AS TO THE ADMISSIBILITY OF

Application No. 35758/97
by Abdulkadir ÖZDEMIR
against the Netherlands

The European Commission of Human Rights sitting in private on 7 September 1998, the following members being present:

MM S. TRECHSEL, President
J.-C. GEUS
M.P. PELLONPÄÄ
G. JÖRUNDSSON
A.S. GÖZÜBÜYÜK
A. WEITZEL
J.-C. SOYER
H. DANELIUS
Mrs G.H. THUNE
MM F. MARTINEZ
C.L. ROZAKIS
Mrs J. LIDDY
MM L. LOUCAIDES
B. MARXER
M.A. NOWICKI
N. BRATZA
I. BÉKÉS
D. ŠVÁBY
G. RESS
A. PERENIČ
C. BÎRSAN
K. HERNDL
E. BIELIŪNAS
E.A. ALKEMA
M. VILA AMIGÓ
Mrs M. HION
MM R. NICOLINI
A. ARABADJIEV

Mr M. de SALVIA, 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 March 1997 by Abdulkadir ÖZDEMIR against the Netherlands and registered on 24 April 1997 under file No. 35758/97;

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 Turkish national of Kurdish origin, born in 1981, and currently residing in the Netherlands. He is represented by Ms G.E.M. Later, a lawyer practising in The Hague.

On 18 December 1995, the applicant applied for asylum or, alternatively, a residence permit on humanitarian grounds in the Netherlands. On the same day, with the assistance of interpretation via telephone, the Netherlands immigration authorities held an initial interview in Turkish with the applicant. In this interview, the applicant stated that he was Kurdish and that his thirty year old brother was residing in the Netherlands. He was, however, unable to state his brother's address in the Netherlands. He further stated that he had left Turkey on 1 or 2 December 1995 for economic reasons.

On 23 January 1996, a further interview with the applicant was held. During this interview the applicant was assisted by a counsellor of the Dutch Refugee Council (Vereniging Vluchtelingenwerk Nederland), a non-gouvernmental organisation providing assistance to asylum seekers in the Netherlands. The applicant was further initially assisted by a Turkish speaking interpreter and, subsequently, by an interpreter speaking the applicant's mother tongue, i.e. the Kurdish dialect "Kкrmancк". During this further interview the applicant stated that his parents were residing in Turkey and that until 1 December 1995 he had lived with them. He also stated that he had a brother, who had been living in the Netherlands already for fifteen years. He could not provide his brother's address but he did know his brother's telephone number. He further stated that he had come to the Netherlands on grounds of oppression and that he feared for his life. He denied that he had come to the Netherlands for economic reasons and that, insofar as this idea existed, this must be based on a misunderstanding during the initial interview. The applicant claimed to support the Kurdish party but without being engaged in any activities for this party.

He stated that he had been arrested at the age of thirteen, that he had been brought to a station where he had been hit a number of times and, given his young age, released after two days. He further stated that after this event he had not encountered any further problems, but that he had left Turkey as, according to his father, he could be arrested and sent to prison now that he was becoming older. At some later point in the interview, the

applicant stated that he had only been arrested once but that he had been taken away on two or three earlier occasions.

On 13 August 1996, via the children's welfare Foundation "De Opbouw" who had been appointed as the applicant's temporary guardian (tijdelijk voogd), the applicant received a copy of the decision of 1 July 1996 by the State Secretary of Justice (Staatssecretaris van Justitie) rejecting the applicant's requests for asylum or a residence permit and ordering him to leave the Netherlands within four weeks after having been notified of this decision.

The State Secretary held that the fact that the applicant belonged to the Kurdish population was in itself insufficient for granting asylum. As to the applicant's account that he had been arrested several times, it was noted that he had been released unconditionally after a couple of days and held that this constituted insufficient grounds for granting asylum.

It was further considered that the applicant had not established that negative attention of the Turkish authorities had been attracted to him personally. As regards the applicant's request for a residence permit for compelling reasons of a humanitarian nature, the State Secretary found no reasons to grant this request.

