



Judgments and decisions of 25 April 2019

The European Court of Human Rights has today notified in writing two judgments¹ and four decisions²:

one Chamber judgment is summarised below; a separate press release has been issued for one other Chamber judgment in the case of *Ter-Petrosyan v. Armenia* (application no. 36469/08);

a separate press release has also been issued for one decision in the case of *Alexandru-Mihai Pop and Others v. Romania* (nos. 54494/11, 67699/11 and 21251/12);

the three remaining decisions can be consulted on [Hudoc](#) and do not appear in this press release.

The judgment below is available only in English.

V.M. v. the United Kingdom (no. 2) (application no. 62824/16)

The applicant, Ms V.M., is a Nigerian national who was born in 1977 and lives in Uxbridge (England, UK).

The case concerned the applicant's complaint about her detention under immigration regulations.

The applicant was placed in detention pending possible removal under immigration rules from August 2008 to July 2011. In 2016 the European Court found a violation of Article 5 § 1 (right to liberty and security) of the European Convention on Human Rights related to the period from 19 June 2009 to 14 December 2009 ([V.M. v. the United Kingdom](#)). The current application concerned 22 July 2010 to 6 July 2011.

The applicant sought judicial review of her detention for that period, which was refused by the High Court and the Court of Appeal. The Court of Appeal found in 2014 that some of the reviews of her detention had been unlawful as they had not taken account of all the available medical evidence. Nevertheless, even properly conducted reviews would not have led to an earlier release.

In 2016 the Supreme Court upheld the Court of Appeal's decision. It also agreed that the period of unlawful detention would only have entitled her to damages of one pound sterling and it had therefore been appropriate to refuse to allow a judicial review to go ahead.

Relying in particular on Article 5 § 1 (f) (right to liberty and security) of the European Convention, the applicant complained that her detention had been arbitrary as the authorities had failed to act with appropriate "due diligence".

Violation of Article 5 § 1

Just satisfaction: 3,500 euros (EUR) (non-pecuniary damage) and EUR 10,700 (costs and expenses)

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

² Inadmissibility and strike-out decisions are final.

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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.