

AS TO THE ADMISSIBILITY OF

Application No. 32003/96
by John BROMFIELD
against the United Kingdom

The European Commission of Human Rights (First Chamber) sitting in private on 1 July 1998, the following members being present:

MM M.P. PELLONPÄÄ, President
N. BRATZA
E. BUSUTTIL
A. WEITZEL
Mrs J. LIDDY
MM L. LOUCAIDES
B. MARXER
B. CONFORTI
I. BÉKÉS
G. RESS
A. PERENIC
C. BÎRSAN
K. HERNDL
M. VILA AMIGÓ
Mrs M. HION
Mr R. NICOLINI

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 21 February 1996 by John BROMFIELD against the United Kingdom and registered on 24 June 1996 under file No. 32003/96;

Having regard to:

- the reports provided for in Rule 47 of the Rules of Procedure of the Commission;
- the observations submitted by the respondent Government on 13 August 1997 and the observations in reply submitted by the applicant on 6 and 10 October 1997;

Having deliberated;

Decides as follows:

THE FACTS

The applicant is a British citizen born in 1967 and currently in Belmarsh prison, London. He is represented before the Commission by Ms K. Akester, a solicitor working for "Justice" in London. The facts as submitted by the parties may be summarised as follows.

A. The particular circumstances of the case

On 2 November 1987, the applicant aged 20 was convicted of murder. He was sentenced to custody for life pursuant to section 8 of the Criminal Justice Act 1982.

Following conviction, the trial judge recommended that the applicant serve a tariff (period corresponding to deterrence and

retribution) of 10 years. His report, as later quoted by the Secretary of State, stated inter alia:

"Bromfield (now aged 20) did give evidence and told a pack of lies in an attempt to save himself, including suggesting that one of the prosecution witnesses had committed the crime with Adams. He struck me as cold and ruthless and his previous record proves him to be of a violent disposition."

The Lord Chief Justice made no recommendation. The Secretary of State imposed a tariff of 15 years on both the applicant and his co-accused with the comment "Violence in the course of robbery".

Following a judgment in the House of Lords of 24 June 1993, the applicant received by letter of 12 May 1994 from the Lifer Section information concerning the substance of the judicial recommendations on tariff and the decision of the Secretary of State concerning the tariff set at 15 years. The applicant was informed that the Secretary of State was prepared to consider any written representations made by the applicant in connection with tariff.

The applicant made written representations. By letter dated 11 November 1996, he was informed by the Parole and Lifer Review Group that the Secretary of State had decided to set the tariff at 13 years. In his statement of reasons for setting a tariff higher than that recommended by the judiciary, it was stated, inter alia:

"The Secretary of State notes that you were convicted in November 1987 of the murder of a 22 year old man and sentenced to custody for life. You and your co-defendant noticed that the victim had a substantial sum of money on him and that he was becoming drunk. A decision was made to rob him of that money. When he was completely incapable through drink, you and your co-defendant took him to a quiet spot for that purpose. The victim was beaten to death by your co-defendant with a lump of concrete. The Secretary of State notes the trial judge's assessment that the jury had convicted you as having been present "assisting and encouraging".

The Secretary of State has taken into account that your original intention was to rob the victim, and that you were not carrying a weapon. He has also taken into account your age at the time. He has disregarded your previous convictions.

The Secretary of State does not accept that a tariff of 10 years, ... recommended by the trial judge and (seemingly) by the Lord Chief Justice is sufficient to meet the requirements of retribution and deterrence in your case. He attaches weight to the fact that this was the brutal killing of a victim rendered helpless through drink, and for no other reason than that he was not carrying as much money as you had hoped."

B. Relevant domestic law and practice

Types of sentence for murder

Under English law there are three forms of sentence for convicted murderers:

(1) An offender over the age of 21 is sentenced to life imprisonment. Section 1(1) of the Murder (Abolition of Death Penalty) Act 1965 states:

"No person shall suffer death for murder, and a

person convicted of murder shall [except in the case of (2) and (3) below] be sentenced to imprisonment for life".

(2) An offender under the age of 21 is sentenced to custody for life unless the offender falls within (3) below. Section 8(1) of the Criminal Justice Act 1982 states:

"Where a person under the age of 21 is convicted of murder or any other offence the sentence for which is fixed by law as imprisonment for life, the court shall sentence him to custody for life unless he is liable to be detained under section 53(1) of the Children and Young Persons Act 1933 (detention of persons under 18 convicted of murder)".