Insofar as the applicant sought a residence permit on grounds of family reunification with his brother, the State Secretary held that the applicant did not meet the requirements in this respect, inter alia in that the applicant had never formed a part of his brother's family, was not morally and financially dependent on his brother and had failed to substantiate the alleged family tie by legalised official documents.

The State Secretary finally held that the applicant did not qualify for a residence permit under the special admission policy for minor asylum seekers, as his parents, with whom he had always lived, were still residing in Turkey and could thus provide him with adequate care in his country of origin.

On 6 September 1996, after the applicant's temporary guardian had found a lawyer to represent the applicant, the latter filed an objection (bezwaarschrift) against the decision of 1 July 1996 with the State Secretary.

On the same day, the applicant requested the Aliens' Chamber (Vreemdelingenkamer) of the Regional Court (Arrondissementsrechtbank) of The Hague to issue a provisional measure (voorlopige voorziening) to the effect that the objection be granted suspensive effect as to his expulsion from the Netherlands. In these requests it was stated that the applicant needed to discuss his case with his lawyer and that he might submit further additions to his requests.

By decision of 24 September 1996, the State Secretary rejected the applicant's objection. Insofar as the applicant had invoked Article 3 of the Convention, the State Secretary held that the applicant had failed to establish that his expulsion to Turkey

would expose him to a real and personal risk of being subjected to treatment contrary to this provision of the Convention. Insofar as the applicant had also based this argument on the general situation of war in large parts of Turkey, it was held that the description given was insufficient to justify the conclusion that this constituted concrete reasons, originating in the applicant's personal facts and circumstances, for finding that the applicant would run a real risk of treatment contrary to Article 3 of the Convention.

By letter of 26 September 1996, the applicant's lawyer complained to the State Secretary of not having been given the opportunity to complete the grounds for the applicant's objection against the decision of 1 July 1996 and requested the State Secretary to withdraw the decision of 24 September 1996.

On 9 October 1996, the applicant met his lawyer for the first time. By letter of 10 October 1996, the State Secretary dismissed the applicant's lawyer's complaints as unfounded and informed the lawyer that she saw no reason for withdrawing the decision of 24 September 1996.

By letter of 14 October 1996, the applicant's lawyer informed the State Secretary of the results of her meeting with the applicant. According to the lawyer, the interpretation during the applicant's interviews was not satisfactory in that, although from the start the applicant had requested a Kurdish speaking interpreter, only Turkish speaking interpreters had been made available. The lawyer further informed the State Secretary that the applicant's account as recorded in the interview reports by the interviewing officer was incorrect. The lawyer explained that, contrary to what had been stated in these reports, the applicant and his father had been arrested almost every week, blindfolded and subsequently detained at the Gendarme Station in either Başyurt or Karakoçan. On two or three occasions the applicant and his father had shared a cell. After each arrest, the applicant had been released after a couple of days given his young age. The lawyer further stated that during these periods of detention the applicant had been beaten and administered electric shocks. He had been questioned about aiding and abetting other Kurds. The applicant's lawyer stated that the applicant had fled Turkey as he had been arrested and taken away on so many occasions.

On 31 October 1996 the applicant filed an appeal against the decision of 24 September 1996 with the Aliens' Chamber of the Regional Court of The Hague. In his appeal to the Regional Court, the applicant raised arguments under Article 3, Article 8 and Article 6 in conjunction with Article 13 of the Convention.

Following further correspondence from the applicant's lawyer, the State Secretary informed the lawyer by letter of 22 November 1996 that she maintained the views expressed in the letter of 10 October 1996. This letter further stated that the applicant was allowed to remain in the Netherlands pending the outcome of the proceedings on his request for an interim measure.

