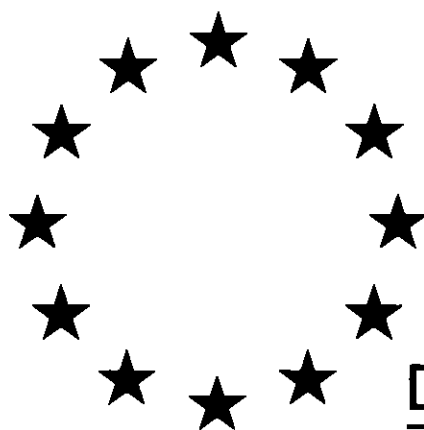


COUNCIL
OF EUROPE



CONSEIL
DE L'EUROPE

Or. English

EUROPEAN COMMISSION
OF HUMAN RIGHTS

Application No. 12000/86

**Robert Malcolm Weeks
against
the United Kingdom**

Report of the Commission

(Adopted on 10 July 1989)

Strasbourg

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I. INTRODUCTION

1. This Report relates to Application No. 12000/86 introduced against the United Kingdom by Mr. Robert Malcolm Weeks on 3 October 1985 under Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms. The application was registered on 14 February 1986.

The applicant was represented by Mr. P. Ashman, Legal Officer of Justice, London.

The Government of the United Kingdom were represented by their Agent, Mr. M. C. Wood, Foreign and Commonwealth Office.

2. On 6 September 1988 the Commission joined the present application with Applications Nos. 11787/85, 11978/86 and 12009/86. On the same date the Commission declared the applications admissible*. The Commission then proceeded to carry out its task under Article 28 of the Convention, which provides as follows:

"In the event of the Commission accepting a petition referred to it:

(a) it shall, with a view to ascertaining the facts, undertake together with the representatives of the parties an examination of the petition and, if need be, an investigation, for the effective conduct of which the States concerned shall furnish all necessary facilities, after an exchange of views with the Commission;

(b) it shall place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for Human Rights as defined in this Convention."

3. The Commission found that the parties had reached a friendly settlement of the present case and on 10 July 1989 it decided to disjoin the present application from the above-mentioned cases and to adopt this Report which, in accordance with Article 30 of the Convention, is confined to a brief statement of the facts and of the solution reached.

* This decision is public and can be obtained from the Commission's Secretary. The decision will be published in the Commission's official publication entitled Decisions and Reports.

4. The following members were present when the Report was adopted:

MM. C. A. NØRGAARD, President
J. A. FROWEIN
S. TRECHSEL
F. ERMACORA
G. SPERDUTI
E. BUSUTTIL
G. JÖRUNDSSON
A. S. GÖZÜBÜYÜK
A. WEITZEL
J. C. SOYER
H. G. SCHERMERS
H. DANELIUS
G. BATLINER
J. CAMPINOS
H. VANDENBERGHE
Mrs. G. H. THUNE
Sir Basil HALL
MM. F. MARTINEZ
C.L. ROZAKIS
Mrs. J. LIDDY
Mr. L. LOUCAIDES

PART I

STATEMENT OF THE FACTS

5. The applicant, Mr. Robert Malcolm Weeks, is a citizen of the United Kingdom, born in 1949. He is, at present, unemployed and living in southern France.

6. The applicant brought a previous application to the Commission (No. 9787/82) which eventually led to a judgment of the European Court of Human Rights (Eur. Court H.R., Weeks judgment of 2 March 1987, Series A no. 114).

7. The factual background of the present application has been set out by the Court in its judgment in that case (loc. cit., pp. 10-14, paras. 10-23). That application arose out of the applicant's sentence to life imprisonment on 6 December 1966 for armed robbery, assaulting a police officer and being in the unlawful possession of a firearm.

8. In November 1984 the Home Secretary revoked the applicant's life licence on the grounds inter alia that he was in breach of the conditions of his licence by leaving the United Kingdom to seek work in France. When the applicant returned to the United Kingdom on 17 April 1985 he was arrested and returned to prison to resume his life sentence.

9. He was again released on licence on 25 September 1985. In December 1985, being unable to find work in the United Kingdom, he returned to France without obtaining the permission of his probation officer. In consequence, his licence was again revoked and he was liable to re-arrest and re-imprisonment on his return to the United Kingdom.

10. Following the judgment of the European Court of Human Rights, in his case, the Parole Board, on 3 April 1987, revoked its recommendation that the applicant be recalled. On 29 April 1987, on the recommendation of the Home Secretary, Her Majesty the Queen remitted the applicant's life sentence by means of the Royal Prerogative.

11. In the light of the favourable judgment of the Court the applicant applied for judicial review of the Home Secretary's refusal to pay compensation. His application was dismissed in February 1988.

12. Before the Commission the applicant complained that his re-detention in April 1985 was in breach of Article 5 para. 1 of the Convention. He further alleged a breach of Article 5 paras. 4 and 5 in that he was unable to take proceedings to challenge the lawfulness of the decision to re-detain him and that there existed no enforceable right to compensation under the law of the United Kingdom.

PART II

SOLUTION REACHED

13. Following its decision on the admissibility of the application, the Commission placed itself at the disposal of the parties with a view to securing a friendly settlement in accordance with Article 28 (b) of the Convention and invited the parties to submit any proposals they wished to make.

14. In accordance with the usual practice the Secretary, acting on the Commission's instructions, contacted the parties in order to explore the possibilities of reaching a friendly settlement. Following an exchange of letters, the Secretary and Mr. M. O'Boyle of the Commission's Secretariat had separate discussions with the parties in London on 9 June 1989. Following these discussions and a further exchange of letters, the parties agreed on the terms of the friendly settlement set out below.

15. By letter of 12 June 1989 the Agent of the Government stated as follows:

"I have the honour to refer to the discussions which took place on 9 June concerning a friendly settlement of the above application, and to inform you that the Government are prepared to make a global ex gratia payment of £5,000 in order to achieve a friendly settlement of the application.

I am sending a copy of this letter to the applicant's representative."

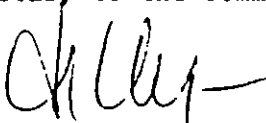
In his letter of 12 June 1989 the applicant's representative, Mr. P. Ashman, made the following declaration on behalf of the applicant:

"Further to our meeting on Friday 9th June. I am writing to confirm that the Government and myself have agreed a friendly settlement, which Mr. Weeks has approved, the terms of which are that the Government will make a payment to Mr. Weeks of £5,000 to cover all his claims for compensation and legal expenses and fees."

17. The Commission, at its session on 10 July 1989, noted that the parties had reached an agreement regarding the terms of a settlement. The Commission further found, having regard to Article 28 (b) of the Convention, that a friendly settlement had been secured on the basis of respect for human rights as defined in the Convention.

For these reasons, the Commission adopted this Report.

Secretary to the Commission


(H.C. KRÜGER)

President of the Commission


(C.A. NØRGAARD)