



European Court finds three British murderers' imprisonment for life is not inhuman or degrading

In today's Chamber judgment in the case [Vinter and Others v. the United Kingdom](#) (application nos. 66069/09, 130/10 and 3896/10), which is not final¹, the European Court of Human Rights held, by four votes to three, that there had been:

No violation of Article 3 (prohibition of inhuman and degrading treatment) of the European Convention on Human Rights in respect of any of the three applicants.

The case concerned the applicants' complaint that their imprisonment for life amounted to inhuman and degrading treatment as they had no hope of release.

Principal facts

The applicants, Douglas Gary Vinter, Jeremy Neville Bamber and Peter Howard Moore, are British nationals who were born in 1969, 1961 and 1946 respectively. All three men are currently serving mandatory sentences of life imprisonment for murder.

Mr Vinter was convicted of stabbing his wife in February 2008. While still on parole for a first murder offence (he killed a work colleague), he followed his wife – from whom he was estranged – to a public house, forced her into his car and drove off. When the police telephoned her, Mr Vinter forced her to tell them that she was fine. He also later called the police to tell them that she was alive and well. However, some hours later he gave himself up and confessed that he had killed her. The post-mortem revealed that his wife had a broken nose, strangulation marks around her neck and four stab wounds.

Mr Bamber was convicted of shooting and killing his adoptive parents, sister and her two young children in August 1985. It was alleged that he had committed the murders for financial gain and had tried to make it look as if his adoptive sister had carried out the crime, then killed herself.

Mr Moore was convicted of stabbing four men with a large combat knife between September and December 1995. The four victims were all homosexuals and Mr Moore allegedly killed them for his own sexual gratification.

When convicted the applicants were given whole life orders, meaning they cannot be released other than at the discretion of the Secretary of State on compassionate grounds (for example, if they are terminally ill or seriously incapacitated). The power of the Secretary of State to release a prisoner is provided for in section 30(1) of the Crime (Sentences) Act 1997. Under this Act it was practice for the mandatory life sentence to be passed by the trial judge, who – along with the Lord Chief of Justice – then gave recommendations to the Secretary of State to decide the minimum term of

¹ Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.

Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution

imprisonment (the “tariff” part of the sentence) which the prisoner would have to serve to satisfy the requirements of retribution and deterrence and be eligible for early release on licence. In general, the Secretary of State reviewed a whole life tariff after 25 years’ imprisonment. With the entry into force of the Criminal Justice Act 2003, all prisoners whose tariffs were set by the Secretary of State are now able to apply to the High Court for review of that tariff.

Mr Vinter’s whole life order was made by the trial judge under the current practice. His appeal against his conviction was dismissed in June 2009. The Court of Appeal found that there was no reason to depart from the normal principle under schedule 21 to the 2003 Act that, where a murder was committed by someone who was already a convicted murderer, a whole life order was appropriate for punishment and deterrence.

Mr Bamber and Mr Moore, convicted and sentenced prior to the entry into force of the 2003 Act, both applied to the High Court for review of their whole life tariffs.

In the case of Mr Bamber, the High Court concluded that, given the number of murders involved, the presence of premeditation, the submissions by the victims’ next-of-kin as well as reports on the behaviour and progress he had made in prison, there was no reason to depart from the view held in 1988 by the Lord Chief of Justice and the Secretary of State that he should never be released.

In the case of Mr Moore, the High Court found that the case involved the murder of two or more people, sexual or sadistic conduct and a substantial degree of premeditation and that there were no mitigating circumstances.

The High Court therefore considered that whole life orders were justified in respect of both men. The applicants’ appeals were dismissed in 2009 and, shortly after, their applications to certify whether their cases ought to be considered by the House of Lords were also refused.

Complaints, procedure and composition of the Court

Relying in particular on Article 3 (prohibition of inhuman or degrading treatment), all three applicants complained that their imprisonment without hope of release was cruel and amounted to inhuman and degrading treatment.

The application was lodged with the European Court of Human Rights on 11 December 2009.

Judgment was given by a Chamber of seven, composed as follows:

Lech **Garlicki** (Poland), *President*,
David Thór **Björgvinsson** (Iceland),
Nicolas **Bratza** (the United Kingdom),
Päivi **Hirvelä** (Finland),
George **Nicolaou** (Cyprus),
Ledi **Bianku** (Albania),
Vincent A. **de Gaetano** (Malta), *Judges*,

and also Lawrence **Early**, *Section Registrar*.

Decision of the Court

The Court held that in each case the High Court had decided that an all-life tariff was required, relatively recently and following a fair and detailed consideration. All three

applicants had committed particularly brutal and callous murders. To date, Mr Vinter had only served three years of imprisonment, Mr Bamber 26 years and Mr Moore 16 years. The Court did not consider that these sentences were grossly disproportionate or amounted to inhuman or degrading treatment.

There had therefore been no violation of Article 3 in the case of any of the applicants.

The judgment is available only in English.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.