deprived of her right to an effective remedy in respect of her complaints as required by Article 13 (Art. 13) of the Convention. Article 13 (Art. 13) provides as follows.

> "Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity."

The Commission recalls that Article 13 (Art. 13) of the Convention requires a remedy in domestic law only in respect of grievances which can be regarded as "arguable" in terms of the Convention (Eur. Court H.R., Powell and Rayner v. United Kingdom, judgment of 21 February 1990, Series A no. 172, p.14, para. 31). The Commission finds that the applicant cannot be said, in the light of its findings above, to have an "arguable" claim that her rights guaranteed by the Convention have been violated. It follows that this complaint must also be dismissed as manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

For these reasons, the Commission, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

M.F. BUQUICCHIO	J. LIDDY
Secretary	President
to the First Chamber	of the First Chamber