



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

THIRD SECTION

CASE OF PAUL WALSH v. THE UNITED KINGDOM

(Application no. 33744/96)

JUDGMENT

STRASBOURG

4 April 2000

This judgment is subject to editorial revision before its reproduction in final form in the official reports of selected judgments and decisions of the Court.

In the case of Paul Walsh v. the United Kingdom,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Mr J.-P. COSTA, *President*,

Sir Nicolas BRATZA,

Mr L. LOUCAIDES,

Mr P. KÜRIS,

Mr W. FUHRMANN,

Mrs H.S. GREVE,

Mr K. TRAJA, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 21 March 2000,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 33744/96) against the United Kingdom lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a British national, Mr Paul Walsh, on 26 September 1996.

2. The United Kingdom Government (“the Government”) were represented by their Agent, Mr Iain Christie of the Foreign and Commonwealth Office.

3. The applicant complained principally under Article 5 § 4 of the Convention about the delay in reviews of the lawfulness of his continued detention as a prisoner sentenced to detention at Her Majesty’s Pleasure. On 3 December 1997 the Commission decided to give notice of the application to the Government and invited them to submit their observations on its admissibility and merits. The Government submitted their observations on 7 April 1998, to which the applicant replied on 27 May 1998.

4. On 26 January 1999 the Court declared the application partly admissible, partly inadmissible.

5. On 7 November 1999 the applicant informed the Court that he wished to withdraw his application. By letter dated 20 February 2000, the applicant confirmed that he wished the case to be struck from the list.

THE FACTS

6. On 3 February 1983 the applicant, who was aged 17 at the date of the offence, was convicted of murder and sentenced to be detained during Her

Majesty's pleasure (HMP). The trial judge recommended a tariff period¹ for the sentence of 12 years. The Lord Chief Justice recommended a tariff of 14 years. In the event, the Secretary of State imposed a tariff of 15 years.

7. In 1985, the applicant was classified as a high security risk under security category "A" due to violent behaviour and escape attempts. Following a trial in March 1987, the applicant was convicted of grievous bodily harm and assault occasioning actual bodily harm in respect of another prisoner. He was sentenced to six years and three months' imprisonment, to run concurrently with his life sentence.

8. On 15 February 1994 the Secretary of State wrote to the applicant informing him of the original tariff that was fixed in 1983 and inviting him to make representations as to the review of the length of his tariff. The applicant's solicitors submitted representations on 18 October 1996. On 13 January 1997 the applicant was informed of the Secretary of State's decision to reduce the tariff part of his sentence to 14 years, which meant that the tariff had in fact expired on 4 October 1996.

9. Meanwhile, on 23 July 1996, following the decision of the Court in *Singh and Hussain* (see *Singh v. the United Kingdom* and *Hussain v. the United Kingdom* judgments of 21 February 1996, *Reports* 1996-I, p. 252 and p. 280), the Secretary of State announced the introduction of interim measures for tariff-expired HMP detainees whereby the review before the Parole Board would be in the form of an oral hearing at which a prisoner would be entitled to legal representation. Pending the introduction of primary legislation to allow the Parole Board to make the final decision rather than the Secretary of State, he would in the meantime follow the recommendations of the Parole Board.

10. On 1 August 1996 the Parole Board commenced a review of the applicant's case under the old procedure. The Parole Board did not recommend release on licence but suggested a further review in 12 months. The Secretary of State notified the applicant on 7 January 1997 of his decision that the applicant should not be released and confirmed that the next review should be in 12 months rather than the normal 2 years.

11. A further Parole Board review took place on or about 20-21 May 1998. On 28 May 1998 the Parole Board recommended that the applicant be transferred to open conditions.

1. The minimum period to be served in respect of the requirements of retribution and deterrence.

THE LAW

12. On 7 December 1999 the applicant informed the Court that he wished to withdraw his complaints. He confirmed this intention by letter of 20 February 2000.

13. The Court finds that the applicant no longer intends to pursue his application within the meaning of Article 37 § 1 (a) of the Convention. It is satisfied that respect for human rights does not require the continued examination of the application (Article 37 § 1 *in fine* of the Convention).

14. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English, and notified in writing on 4 April 2000 pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ
Registrar

J.-P. COSTA
President