(3) An offender aged between 10 and 18 (at the date of the offence) is sentenced to detention during Her Majesty's pleasure. Section 53(1) of the Children and Young Person's Act 1933 (as amended) states:

"Punishment of certain grave crimes
A person convicted of an offence under the age of eighteen years at the time the offence was committed shall not, if he is convicted of murder, be sentenced to imprisonment for life, nor shall sentence of death be pronounced on or recorded against any such person; but in lieu thereof the court shall (notwithstanding anything in this or any other Act) sentence him to be detained during Her Majesty's pleasure, and if so sentenced he shall be liable to be detained in such place and under such conditions as the Secretary of State may direct."

Prior to the 1982 Act, young adult murderers were sentenced to imprisonment for life with other adults pursuant to section 1(1) of the Murder (Abolition of Death Penalty) Act 1965. Besides introducing the sentence of custody for life, the 1982 Act also introduced modifications in the custodial sentences generally applying to offenders between the ages of 17 and 21. The detention centre order was introduced to cater for custodial sentences of four months or less, while youth custody applied to longer custodial sentences. The White Paper setting out the legislative intent behind Part I of the 1982 Act stated, inter alia:

"The Government's approach is based on the belief that special efforts should be made to provide young people with the training and education they need at a crucial period of their life when they are trying to find their identity as adults. This is particularly important for young offenders who may be at a turning point which decides whether they will become recidivists or responsible citizens. There is a need for separate facilities for young adults in custody and the Government considers that, except for those serving shorter sentences, the regime should be modelled on the best of the borstal system, providing a range of education, work, and social training which is designed to cope with the normal demands of modern society without reverting to crime."

Release on licence

Persons sentenced to mandatory life imprisonment for murder and discretionary life imprisonment, custody for life and those detained during Her Majesty's pleasure have a "tariff" set in relation to the

period of imprisonment they should serve in order to satisfy the requirements of retribution and deterrence. After the expiry of the tariff, the prisoner becomes eligible for release on licence. Applicable provisions and practice in respect of the fixing of the tariff and release on licence have been subject to change in recent years, in particular, following the coming into force on 1 October 1992 of the Criminal Justice Act 1991.

Under the relevant provisions of the Criminal Justice Act 1967 the regime applying to the release of discretionary life prisoners and prisoners sentenced for offences of murder was the same. Section 61(1) of the 1967 Act (as amended) provided inter alia that:

"The Secretary of State may, if recommended to do so by the Parole Board, release on licence a person serving a sentence of imprisonment for life or custody for life or a person detained under section 53 of the Children and Young Persons Act 1933 (young offenders convicted of grave crimes), but shall not do so in the case of a person sentenced to imprisonment for life or custody for life or to detention during Her Majesty's pleasure or for life except after consultation with the Lord Chief Justice of England and the trial judge if available."

The 1991 Act instituted changes to the regime applicable to the release of discretionary life prisoners following the decision of the European Court of Human Rights in the case of *Thynne, Wilson and Gunnell v. the United Kingdom* (judgment of 25 October 1990, Series A no. 190-A).

Pursuant to section 34 of the 1991 Act, after the tariff has expired a discretionary life prisoner may require the Secretary of State to refer his case to the Parole Board which has the power to order his release if it is satisfied that it is no longer necessary for the protection of the public that the prisoner should be confined. Pursuant to the Parole Board Rules 1992 which came into force on 1 October 1992, a prisoner is entitled to an oral hearing, to disclosure of all evidence before the Parole Board and to legal representation. He is also entitled to call witnesses on his behalf and to cross-examine those who have written reports about him.

The regime applicable to prisoners sentenced for offences of murder has, however, been preserved within section 35 (in Part II) of the 1991 Act. Section 35 of the 1991 Act provides insofar as relevant:

"(2) If recommended to do so by the Board, the Secretary of State may, after consultation with the Lord Chief Justice together with the trial judge if available, release on licence a life prisoner who is not a discretionary life prisoner."

Section 43(2) of the 1991 Act provides as follows:

"(2)...<Part II of the 1991 Act> applies to persons serving -

- (a) sentences of detention during Her Majesty's pleasure or for life under section 53 of the 1933 Act; or
- (b) sentences of custody for life under section 8 of the 1982 Act,

as it applies to persons serving sentences of imprisonment for life."