On 4 February 1997, in the context of the applicant's written reply to the written observations of the State Secretary in the proceedings on the applicant's request for a

provisional measure, the applicant's lawyer addressed a number of documents to the Aliens' Chamber of the Regional Court, including a letter dated 30 January 1997 from Amnesty International containing general observations as to ill-treatment of arrested minors in Turkey, a report dated 17 December 1996 of the National Ombudsman on problems related to interviewing officers of the Netherlands immigration authorities, a Report of November 1996 "Turkey - children at risk of torture, death in custody and disappearance" by Amnesty International and the second Public Statement on Turkey issued on 6 December 1996 by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Following a hearing held on 5 February 1997, the Acting President of the Aliens' Chamber rejected the applicant's request for a provisional interim measure on 19 February 1997. The President held that the State Secretary had rejected the applicant's request for asylum on correct grounds.

The Acting President further held that the applicant's objection against the decision of 1 July 1996 contained sufficient grounds for the taking of a decision by the State Secretary and that, therefore, the latter had not acted incorrectly in deciding on the objection.

As to the argument raised by the applicant that he had not been sufficiently able to raise all relevant points in his further interview on 23 January 1996, the Acting President observed that, when asked during the hearing on 5 February 1997, the applicant had been unable to indicate which points on the merits had remained insufficiently elucidated and, consequently, rejected this argument.

After an initial observation that the general situation in Turkey was not of such a nature that all Turkish nationals of Kurdish origin should be considered as qualifying for asylum or a residence permit, the Acting President found that it had not been established that the applicant had attracted the negative attention of the Turkish authorities. The Acting President noted that the applicant had never been a member or sympathiser of any political party or movement, that he had never made himself known as a political opponent of the Turkish authorities, that he had never been engaged in activities directed against the Turkish regime and that no concrete points had been submitted on grounds of which it could be found established that the applicant's situation in Turkey had become unbearable.

The Acting President further noted the applicant's assertion, which he had made later in the procedure, that he had been ill-treated more than once and that, in the course of several arrests, he had been administered electric shocks. However, the Acting President doubted the credibility of this assertion as, in the applicant's further interview, he had only mentioned having been hit a number of times.

In view of these findings, the Acting President did not find it established that the applicant, if expelled to Turkey, would face a genuine risk of treatment contrary to Article 3 of the Convention or that there were compelling humanitarian reasons for

granting a residence permit. The Acting President also rejected the argument that the applicant could claim a right under Article 8 of the Convention to be reunited with his brother in the Netherlands.

Having reached this finding and as no other legal rules appeared to have been violated, the Acting President concluded that the State Secretary's decision not to allow the applicant to remain in the Netherlands pending the outcome of the appeal proceedings could not be regarded as unreasonable. As the applicant's objection did not stand a reasonable chance of success and as a further investigation was not susceptible of contributing to the examination of the applicant's case, the Acting President also decided the merits of the applicant's objection against the State Secretary's decision of 24 September 1996 and rejected it as ill-founded.

By letter of 26 March 1997 and invoking Articles 2, 3, 8 and 13 of the Convention and Protocol No. 6, the applicant's lawyer requested the State Secretary to reconsider the decision in respect of the applicant. By letter of 16 June 1997, the applicant's lawyer informed the State Secretary of the results of an intelligence test ("I.Q. test") taken by the applicant on 22 April 1996. According to these results the applicant's I.Q., at the time when the test was taken, indicated that he was mentally retarded.

On 17 June 1997, the State Secretary informed the applicant's lawyer that the proceedings concerning the applicant's request for asylum had irrevocably ended by the decision of 19 February 1997. She did, however, inform the applicant's lawyer that the applicant might introduce a new application for residence in the Netherlands. The State Secretary added that such a new request must be made at a centre for asylum seekers and would only be useful insofar as it was based on new facts which had appeared or changed circumstances which, if they had been known when the former application was decided, could possibly have led to a different finding.

On 19 June 1997, the applicant's lawyer filed an objection against the decision of 17 June 1997 with the State Secretary.

By letter of 17 June 1998, the State Secretary informed the applicant's lawyer that no remedy lies against the contents of the letter of 17 June 1997 in that this letter only explained what proceedings were to be instituted in case the applicant wished to argue new facts or circumstances.

