



## ECHR endorses UK courts' dismissal of complaints about preventive detention during 2011 royal wedding

In its decision in the case of [Eiseman-Renyard v. the United Kingdom](#) (application nos. 57884/17, 57918/17, 58019/17, 58326/17, 58333/17, 58343/17, 58377/17, and 58462/17) the European Court of Human Rights has unanimously declared the applications inadmissible. The decision is final.

The case concerned the applicants' complaint about their arrest and detention for several hours on 29 April 2011 at various places in central London to prevent a breach of the peace during the Duke and Duchess of Cambridge's wedding. Their appeals before the domestic courts were ultimately dismissed by the Supreme Court in 2017.

Agreeing with the UK courts' review and analyses of the applicants' cases, the European Court found that the courts had struck a fair balance between the applicants' right to liberty and preventing them from disturbing the public order and causing danger to the public.

It moreover pointed out that their analyses had proved to be well-founded, and had informed a 2018 Grand Chamber judgment of the European Court, [S., V. and A. v. Denmark](#) (no. 35553/12). In that judgment the Grand Chamber had found it necessary to clarify and adapt the case-law, agreeing with the conclusion of the UK Supreme Court that preventive detention could be compatible with Article 5 in certain circumstances.

### Principal facts

The applicants, Hannah Eiseman-Renyard, Brian Hicks, Edward Maltby, Patrick McCabe, Deborah Scordo-Mackie, Hannah Thompson, Daniel Randall and Daniel Rawnsley, are variously British, Irish and British/Spanish nationals. They were born in 1986, 1967, 1987, 1987, 1992, 1989, 1987, and 1988 respectively and live in London.

On 29 April 2011 large numbers of foreign royalty and other heads of state were in London, thousands of citizens were expected and the threat level from international terrorism was assessed as 'severe'. The police had received intelligence that activities were planned to disrupt the celebrations.

The applicants were taken to different police stations and released without charge once the royal wedding was over. Their periods of custody ranged from about two and half to five and a half hours.

Brian Hicks, active in republican politics, had wanted to attend a "Not the Royal Wedding" street party in Red Lion Square.

Hannah Eiseman-Renyard and Deborah Scordo-Mackie had intended to take part in a "zombie picnic". According to information received by the police, those dressed as zombies would attempt to throw maggots as confetti at the royal wedding procession.

The other applicants had planned to participate in a republican protest in Trafalgar Square.

Most of the applicants had no previous convictions or cautions.

The applicants sought judicial review of their detention which was heard over three instances terminating in 2017 in the Supreme Court.

The applicants argued before the Supreme Court that preventive detention was not compatible with the European Convention, as found by the European Court of Human Rights in a Chamber judgment of 2013 (*Ostendorf v. Germany*, no. 15598/08).

The Supreme Court considered that the Strasbourg case-law on preventive detention was not clear. It agreed with the concurring opinion of two of the judges in *Ostendorf* that the majority had interpreted Article 5 (right to liberty and security) of the Convention too strictly in that case and preventive detention could be compatible with Article 5 in certain circumstances.

It concluded that there had been nothing arbitrary about the decisions to arrest and detain the applicants and dismissed their appeals.

## Complaints, procedure and composition of the Court

The application was lodged with the European Court of Human Rights on 7 August 2017.

Relying on Article 5 § 1 (b) and (c) (right to liberty and security), the applicants complained that their arrest and detention had been disproportionate and could not be justified.

The decision was given by a Committee of three judges, composed as follows:

Aleš Pejchal (the Czech Republic), *President*,  
Tim Eicke (the United Kingdom),  
Jovan Ilievski (North Macedonia),

and also Renata Degener, *Deputy Registrar*.

## Decision of the Court

The Court noted that the UK courts had undertaken a comprehensive review of the background facts of the applicants' cases. Like the Court, they held that the arrests had been necessary to prevent the likelihood of an imminent breach of the peace, taking into account the crowd size, international interest and "severe" threat level on the day of the royal wedding.

Furthermore, the applicants had been released as soon as the imminent risk had passed and in all cases their detention had only been for a matter of hours.

The Court therefore considered that there were no convincing reasons for it to depart from the domestic courts' decisions in the applicants' cases.

Moreover, the UK courts had reviewed this Court's jurisprudence in their decisions, and their analyses had proved to be well-founded. Indeed, the Supreme Court's analysis of the Strasbourg case-law in the applicants' cases had informed a 2018 judgment of the European Court, *S., V. and A. v. Denmark* (no. 35553/12), where the Grand Chamber found it necessary to clarify and adapt the case-law and confirmed that preventive detention could be compatible with Article 5 in certain circumstances.

The UK courts had therefore struck a fair balance between the applicants' right to liberty and preventing them from disturbing the public order and causing danger to the public.

The Court concluded that the applications were inadmissible as manifestly ill-founded.

*The decision is available only in English.*

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