The index for determining whether re-detention is justified is that of dangerousness, meaning a consideration of whether the offence constitutes an unacceptable risk of physical danger to the life or limb of the public (see *R v. Secretary of State for the Home Department*,

ex. parte Prem Singh, unreported, transcript pp. 26F-27B; and Eur. Court HR, Singh v. the United Kingdom judgment of 21 February 1996, at para. 39).

Further developments occurred in relation to persons convicted of murder between the ages of 10 and 18 and detained during Her Majesty's pleasure. In light of the judgments of the European Court of Rights in the cases of Singh v. the United Kingdom and Hussain v. the United Kingdom (Eur. Court HR, Singh v. the United Kingdom of 21 February 1996, Reports 1996-I, p. 280; and Eur. Court HR, Hussain v. the United Kingdom judgment of 21 February 1996, Reports 1996-I, p. 252), the Secretary of State announced, on the 23 July 1996, the introduction of interim measures taking effect from 1 August 1996 which changed the procedure under which the cases of prisoners detained during Her Majesty's pleasure were reviewed by the Parole Board.

Pursuant to these measures the review is now in the form of an oral hearing at which the prisoners are entitled to legal representation and to examine and cross-examine witnesses. Prisoners will also normally receive full disclosure of all material relevant to the question of whether they should be released prior to the hearing. Section 28 of the Crime (Sentences) Act 1997 now provides that once an offender serving a sentence of detention during Her Majesty's pleasure for murder has served the tariff period set by the Secretary of State, the Parole Board decides whether it is safe to release that offender on licence.

COMPLAINTS

1. The applicant submits that custody for life is based on a special form of sentence devised for those between 18 and 21 years and is distinguishable from mandatory life sentences for those over 21. He submits that the fixing of his punitive tariff should attract Article 5 para. 4 safeguards. In this respect he complains that:

- the decision was taken by the executive rather than the judiciary
- the decision was taken without affording him an oral hearing and an opportunity to put his case in person as to what the length of tariff should be.

2. The applicant further complains of a violation of Article 3 of the Convention. The applicant complains that to impose on young adults a mandatory life sentence would constitute an inhuman punishment.

PROCEEDINGS BEFORE THE COMMISSION

The application was introduced on 21 February 1996 and registered on 24 June 1996.

On 21 May 1997 the Commission decided to communicate the application to the respondent Government.

The Government's written observations were submitted on 13 August 1997, after an extension of the time-limit fixed for that purpose. The applicant replied on 6 and 10 October 1997.

On 16 September 1997 the Commission granted the applicant legal aid.

THE LAW

1. The applicant complains about the fixing of his punitive tariff, and in particular, that the decision was taken by the executive rather than the judiciary and without affording him an oral hearing and an opportunity to put his case in person as to what the length of tariff

should be. These complaints have been examined under Articles 5 para. 4 and Article 6 para. 1 (Art. 5-4, 6-1) of the Convention.

i. Article 5 para. 4 (Art. 5-4) of the Convention

Article 5 para. 4 (Art. 5-4) provides:

"Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful."

The Government submit that for the purposes of Article 5 para. 4 (Art. 5-4) the sentence of custody for life for a young adult murderer is to be equated with the mandatory life sentence for an adult murderer. The sentence of custody for life is, like a mandatory life sentence, essentially punitive in nature and imposed because of the grave nature of the offence of murder. The sentence expressly imposes custody (not detention) for life (not for an indefinite period) as does a mandatory life sentence. It is not a sentence which may be imposed on the basis of the assessment of the offender's character and mental state and of his/her resulting dangerousness to society, which requires that any developments in the offender's personality and attitude as he/she grows older must be taken into account. The sentence is imposed automatically by the judge as a punishment for the offence of murder in all cases where persons between the ages of 18 and 21 convicted of murder regardless of their mental state or dangerousness. The only explanation for this is that Parliament thought that such a grave crime deserves to be punished by the loss of liberty for life.

