



## Grand Chamber hearing concerning delaying of access to a lawyer during police questioning

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 25 November 2015 at 9.15 a.m.** in the case of **Ibrahim and Others v. the United Kingdom** (applications nos. 50541/08, 50571/08, 50573/08 and 40351/09).

The case concerns the temporary delay in providing access to a lawyer during the police questioning of suspects involved in the 21 July 2005 London bombings and the alleged prejudice to their ensuing trials.

*The hearing will be broadcast from 2.30 p.m. on the Court's Internet site ([www.echr.coe.int](http://www.echr.coe.int)). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.*

The applicants in the first three applications, Muktar Said Ibrahim, Ramzi Mohammed and Yassin Omar, are Somali nationals who were born in 1978, 1981, and 1981 respectively. The applicant in the fourth application, Ismail Abdurahman, is a British national who was born in Somalia in 1982.

On 7 July 2005 suicide bombers detonated their bombs on the London transport system, killing 52 people and injuring countless more. Two weeks later, on 21 July 2005 four bombs were detonated on the London transport system but failed to explode. The perpetrators fled the scene but were later arrested.

Following the arrest of the first three applicants – Mr Ibrahim, Mr Mohammed and Mr Omar – they were temporarily refused legal assistance in order for police “safety interviews” (interviews conducted urgently for the purpose of protecting life and preventing serious damage to property) to be conducted. Under the Terrorism Act 2000, such interviews can take place in the absence of a solicitor and before the detainee has had the opportunity to seek legal advice. During the interviews the applicants denied any knowledge of the events of 21 July. At trial, they acknowledged their involvement in the events but claimed that the bombs had been a hoax and were never intended to explode. The statements made at their safety interviews were admitted at trial. They were convicted in July 2007 of conspiracy to murder and sentenced to a minimum term of 40 years’ imprisonment. The Court of Appeal subsequently refused them leave to appeal against their conviction.

Mr Abdurahman, the fourth applicant, was not suspected of having detonated a bomb and was initially interviewed by the police as a witness. He started to incriminate himself by explaining his encounter with one of the suspected bombers shortly after the attacks and the assistance he had provided to that suspect. The police did not, at that stage, arrest him and advise him of his right to silence and to legal assistance. Instead, they continued to question him as a witness and took a written statement from him. He was subsequently arrested and offered legal advice. In his ensuing interviews, he adopted and referred to his written statement. This statement was admitted as evidence at his trial. He was convicted in February 2008 of assisting one of the bombers and of

<sup>1</sup> Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

failing to disclose information about the bombings. He was sentenced to ten years' imprisonment, reduced to eight years on appeal on account of the early assistance that he had given to the police.

Relying on Article 6 §§ 1 and 3 (c) (right to a fair trial and right to legal assistance) of the European Convention on Human Rights, the applicants complain about their lack of access to lawyers during their initial police questioning, alleging that their subsequent convictions were unfair because of the admission at trial of the statements they had made during those police interviews.

## Procedure

In its Chamber [judgment](#) of 16 December 2014, the European Court of Human Rights, held, by six votes to one, that there had been no violation of Article 6 § 1 and 3 (c) (right to a fair trial and right to legal assistance) of the European Convention. The Court was satisfied that, at the time of the four applicants' initial police interviews, there had been an exceptionally serious and imminent threat to public safety, namely the risk of further attacks, and that this threat provided compelling reasons justifying the temporary delay in allowing the applicants access to lawyers. The Chamber also found that no undue prejudice had been caused to the applicants' right to a fair trial by the admission at their trials of the statements they had made during police interviews and before they had been given access to legal assistance. It took into account the counterbalancing safeguards contained in the national legislative framework, as applied in each of the applicants' cases; the circumstances in which the statements had been obtained and their reliability; the procedural safeguards at trial, and in particular the possibility to challenge the statements; and the strength of the other prosecution evidence. In addition, as concerned the fourth applicant, who had made self-incriminating statements during his police interview, the Chamber emphasised the fact that he had not retracted his statement even once he had consulted a lawyer but had continued to rely on his statement in his defence up until his request that it be excluded at trial.

On 1 June 2015 the case was referred to the Grand Chamber at the request of two of the applicants (Mr Omar (application no. 50573/08) and Mr Abdurahman (application no. 40351/09)).

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Guido **Raimondi** (Italy), *Judge*,  
András **Sajó** (Hungary),  
Işıl **Karakaş** (Turkey),  
Luis **López Guerra** (Spain),  
Mirjana **Lazarova Trajkovska** ("the Former Yugoslav Republic of Macedonia"),  
Ganna **Yudkivska** (Ukraine),  
Khanlar **Hajiyev** (Azerbaijan)  
Nona **Tsotsoria** (Georgia),  
Vincent A. **de Gaetano** (Malta),  
Julia **Laffranque** (Estonia),  
Paul **Lemmens** (Belgium),  
Paul **Mahoney** (the United Kingdom),  
Johannes **Silvis** (the Netherlands),  
Dmitry **Dedov** (Russia),  
Robert **Spano** (Iceland),  
Iulia Antoanella **Motoc** (Romania),  
Síofra **O'Leary** (Ireland), *judges*,  
Armen **Harutyunyan** (Armenia),  
Helena **Jäderblom** (Sweden),

Mārtiņš Mits (Latvia),  
Carlo Ranzoni (Liechtenstein), *substitute judges*,

and also Lawrence Early, *Jurisconsult*.

## Representatives of the parties

### Government

Lord Keen of Elie QC, *Advocate General of Scotland, Counsel*

Paul McKell, *Agent*,

David Perry QC and Louis Mably, *Counsel*,

Ruaraidh Macniven and John De Sousa, *Advisers*;

For the applicants Muktar Said Ibrahim, Ramzi Mohammed and Yassin Omar

Joel Bennathan QC and Jude Bunting, *Counsel*,

Ravi Naik and Tayab Ali, *Advisers*.

For the applicant Ismail Abdurahman

John King and Anne Faul, *Counsel*.

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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.