

Press release issued by the Registrar

**JUDGMENT IN THE CASE OF
PAUL AND AUDREY EDWARDS v. THE UNITED KINGDOM**

The European Court of Human Rights has today notified in writing a judgment¹ in the case of *Paul and Audrey Edwards v. the United Kingdom* (no. 46477/99). (The judgment is available only in English.)

The Court held unanimously that:

- there had been a **violation of Article 2** (right to life) of the European Convention on Human Rights as regards the circumstances of Christopher Edwards's death;
- there had been a **violation of Article 2** as regards the failure to conduct an effective investigation;
- no separate issue arose under Articles 6 (right to a fair hearing) or 8 (right to respect for private and family life);
- there had been a **violation of Article 13** (right to an effective remedy).

Under Article 41 (just satisfaction) of the Convention, the Court awarded the applicants 20,000 pounds sterling (GBP) for non-pecuniary damage and GBP 20,000 for legal costs and expenses.

1. Principal facts

The applicants are Paul and Audrey Edwards, both British nationals. The case concerns the killing of their son Christopher Edwards, aged 30.

Christopher Edwards, who had been tentatively diagnosed as schizophrenic in 1991, was arrested on 27 November 1994 and taken to Colchester police station. He had been approaching young women in the street and making inappropriate suggestions. He was later remanded in custody in Chelmsford Prison, initially on his own.

¹ 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.

On 28 November Richard Linford was placed in the same cell as Christopher Edwards - cell D1-6 (D landing). Richard Linford had been arrested in Maldon on 26 November 1994 for assaulting his friend and her neighbour. He had a history of violent outbursts and assaults, including a previous assault on a cell mate in prison. He had been admitted to mental hospital in 1988, and was subsequently diagnosed as schizophrenic.

Each cell had an emergency call button, which lit up a green light outside the cell and activated a buzzer and a red light on a control panel on the landing concerned, indicating the cell.

At 9 p.m. on 28 November 1994, a prison officer became aware that the buzzer linked to cell D1-6 was malfunctioning. He did not report the apparent defect. Shortly before 1 a.m. on 29 November 1994, the prison officer responsible for D landing heard a buzzer sound, but no red light on D landing control panel. He saw a prison officer go to check the other landings. Some time later, he heard continuous banging on a cell door on his landing. On going to investigate he saw the green light on outside cell D1-6. Officers entered the cell to find that Christopher Edwards had been stamped and kicked to death. Richard Linford was making continual reference to being possessed by evil spirits and devils.

Richard Linford was convicted at Chelmsford Crown Court after pleading guilty to the manslaughter of Christopher Edwards by reason of diminished responsibility. He is currently at Rampton Special Hospital, diagnosed as suffering from paranoid schizophrenia. The Coroner's Inquest was closed, following the conviction.

In July 1995, a private, non-statutory inquiry was commissioned, which issued a report on 15 June 1998. It concluded that ideally Christopher Edwards and Richard Linford should not have been in prison and in practice they should not have been sharing a cell. It found "a systemic collapse of the protective mechanisms that ought to have operated" to protect Christopher Edwards. It identified a series of shortcomings, including poor record-keeping, inadequate communication and limited inter-agency co-operation. The applicants were advised that there were no civil remedies available to them in the light of the findings of the inquiry and, on 25 November 1998, the Crown Prosecution Service maintained their previous decision that there was insufficient evidence to proceed with criminal charges.

2. Procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 14 December 1998 and declared admissible on 7 June 2001 by the Third Section.

Judgment was given by a Chamber of seven judges, composed as follows:

Ireneu **Cabral Barreto** (Portuguese), *President*,
Nicolas **Bratza** (British),
Lucius **Caflich**¹ (Swiss),
Pranas **Kūris** (Lithuanian),
Riza **Türmen** (Turkish),
Hanne Sophie **Greve** (Norwegian),
Kristaq **Traja** (Albanian), *judges*,

and also Vincent **Berger**, *Section Registrar*.

3. Summary of the judgment²

Complaints

The applicants allege, in particular, that the authorities failed to protect the life of their son. They rely on Articles 2, 6, 8 and 13 of the Convention.

Decision of the Court

Article 2

The obligation to protect the right to life

The Court was satisfied that information had been available which identified Richard Linford as suffering from a mental illness with a record of violence which was serious enough to merit proposals for compulsory detention and that this, in combination with his bizarre and violent behaviour on and following arrest, demonstrated that he had been a real and serious risk to Christopher Edwards when placed in his cell.