The Government explain, moreover, that the sentence imposed on a murderer aged between 18 and 21 years is custody for life (not mandatory life imprisonment) as a reflection of the place where the sentence is served until the age of 21. Prior to 1982, offenders aged 18 to 21 were imprisoned in an adult prison. From 1982, they were normally kept in detention centres until young offender institutions were established in 1988. Other than the place in which the sentence of custody for life is served until the age of 21, there is no distinction, either in law or in practice, between the treatment after the sentence of those between the ages of 18-21 and those over the age of 21. The change introduced in 1982 in the description of the sentence was simply to reflect the fact that, after 1982, they were not "imprisoned".

Alternatively, the Government submit, if the applicant's case is that, as a matter of domestic law, the proper interpretation of the sentence of custody for life is that it is not a mandatory life imprisonment entitling the Secretary of State to set a tariff period, then the applicant has a domestic remedy by way of judicial review as in *R v. Secretary of State for the Home Department ex parte Thompson and Venables* (1997 3 WLR 23).

Moreover, if contrary to their submissions, the sentence of custody for life is more closely analogous to a detention during Her Majesty's pleasure, the Government would accept that, in accordance with the Court's judgments in *Thynne, Gunnell and Wilson v. the United Kingdom* and *Abed Hussain and Prem Singh v. United Kingdom* (Eur. Court HR, judgments op. cit.), the applicant is entitled, after the expiry of his tariff, to have the issue of his release into the community on licence determined by a judicial body such as the Parole Board. However, the Government would still not accept that Article 5 para. 4 (Art. 5-4) prohibits the Secretary of State from deciding on the appropriate tariff period. Since the purpose of the sentence is at least partly punitive, young adult offenders sentenced to determinate periods of custody must also serve a tariff period. The punitive period is not subject to change over time by reason of developments in the

mental stability or dangerousness of the offender, but depends on the facts and circumstances of the offence and the offender as at the date when the offence was committed. Therefore, in relation to the tariff, Article 5 para. 4 (Art. 5-4) is satisfied by the original trial and sentence.

The applicant submits that under domestic law there are three distinct custodial sentences for offenders convicted of murder. Parliament has differentiated between the three age-groups in a way that reflects the differences in the maturity of each. For adult murderers between the ages of 18 and 21 it has created an offence of custody for life where there is a clear and substantial rehabilitative element in the sentence. For children between the ages of 10 and 18 it has created a sentence, detention during Her Majesty's pleasure, which expressly emphasises its indeterminacy in order that punitive considerations should not thwart the object of securing the welfare and rehabilitation of the offender.

While the sentence of custody for life is not identical to a sentence of detention during Her Majesty's pleasure, the applicant contends that is not identical to the sentence of mandatory life imprisonment either. The imposition of a "life" custody is not determinative of the issue whether the sentence is imposed as a wholly punitive sanction of loss of liberty for life. Similarly, the automatic imposition by the judge of the sentence of custody for life in all cases where persons between the ages of 18 and 21 are convicted of murder, does not mean that the sentence was imposed because of the gravity of the offence. As in the case of offenders who are sentenced to detention at Her Majesty's pleasure, offenders who are sentenced to custody for life are also young, not yet fully matured and can also be considered as potentially dangerous by reason of the offence they have committed. The sentence of custody for life is not, therefore, imposed solely because of the gravity of the offence but is also based on considerations such as the offender's young age, immaturity and danger to society.

Further, the applicant submits that, the explanation given by the Government that the sentence imposed on a murderer aged between 18-21 is custody for life because of the place where the sentence is served until the age of 21, ignores the rationale for the creation of the sentence, this being, not simply to separate young adults from older adults but to create a custodial sentence with a preventative and rehabilitative object.

The applicant maintains his complaint that the fixing of his punitive tariff by the Secretary of State, a member of the Executive, rather than the judiciary is not compatible with the requirements of Article 5 para. 4 (Art. 5-4) of the Convention and in particular, that he was denied an oral hearing and an opportunity to put his case in person as to what the length of tariff should be.

In response to the Government's submission that if the sentence of custody for life is not analogous to a mandatory life imprisonment the applicant has a domestic remedy by way of a judicial review, the applicant submits that the issues which are raised under the Convention cannot be resolved in the domestic courts since the statutory framework which places the power to determine issues of release within the discretion of the Secretary of State (rather than an independent and impartial tribunal) cannot be challenged.

