



COUR EUROPÉENNE DES DROITS DE L'HOMME
EUROPEAN COURT OF HUMAN RIGHTS

6 December 2007

ORDER¹

of the

PRESIDENT OF THE EUROPEAN COURT OF HUMAN RIGHTS

amending the order approved by the President of
the European Commission of Human Rights
on 29 October 1999

Having regard to the order of 29 October 1999 (hereinafter “the 1999 Order”) issued by Mr Stefan Trechsel, President of the European Commission of Human Rights;

Having regard to the authority over the archives of the European Commission of Human Rights vested in the President of the European Court of Human Rights by virtue of that order;

With a view to correcting certain anomalies arising from that order, while preserving its main provisions;

I, the undersigned Jean-Paul Costa, President of the European Court of Human Rights, decide as follows:

1. The present Order approved by the President of the European Court of Human Rights on 6 December 2007 amends the Order approved by the President of the European Commission of Human Rights on 29 October 1999.

1. The following corrections to the 1999 Order shall be made:

Under point 2:

- ““Vagrancy” Cases II, adopted on 17/12/71, application nos. 551/59, 3155/67, 3174/67, 3499/68” should read ““Vagrancy” Cases II, adopted on 17/12/71, application nos. **2551/65**, 3155/67, 3174/67, 3499/68”.
- “East African Asians, annex IV, adopted on 14/12/73, application no. 4403/70” should read “East African Asians, annex IV (**separate document**), adopted on 14/12/73, application no. 4403/70”.

2. The release of the following reports is authorised in accordance with the 1999 Order and following their declassification by the Committee of Ministers:

- Greece v. the UK, adopted on 26/9/58 and 8/7/59, application no. 299/57
- Sargın and Yağcı v. Turkey, adopted on 7/12/94, application nos. 14116/88, 14117/88.

3. Declassified reports shall be made available in HUDOC.

4. In order to facilitate the archiving of the Commission’s documents, unnecessary documents should be discarded. Therefore, in addition to the destruction of case files provided for in the 1999 Order, the following measures shall be implemented:

Documents in case files in respect of cases which were declared inadmissible or struck out by the European Commission of Human Rights may be discarded 10 years after the decision date. However, the following documents must be kept in each file:

- the decision
- the minutes
- the report
- the application form.

Case files in respect of cases which were communicated to the Government with a request for written observations shall be kept in their entirety and indefinitely, with the exception of draft decisions and/or reports with handwritten notes, supporting documents deposited by the Parties and copies, which may all be disposed of 10 years after the procedural event by which the case was terminated (decision, Article 28 report, Article 30 report, final resolution or judgment).

In order to preserve samples of the Commission’s working methods, the above-mentioned exceptions shall not apply to the following case files:

- Lawless v. Ireland, application no. 332/57;
- Ireland v. United Kingdom, application no. 5310/71;
- Handyside v. United Kingdom, application no. 5493/72;
- Marckx v. Belgium, application no. 6833/74;
- Loizidou v. Turkey, application no. 15318/89.

5. The administrative documents produced by the Commission, irrespective of the format used, other than those intended for the case files, shall be dealt with according to the respective disposal schedules created by the Court. For document types which are not mentioned in any disposal schedule, the Court's Archives shall contact the competent entity in order to determine their final processing arrangement. The aim of this procedure is to establish a historical collection of the Commission's archives.

Done in Strasbourg, on 6 December 2007

Jean-Paul COSTA
President of the European Court of Human Rights

Annex

ORDER

of the

PRESIDENT OF THE EUROPEAN COMMISSION OF HUMAN RIGHTS

I, the undersigned Stefan Trechsel, President of the European Commission of Human Rights, declare as follows:

The archives of the European Commission of Human Rights exist in their own right. From 1 November 1999 they will come under the control of the President of the European Court of Human Rights, set up by Protocol No. 11 which came into force on 1 November 1998.

The Commission's archives, the safekeeping and management of which will be entrusted to the European Court of Human Rights, will maintain their identity to form a separate, identifiable entity distinct from the archives of the European Court of Human Rights.

Publicity of European Commission of Human Rights documents

General rule

The following documents shall be public:

1. Admissibility decisions, with the applicant's name remaining confidential if he or she has so requested.
2. Commission reports drawn up in accordance with former Article 31¹ of the European Convention of Human Rights
 - that have been referred to the European Court of Human Rights;
 - that have been the subject of an interim or final resolution of the Committee of Ministers specifying that the said report is publicand "friendly-settlement reports" drawn up on the basis of former Article 28¹ of the Convention.

Subject to a contrary decision of the Committee of Ministers, the following reports shall remain confidential:

- Greece v. the UK, adopted on 26/9/58 and 8/7/59, application no. 299/57
- Scheichelbauer v. Austria, adopted on 16/12/79, application no. 2645/65
- "Vagrancy" Cases II, adopted on 17/12/71, application nos. 551/59, 3155/67, 3174/65, 3499/68
- East African Asians, annex IV, adopted on 14/12/73, application no. 4403/70
- Cyprus v. Turkey, interim report, application no. 8007/77
- Dobbertin v. France, adopted on 1/12/85, application nos. 9863/82, 10924/84
- Garzarolli v. Austria, adopted on 11/4/89, application no. 12100/86
- Sargin and Yağcı v. Turkey, adopted on 17/1/91, application nos. 14116/88, 14117/88

Only the President of the Court may authorise their release. The declassification rules in respect of documents adopted by the Committee of Ministers and its subordinate committees at the 123rd meeting of Ministers' Delegates (1963), the 337th meeting (1981) and the 519th meeting (1994) do not apply to the European Convention of Human Rights files.

The declassified report Cyprus v. Turkey, adopted on 10/07/76 (application no. 6950/75 and 6780/74) may be made available for consultation.

All the other contents of the Commission case files shall be confidential in order to maintain the undertaking given in former Article 33 of the Convention and respect the trust that the parties had placed in the Commission.

Only the President of the European Court of Human Rights may authorise the consultation of all or any part of the contents of a file.

However, confidentiality shall be lifted 75 years after the last entry has been made in the file in order to allow historians access to the Commission's archives without the risk of harm to the applicant(s).

1. The term "former" refers to the text of the Convention as worded prior to the entry into force of Protocol No. 11 on 1 November 1998.

Destruction of files

Only files in which cases have been declared inadmissible may be destroyed 10 years after the last letter of the European Commission of Human Rights. However, the following documents must be kept in every case:

- the decision
- the minutes
- the report
- the application form.

Case files that have been communicated to the Government with a request for written observations shall be kept in their entirety.

Case files on cases in which there has been an admissibility decision shall be kept in their entirety and indefinitely.

Done in Strasbourg, on 29 October 1999

MARIE-THÉRÈSE SCHOEPFER
*Secretary to the European
Commission of Human Rights*

STEFAN TRECHSEL
*President of the European
Commission of Human Rights*