Application No. 18414/91
by Anthony RAISEY
against the United Kingdom

The European Commission of Human Rights sitting in private on 11 October 1993, the following members being present:

MM. C.A. NØRGAARD, President
S. TRECHSEL
E. BUSUTTIL
G. JÖRUNDSSON
A.S. GÖZÜBÜYÜK
J.-C. SOYER
H.G. SCHERMERS
H. DANELIUS
Mrs. G.H. THUNE
MM. F. MARTINEZ
C.L. ROZAKIS
Mrs. J. LIDDY
MM. L. LOUCAIDES
J.-C. GEUS
M.P. PELLONPÄÄ
G.B. REFFI
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 5 April 1991 by Anthony RAISEY against the United Kingdom and registered on 25 June 1991 under file No. 18414/91;

Having regard to:

- reports provided for in Rule 47 of the Rules of Procedure of the Commission;

- the Commission's decision of 2 December 1991 to communicate the case to the respondent Government without requesting observations and to adjourn it pending the outcome of Applications Nos. 14553/89 and 14554/89, Brannigan and McBride v. the United Kingdom;

- the judgment of the European Court of Human Rights in those applications on 26 May 1993;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is an Irish citizen born in 1955 and resident in Belfast, Northern Ireland. He is a labourer by profession, unemployed at present.

He is represented before the Commission by Mr. John J. Rice of

Messrs. John J. Rice and Co, Solicitors, Belfast.

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

The applicant was arrested under Section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989 at approximately 21.05 hours on 4 March 1991. He was taken to Castlereagh Detention Centre where he was detained until the evening of 11 March 1991 (exact time of release unspecified). The applicant states that he was questioned about handling blast bombs and involvement in the IRA. He was not brought before any judicial authority. The applicant also states that he has been the subject of previous arrests under the Prevention of Terrorism legislation and that he has a number of criminal convictions.

On 23 December 1988, prior to the applicant's arrest, the United Kingdom had informed the Secretary General of the Council of Europe that they derogated from the requirements of Article 5 of the Convention in respect of Section 12 of the Prevention of Terrorism (Temporary Provisions) Act 1984. This provision was replaced by Section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989, pursuant to which the applicant was detained.

COMPLAINTS

The applicant alleges that he was deprived of his liberty. He states that he has been informed that he has no right of redress under domestic law and that he was given no documents by the arresting police officer.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 5 April 1991 and registered on 25 June 1991. The Commission decided on 2 December 1991 to communicate the case to the respondent Government and to adjourn it pending the outcome of two similar applications challenging the United Kingdom's derogation of 23 December 1988: Applications Nos. 14553/89 and 14554/89, Brannigan and McBride v. the United Kingdom (Comm. Report 3.12.91), which were subsequently referred to the European Court of Human Rights.

The Court gave its judgment in the Brannigan and McBride cases on 26 May 1993 (to be published in Series A no. 258-B). The applicant's representatives were asked whether the applicant wished to maintain his case and, if so, to submit comments on how his case could be distinguished from those of Brannigan and McBride. No reply was received to that inquiry.

REASONS FOR THE DECISION

The Commission notes that the applicant complained of a denial of his right to liberty, without redress, on his arrest and detention under Section 14 of the Prevention of Terrorism (Temporary Provisions) Act 1989. Article 5 of the Convention guarantees the right to liberty and redress for unlawful arrest or detention, but the Court has held that detention of the duration experienced by the applicant is compatible with Article 5 of the Convention, given the valid derogation made by the United Kingdom on 23 December 1988 (Eur. Court H.R., Brannigan and McBride judgment of 26 May 1993, to be published in Series A no. 258-B).

The applicant has not stated how his case could be distinguished from this judgment or whether he wishes to maintain his application. In these circumstances, the Commission finds that the applicant does

not intend to pursue his petition and that there are no reasons of a general character concerning respect for Human Rights, within the meaning of Article 30 para. 1 of the Convention, which require its retention.

For these reasons, the Commission, by a majority,

DECIDES TO STRIKE THE APPLICATION OFF ITS LIST OF CASES.

Secretary to the Commission — President of the Commission

(H.C. KRÜGER) — (C.A. NØRGAARD)