The Commission recalls that the Government has submitted that the applicant has a domestic remedy in respect of any allegations under domestic law that the Secretary of State is not entitled to set a tariff period or concerning the correct classification of the type of detention. It observes that the Government has not expressly invoked Article 26 (Art. 26) of the Convention in this respect. However, having regard to its conclusions below, it finds it unnecessary to determine

whether or not the applicant has complied with the requirements of Article 26 (Art. 26) of the Convention as regards exhaustion of domestic remedies.

The Commission notes that the central issue in the present case is whether a sentence to custody for life, given its nature and purpose, is to be considered as analogous to an indeterminate type of sentence governed predominantly by considerations of risk or factors relating to the personality or youth of the offender or rather to a mandatory sentence of life imprisonment.

The Commission recalls that in the *Wynne* case the Court distinguished a mandatory life sentence for murder from a discretionary life sentence on the basis that it has an essentially punitive character and is imposed automatically because of the inherent gravity of the offence (Eur. Court HR, judgment of 18 July 1994, Series A no. 294, p. 14, para. 35). Consequently, the Court found that as regards mandatory life sentences applying to adults over the age of 21, the guarantees of Article 5 para. 4 (Art. 5-4) were satisfied by the original trial and appeal proceedings and that accordingly Article 5 para. 4 (Art. 5-4) conferred no additional right to challenge the lawfulness of continued detention or re-detention following revocation of the life licence (see *Wynne v. the United Kingdom*, op. cit., p. 15, para. 36).

The Commission further recalls that in the cases of *Prem Singh and Abed Hussain v. the United Kingdom*, the Court held that a sentence of detention during Her Majesty's pleasure for convicted young persons (between the ages of 10 and 18) could only be justified by considerations which centred on an assessment of the young offender's character and mental state and of his or her resulting danger to society, which had to take into account any developments in the young offender's personality and attitude as he or she grew older (Eur. Court HR, judgments of 21 February 1996, Reports 1996-I, pp. 252 and 280). The Court considered that the sentence was imposed because of the presence of factors which were susceptible to change over time, namely, the mental instability and dangerousness of the offender. Accordingly, it held that prisoners serving a detention during Her Majesty's pleasure were entitled to take proceedings at reasonable intervals to have the lawfulness of their detention decided by a court where the tariff period of their sentence has expired (see eg. Eur. Court HR, *Abed Hussain v. the United Kingdom*, op. cit., p. 269, para. 54).

The Commission finds that custody for life is similar to a mandatory life imprisonment for murder in that, like the latter, it has an essentially punitive character and is imposed because of the inherent gravity of the offence. The Commission is unable to agree with the applicant's submission that the sentence of custody for life, as in the case of detention during Her Majesty's pleasure, is based on considerations such as the offender's immaturity and danger to society which effectively suggest the existence of factors which may change over time thereby requiring periodic judicial review of the lawfulness of the continued detention. It is not readily apparent that any striking or significant changes will occur in the personality and mental capacities of 18 to 21 years olds as may be the case with 10 to 18 year olds. Nor are there any characteristics in the statutory provisions, or in the origins of the sentence of custody for life, or in the applicable practice relating to the sentence, which can be identified as pertaining to an indeterminate term of detention with a preventative and rehabilitative purpose. The changes in the type of custodial sentences applicable to all young adult offenders introduced by the 1982 Act may have been motivated in a general sense by considerations of rehabilitation and prevention but the Commission does not find any indication that the legislature intended thereby to alter for young adult murderers what had hitherto been a primarily punitive sentence based on the gravity of the offence.

Accordingly, the Commission considers that the guarantee of Article 5 para. 4 (Art. 5-4) was satisfied by the original trial and confers no additional right for the applicant to challenge the lawfulness of his continued detention subject to a "tariff" period fixed by the Secretary of State.

It follows that the applicant's complaints under Article 5 para. 4 (Art. 5-4) as to the tariff-fixing procedures must be rejected as manifestly ill-founded within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

ii. Article 6 para. 1 (Art. 6-1) of the Convention

Article 6 para. 1 (Art. 6-1) provides in its first sentence:

"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 Government argue that if, as submitted above, the sentence of custody for life is analogous to a mandatory life sentence, Article 6 para. 1 (Art. 6-1) is satisfied by the original trial and sentence, since the criminal charge against the applicant was determined at the trial and the applicant was sentenced to custody for life as punishment for the grave offence of murder. The legality of his continued detention is a matter governed by Article 5 para. 4 (Art. 5-4) which recognises that the setting of the tariff is part of an administrative regime by which the severity of the punishment of custody for life (or the mandatory life sentence for an adult) is mitigated by consideration being given to release on licence at an earlier stage than the prisoner has any legal right to demand. As the Court emphasised in its judgment in *Wynne v. the United Kingdom*, the administrative arrangements for setting a tariff, and thereafter considering the safety and acceptability of release, fall well within the scope of the punishment imposed at the original trial (Eur. Court HR, judgment of 18 July 1994, Series A no. 294).