COMPLAINTS

1. The applicant complains under Article 3 in conjunction with Article 13 of the Convention that, due to interpretation problems during his interviews and the attitude of the interviewing officer who obviously did not believe his affirmations about his age and stated origin, he was not feeling sufficiently comfortable to give his account satisfactorily. He further complains that the interviewing officer's report was not

discussed with him, as a result of which it did not become apparent that this report did not contain much of what the applicant had stated and which was relevant for his asylum request. He also complains that, although the State Secretary was aware that the applicant had not discussed his case with a lawyer, his objection was nevertheless dismissed before he could submit additional grounds and that also the Acting President of the Regional Court did not deal with his complaints raised concerning fair proceedings and the right to effective legal aid.

2. The applicant complains under Article 3 in conjunction with Article 2 of the Convention and Protocol No. 6 that his expulsion to Turkey would expose him to a real risk of being subjected to treatment contrary to Article 3 of the Convention. Referring to the contents of his lawyer's letter of 14 October 1996 to the State Secretary, the applicant submits that he has been subjected to treatment contrary to Article 3 of the Convention in Turkey and that, given that he was suspected of activities related to the PKK, there is a real risk of his being subjected to such treatment again. In view of the events in Turkey, the applicant submits that danger to his life and execution cannot be excluded and that his parents have informed him that he should never return.

3. The applicant complains under Article 3 in conjunction with Article 8 of the Convention that, contrary to his right as a 14 year old minor to be interviewed in the presence of an older member of his family or his guardian, neither his older brother residing in the Netherlands nor his temporary guardian were present when he was interviewed. Such a presence was required given the manner in which the interviews were conducted. The applicant submits that the right to respect for family life includes the right for minors to the presence of an older family member at this kind of interview.

THE LAW

1. The applicant complains under Article 3 in conjunction with Article 13 of the Convention that in the procedure at issue he was not sufficiently enabled to state his case satisfactorily and that the authorities involved in determining his request for asylum or a residence permit insufficiently considered his position and arguments.

Article 3 of the Convention reads as follows:

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

Article 13 of the Convention provides:

"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, to fall within the scope of Article 3 of the Convention, the treatment complained of must attain a minimum level of severity, taking into account all the circumstances, including the duration of the treatment and its physical and mental effects. Moreover, a measure which does not involve physical treatment may, in certain circumstances, amount to treatment contrary to Article 3 of the Convention (cf. No. 22564/93, Dec. 14.4.94, D.R. 77, p. 90; and Nos. 4403/70-4419/70, 4422/70, 4423/70, 4434/70, 4443/70, 4476/70-4478/70, 4486/70, 4501/70 and 4526/70-4530/70, East African Asians v. United Kingdom, Comm. Report 14.12.73, D.R. 78, p. 5).

The Commission observes that in the course of the proceedings at issue, a temporary guardian for the applicant was appointed and that this guardian ensured that the applicant was assisted by a lawyer in the proceedings at issue. Although the applicant was provided with an interpreter speaking his mother tongue in the course of his further interview, the Commission does not exclude that the applicant's initial contacts with the immigration authorities might have been unsatisfactory given his vulnerable position as a minor.

However, as soon as the applicant obtained assistance by a lawyer in the course of the proceedings on his request for asylum or a residence permit on humanitarian grounds, those elements considered relevant by the applicant and his lawyer for the outcome of the proceedings could be and were in fact brought to the attention of the authorities dealing with the applicant's case.

In these circumstances, the Commission cannot find that the manner in which the proceedings at issue were conducted and the way in which the applicant was treated by the authorities involved amounted to treatment contrary to Article 3 of the Convention.

As regards the complaint under Article 13 of the Convention, the Commission recalls that this provision is inapplicable where the main complaint is outside the scope of the Convention (cf. No. 23997/94, Dec. 15.5.95, D.R. 81, p. 102) and that the right recognised by this provision may only be exercised in respect of an arguable claim within the meaning of the case-law of the Convention organs. A claim cannot be regarded as arguable where the Commission has rejected the applicant's substantive complaint as disclosing no appearance of a violation of the Convention (cf. No. 21353/93, Dec. 27.2.95, D.R. 80, p. 101).

