



Judgment of 12 May 2015

The European Court of Human Rights has today notified in writing three judgments¹:

one Chamber judgment is summarised below; for two others, in the cases of *Gogitidze and Others v. Georgia* (application no. 36862/05) and *Identoba and Others v. Georgia* (no. 73235/12), separate press releases have been issued.

The judgment summarized below is available only in English.

Magee and Others v. the United Kingdom (applications nos. 26289/12, 29062/12, and 29891/12)

The applicants, Gabriel Magee, Colin Francis Duffy, and Teresa Magee, are Irish nationals who were born in 1972, 1967, and 1978 respectively and live in Belfast, Lurgan, and Craigavon (Northern Ireland, UK) respectively. Their cases concerned their arrest and detention under the United Kingdom's anti-terrorism legislation.

Mr Magee and Ms Magee were arrested in 2009 on suspicion of involvement in the murder of a police officer. Mr Duffy was arrested on the same day on suspicion of involvement in the murder of two soldiers. Pursuant to the United Kingdom's Terrorism Act (2000) the Director of Public Prosecutions (DPP) successfully applied on two occasions to the County Court for warrants to extend their detention beyond the normal limit of 48 hours. The DPP sought the extra time for forensic tests and to carry out further questioning once the results of the additional forensic tests had been received.

In the meantime the applicants had sought a judicial review of the judge's first decision to extend their detention beyond 48 hours. The High Court found that the first review of detention following arrest should include some degree of review of the lawfulness of the arrest. As the County Court judge had not considered the lawfulness of the applicants' arrest, the High Court quashed her decision to extend their detention. All three applicants were released the same day, after 12 days in detention. During the judicial review they had also complained that Schedule 8 of the UK's Terrorism Act, which sets out the terms for detention, was incompatible with the European Convention on Human Rights' Article 5 § 3 (entitlement to trial within a reasonable time or to release pending trial). This complaint was rejected in 2011 and they were refused leave to appeal to the Supreme Court.

No charges were brought against Mr Magee or Ms Magee. Mr Duffy was subsequently charged with the murder of the two soldiers as well as five attempted murders. He was acquitted on all counts in 2012.

Relying in particular on Article 5 § 3 (right to liberty and security / entitlement to trial within a reasonable time or to release pending trial) Mr Magee, Mr Duffy, and Ms Magee complained that their detention under the UK's Terrorism Act had been incompatible with the rules governing lawful arrest and detention under the European Convention on Human Rights.

¹ Under Articles 43 and 44 of the Convention, Chamber judgments are not final. During the three-month period following a Chamber judgment's 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. Under Article 28 of the Convention, judgments delivered by a Committee are final.

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

No violation of Article 5 § 3 in respect of Mr et Ms Magee – the Court further declared inadmissible Mr Duffy’s application as well Mr and Ms Magee’s complaint under Article 5 § 2 (right to be informed of the reasons for arrest) of the Convention.

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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.