Regarding the measures which the authorities might reasonably have been expected to take to avoid that risk, the Court observed that the information concerning Richard Linford's medical history and perceived dangerousness ought to have been brought to the attention of the prison authorities, and in particular those responsible for deciding whether to place him in the Health Care Centre or in ordinary location with other prisoners. It was not. There had been a series of shortcomings in the transmission of information to the prison admissions staff and the screening examination of Richard Linford on arrival at the prison was brief and cursory.

It was also apparent from the inquiry report that there had been numerous failings in the way Christopher Edwards had been treated from his arrest to allocation to a shared cell.

The Court considered that, on the information available to the authorities, Richard Linford should not have been placed in Christopher Edwards' cell in the first place.

1. Judge elected in respect of Liechtenstein.
2. This summary by the Registry does not bind the Court.

The Court concluded that the failure of the agencies involved in this case (medical profession, police, prosecution and court) to pass on information about Richard Linford to the prison authorities and the inadequate nature of the screening process disclosed a breach of the State's obligation to protect the life of Christopher Edwards. There had therefore been a violation of Article 2.

The obligation to carry out an effective investigation

The Court observed that no inquest was held and that the criminal proceedings in which Richard Linford was convicted did not involve a trial at which witnesses were examined, as he pleaded guilty to manslaughter and was subject to a hospital order.

Considering whether the Inquiry into the Care and Treatment of Christopher Edwards and Richard Linford provided an effective investigative procedure, the Court noted that the inquiry had heard a large number of witnesses and reviewed in detail the way in which the two men were treated by the various medical, police, judicial and prison authorities. The inquiry report, which ran to 388 pages, reached numerous findings of defects and made recommendations for future practice. It was a meticulous document, on which the Court did not hesitate to rely in assessing the facts and issues in the case.

However, the inquiry had had no power to compel witnesses and, as a result, two prison officers declined to attend, one of whom had walked past the cell shortly before the death was discovered. The Court found that the lack of compulsion of witnesses who were either eye-witnesses or had material evidence related to the circumstances of a death detracted from the inquiry's capacity to establish the facts relevant to the death, and thereby to achieve one of the purposes required by Article 2 of the Convention.

The inquiry also sat in private, during its hearing of evidence and witnesses. The applicants were only able to attend three days of the inquiry when they were giving evidence. They were not represented and were unable to put any questions to witnesses. They had to wait until the publication of the final version of the inquiry report to discover the substance of the evidence about what had occurred. The Court therefore found that they could not be regarded as having been involved in the procedure to the extent necessary to safeguard their interests.

The Court concluded that the lack of power to compel witnesses and the private character of the proceedings failed to comply with the requirements of Article 2 to hold an effective investigation into Christopher Edwards' death. There had accordingly been a violation of the procedural obligation of Article 2.

Article 13

The Court noted that a civil action in negligence or under the Fatal Accidents Act before the domestic courts might have furnished a fact-finding forum with the power to attribute responsibility for Christopher Edwards' death. However, as it was not apparent that non-pecuniary damages could have been awarded or that legal aid would have been available, the

Court did not find this avenue of redress to be of practical use. Similarly while it appeared not inconceivable that a case might be brought under the Human Rights Act 1998, this would have applied only to any continuing breach of the procedural obligation under Article 2 after 2 October 2000 and would not have led to the payment of damages relating to Christopher Edwards' death, which preceded the entry into force of the Act. The Court also recalled that the inquiry - which failed to comply with the procedural obligation imposed by Article 2 - did not provide any possibility of obtaining damages.

The Court therefore found that the applicants did not have access to an appropriate means of obtaining a determination of their allegations that the authorities failed to protect their son's right to life or the possibility of obtaining an enforceable award of compensation for the damage suffered - an essential element of a remedy under Article 13 for a bereaved parent. There had, therefore, been a breach of Article 13.

Articles 6 and 8

The Court found that no separate issues arose under Articles 6 and 8.

The Court's judgments are accessible on its Internet site (<http://www.echr.coe.int>).

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The European Court of Human Rights was set up in Strasbourg in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights. On 1 November 1998 a full-time Court was established, replacing the original two-tier system of a part-time Commission and Court.