Insofar as the applicant complains that the judicial and other authorities dealing with his case did not or not sufficiently consider certain arguments raised, including complaints concerning fair proceedings and the right to effective legal aid, the Commission finds that these matters do not concern rights guaranteed under Article 3 of the Convention but rather relate to procedural rights guaranteed under Article 6 of the Convention. The Commission recalls its constant case-law that proceedings concerning a request for asylum or a residence permit fall outside the scope of Article 6 of the Convention (cf. No. 9285/81, Dec. 6.7.82, D.R. 29, p. 205; No. 13162/87, Dec. 9.11.87, D.R. 54, p. 211; and No. 33124/96, Dec. 25.2.97, unpublished).

It follows that this part of the present complaint falls outside the scope of the Convention and must consequently be rejected as incompatible ratione materiae with the provisions of the Convention.

Insofar as this complaint relates to the manner in which the applicant was treated in the initial phase of the proceedings at issue, the Commission notes that the applicant could raise and did in fact raise his complaints about this matter in the proceedings before the Aliens' Chamber of the Regional Court.

In these circumstances and even assuming that the applicant had an arguable claim for the purposes of Article 13 the Commission finds no indication that, as regards the matters complained of, the applicant had no effective remedy within the meaning of Article 13 of the Convention.

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

2. The applicant complains that his expulsion to Turkey would expose him to a real risk of being subjected to treatment contrary to Article 3 of the Convention. He further complains that his expulsion could result in a violation of his rights under Article 2 of the Convention and Protocol No. 6.

The Commission recalls the case-law of the Convention organs according to which the Contracting States have the right, as a matter of well-established international law, and subject to their treaty obligations, including their obligations under the Convention, to control the entry, residence and expulsion of aliens. However, the expulsion of an alien by a Contracting State may give rise to an issue under Article 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, if expelled, would face a real risk of being subjected to treatment contrary to Article 3 of the Convention in the receiving country. In these circumstances, Article 3 implies the obligation not to expel the person in question to that country (cf. Eur. Court HR, H.L.R. v. France judgment of 29 April 1997, Reports 1997-III, p. 757, paras. 33-34).

In its assessment of the risk of ill-treatment the Commission has considered the following principles to be relevant:

i. In determining whether substantial grounds have been shown for believing that a real risk of treatment contrary to Article 3 exists, the Commission will assess the issue in the light of all the material placed before it or, if necessary, material obtained proprio motu (cf. Eur. Court HR, Cruz Varas and Others v. Sweden judgment of 20 March 1991, Series A no. 201, p. 29, para. 75).

ii. The assessment of the existence of the risk must be made on the basis of information currently available (cf. Eur. Court HR, Chahal v. the United Kingdom judgment of 15 November 1996, Reports 1996-V, p. 1856, para. 86).

iii. Ill-treatment must attain a minimum level of severity if it is to fall within the scope of Article 3. The assessment of this minimum is, in the nature of things, relative; it depends on all the circumstances of the case. A mere possibility of ill-treatment is not in itself sufficient (cf. Eur. Court HR, Vilvarajah and Others v. the United Kingdom judgment of 30 October 1991, Series A no. 215, p. 36, 37, paras. 107, 111).

The Commission has examined the applicant's submissions and the documents in support of his application. It notes that it does not appear that the applicant has been involved or engaged in any activities directed against the Turkish authorities which might have attracted the negative attention of these authorities. Furthermore it has not been argued or established that the applicant is in fact actively searched for by the Turkish authorities.

The Commission further notes that the applicant did not until 14 October 1996 submit for the first time that he had in fact been arrested regularly - not just two or three times as he had declared earlier - and that, apart from having been beaten, he had been administered electric shocks in the course of the various periods of detention. The Commission finds it striking that the applicant has failed to mention these experiences at an earlier stage in the proceedings, in particular having regard to the fact that in the course of his further interview with the Dutch immigration authorities he was assisted by an interpreter speaking his mother tongue.

Insofar as the applicant has been arrested in Turkey in the past, the Commission notes that he has always been released shortly after having been arrested without any further consequences.

