



## Forthcoming Grand Chamber judgment on refusal to grant compensation following acquittal

The European Court of Human Rights will be delivering a Grand Chamber judgment in the case of **Allen v. the United Kingdom** (application no. 25424/09) **at a public hearing on 12 July 2013 at 11 a.m.** – local time – in the Human Rights Building, Strasbourg.

The case concerns the refusal to grant compensation to a mother acquitted of the manslaughter of her four-month old son following the quashing of her conviction.

### Principal facts

The applicant, Lorraine Allen, is a British national who was born in 1969 and lives in Scarborough.

On 7 September 2000 Ms Allen was convicted of the manslaughter of her four-month old son and sentenced to three years' imprisonment.

On 21 July 2005 the Court of Appeal quashed Ms Allen's conviction on the grounds that it was unsafe. It found that the new evidence might have affected the jury's decision to convict Ms Allen.

Ms Allen lodged a claim with the Secretary of State under section 133 of the Criminal Justice Act 1988, which provides that compensation shall be paid to someone who was convicted of a criminal offence but has subsequently had that conviction reversed on the ground that a new or newly discovered fact shows beyond reasonable doubt that there has been a miscarriage of justice. Her claim was refused on 31 May 2006 and in subsequent judicial review proceedings. Leave to appeal to the House of Lords was refused in December 2008.

### Complaints and procedure

Relying on Article 6 § 2 (presumption of innocence), Ms Allen alleges that the reasons given in the decision not to award her compensation breached the presumption of innocence.

The application was lodged with the European Court of Human Rights on 29 April 2009 and a [statement of facts](#) was communicated to the parties for observations on 14 December 2010. On 26 June 2012 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber. A Grand Chamber [hearing](#) was held in Strasbourg on 14 November 2012.

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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.