Even if (contrary to the submissions of the Government) the sentence of custody for life is more closely analogous to a sentence of detention during Her Majesty's pleasure than to a mandatory life sentence, the Government submit that the setting of the tariff still does not involve any breach of Article 6 para. 1 (Art. 6-1) since the setting of the tariff does not determine any criminal charge against the applicant.

The applicant submits that the procedure for fixing the tariff involves the determination of a criminal charge to which Article 6 para. 1 (Art. 6-1) of the Convention. He contends that the tariff setting exercise effectively determines the punishment following from a finding of guilt and has a punitive purpose. It therefore should attract the guarantees of Article 6 (Art. 6) as regards the necessity for an impartial and independent tribunal which provides for the proper and fair participation of the defendant.

The Commission recalls that Article 6 para. 1 (Art. 6-1) applies to the sentencing part of the determination of a criminal charge. However, the Commission notes that, where life imprisonment is imposed in respect of murder, the sentencing is carried out by the trial judge after the accused has been convicted. Life imprisonment for murder is a mandatory sentence automatically imposed by law with regard to the severity of the offence irrespective of considerations of the dangerousness of the offender (Eur. Court HR, *Wynne v. the United Kingdom* of 18 July 1994, op. cit., p. 14, para. 35). It is in a distinct category from discretionary life sentences and sentences of detention during Her Majesty's pleasure which are indeterminate and whose character and purpose are identifiably different, being justified

primarily by considerations of the offenders' character, mental state or age and their resulting dangerousness, which factors may change over time (eg. Eur. Court HR, Thynne, Wilson and Gunnell v. the United Kingdom judgment of 25 October 1990, Series A no. 190-A, p. 30, para. 76 and Hussain v. the United Kingdom judgment of 21 February 1996, op. cit., p. 269, paras. 53-4). The tariff-fixing procedure in respect of mandatory life prisoners therefore must be regarded as an administrative procedure governing the implementation of the sentence and not as part of the determination of the sentence itself.

The Commission has found above in the context of Article 5 para. 4 (Art. 5-4) of the Convention that sentences of custody for life are mandatory sentences rather than indeterminate sentences based on factors of prevention or the offender's youth or personality. Consequently, the Commission finds that Article 6 para. 1 (Art. 6-1) does not apply to the fixing of the applicant's tariff. It follows that this complaint is incompatible *ratione materiae* with the provisions of the Convention within the meaning of Article 27 para. 2 (Art. 27-2) of the Convention.

2. The applicant also complains that to impose on young adults a mandatory life sentence would constitute an inhuman punishment in violation of Article 3 (Art. 3) of the Convention, which provides:

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

The Commission recalls that there is no incompatibility with the Convention in the imposition of a life sentence as a security or retributive measure in a particular case or in a decision to keep a recidivist or habitual offender at the disposal of the Government (Weeks v. the United Kingdom, Comm. Report 7.12.84, para. 72, Eur. Court HR, Series A no. 114, p. 43). While in the cases concerning detention during Her Majesty's pleasure, the Court commented that a sentence pursuant to which young persons forfeited their liberty for the rest of their lives might raise issues under Article 3 (Art. 3) of the Convention (see eg. Eur. Court HR, Hussain judgment, op. cit., p. 269, para. 53), the Commission considers that these remarks apply to sentences of life imprisonment imposed on children under the age of 18 to whom special considerations apply. It does not find that the imposition of a mandatory sentence of life imprisonment in respect of the offence of murder committed by young adults between the ages of 18 and 21 discloses treatment or punishment prohibited by Article 3 (Art. 3) of the Convention.

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

For these reasons, the Commission, by a majority,

DECLARES THE APPLICATION INADMISSIBLE.

M.F. BUQUICCHIO
Secretary
to the First Chamber

M.P. PELLONPÄÄ
President
of the First Chamber