



Forthcoming Grand Chamber judgment concerning whole life orders

The European Court of Human Rights will be delivering a **Grand Chamber** judgment¹ in the case of **Hutchinson v. the United Kingdom** (application no. 57592/08) at a public hearing on 17 January 2017 at 3 p.m. in the Human Rights Building, Strasbourg.

The case concerns the complaint by a man serving a whole life sentence for murder that his sentence amounts to inhuman and degrading treatment as he has no hope of release.

Principal facts and complaints

The applicant, Arthur Hutchinson, is a British national who was born in 1941 and is detained in Her Majesty's Prison Durham (the United Kingdom).

In September 1984 Mr Hutchinson was convicted of three counts of murder, rape and aggravated burglary, the trial judge sentencing him to a term of life imprisonment with a recommended minimum tariff of 18 years. In December 1994 the Secretary of State informed Mr Hutchinson that he had decided to impose a whole life term and, in May 2008, the High Court found that there was no reason for deviating from this decision given the seriousness of Mr Hutchinson's offences. Mr Hutchinson's appeal was dismissed by the Court of Appeal in October 2008.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, Mr Hutchinson alleges that his whole life sentence amounts to inhuman and degrading treatment as he has no hope of release.

Procedure

The application was lodged with the European Court of Human Rights on 10 November 2008.

In its Chamber [judgment](#) of 3 February 2015, the European Court of Human Rights held, by six votes to one, that there had been no violation of Article 3 of the Convention. It observed in particular that, in a previous judgment² of 9 July 2013, it had found that the domestic law concerning the Justice Secretary's power to release a whole life prisoner was unclear. In that case, the Court was therefore not persuaded that the applicants' life sentences were compatible with Article 3 and held that there had been a violation of Article 3. However, the UK Court of Appeal had since explicitly addressed those doubts and held that the Secretary of State for Justice was obliged under national law to release a person detained on a whole life order where "exceptional grounds" for release could be shown to exist, and that this power of release was reviewable by the national courts. Having regard to this clarification, the Chamber concluded that whole life orders were open to review under national law and therefore compatible with Article 3 of the Convention.

On 5 March 2015 Mr Hutchinson requested that the case be referred to the Grand Chamber under Article 43 (referral to the Grand Chamber) and on 1 June 2015 the panel of the Grand Chamber accepted that request. A Grand Chamber hearing was held in the Human Rights Building, Strasbourg, on 21 October 2015.

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

² In the case of [Vinter and Others v. the United Kingdom](#) (application nos. 66069/09, 130/10 and 3896/10).

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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.