The Commission considers that the applicant's submissions concerning his personal background, as well as the general situation, do not disclose that his personal position exposes him to special risks as a member of the Kurdish community in Turkey.

In these circumstances the Commission finds that no substantial grounds have been established for believing that the applicant, if expelled to Turkey, would be exposed to a real risk of being subjected to treatment contrary to Article 3 of the Convention.

The applicant further relies on Article 2 of the Convention and Protocol No. 6 in connection with his expulsion to Turkey.

Article 2 of the Convention provides as follows:

"1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

a. in defence of any person from unlawful violence;

b. in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

c. in action lawfully taken for the purpose of quelling a riot or insurrection."

Protocol No. 6 to the Convention, insofar as relevant, provides:

"Article 1

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions...."

Insofar as a separate issue would arise under the above provisions of the Convention, the Commission recalls that Article 2 of the Convention contains two separate though interrelated basic elements. The first sentence of paragraph 1 sets forth the general obligation that the right to life shall be protected by law. The second sentence of this paragraph contains a prohibition of intentional deprivation of life, delimited by the exceptions mentioned in the second sentence itself and in paragraph 2 (cf. No. 17004/90, Dec. 19.5.92, D.R. 73 p. 155).

However, the Commission finds nothing in the present case which might indicate that the expulsion of the applicant as such would amount to a violation of the general obligation contained in the first sentence of paragraph 1 of Article 2 of the Convention.

As to the prohibition of intentional deprivation of life, including the execution of a death penalty, the Commission does not exclude that an issue might be raised under Article 2 of the Convention or under Articles 1 and 2 of Protocol No. 6 in circumstances in which the expelling State knowingly puts the person concerned at such high risk of losing his life as for the outcome to be a near-certainty.

The Commission considers, however, that a "real risk" - within the meaning of the case-law concerning Article 3 of the Convention - of loss of life would not as such necessarily render an expulsion contrary to Article 2 of the Convention or to Articles 1

and 2 of Protocol No. 6, although it would amount to inhuman treatment within the meaning of Article 3 of the Convention (cf. No. 25894/94, Bahaddar v. the Netherlands, Comm. Report 13.9.96, paras. 72-81, Eur. Court HR, Reports 1998).

It is not necessary for the Commission to decide in what precise circumstances the risk of a person being killed might constitute a violation of Article 2 of the Convention or Article 1 or Article 2 of Protocol No. 6 in a case like the present one, since in any event the facts of the case do not disclose such a risk.

The Commission finds that it does not appear from the applicant's submissions that he has been sentenced to death in Turkey, that he is facing any criminal proceedings in Turkey on charges carrying capital punishment or that he has received any death threats.

In these circumstances, the Commission considers that the applicant has not sufficiently substantiated that his expulsion would constitute a violation of Article 2 of the Convention or of Article 1 or Article 2 of Protocol No. 6.

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

3. The applicant complains under Article 3 in conjunction with Article 8 of the Convention that, contrary to his rights as a 14 year old minor to be interviewed in the presence of an older member of his family or his guardian, neither his older brother residing in the Netherlands nor his temporary guardian were present when he was interviewed.

The Commission has already found that the manner in which the applicant was treated in the proceedings at issue did not disclose a violation of Article 3 of the Convention and does not find that the present complaint, insofar as the applicant relies on Article 3, raises a separate issue.

Article 8 of the Convention, insofar as relevant, reads:

"Everyone has the right to respect for his ... family life..."

The Commission notes at the outset that it has not appeared that any older member of the applicant's family has in fact sought to attend the applicant's interviews with the Dutch immigration authorities or that, at the relevant time, the applicant had sought such attendance.

The Commission considers that the facts of the case do not disclose an issue as regards respect for the applicant's family life within the meaning of Article 8 of the Convention.

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

For these reasons, the Commission, unanimously,

DECLARES THE APPLICATION INADMISSIBLE.

M. de SALVIA
Secretary
to the Commission

S. TRECHSEL
President
of the Commission