

Paul and Audrey Edwards v. the United Kingdom
ECHR (Application no. 46477/99) 2002

Facts

- a. In December 1998 Paul and Audrey Edwards lodged a formal complaint in the European Court of Human Rights following a private, non-statutory inquiry commissioned six months earlier, in June 1998. The case was declared admissible on June 7th, 2001, and a ruling was made by a chamber of seven judges.
- b. This case concerns the 1994 murder of Christopher Edwards, a thirty-year-old schizophrenic inmate of Chelmsford Prison, by his mentally ill cellmate, Richard Linford . In July 1995 Paul and Audrey Edwards commissioned a private non-statutory investigation of their son’s death to examine the nature of the situation and the alleged failure of the state and the prison in protecting the human rights of their son. The Inquiry of Care and Treatment 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.¹ Furthermore, despite the “systematic collapse of protective mechanisms”, no civil remedies existed to uphold the finding that such “shortcomings...poor record keeping, inadequate communication, and limited inter-agency cooperation” were sufficient enough evidence to continue with criminal charges.² Although Linford was convicted of manslaughter by reason of diminished responsibility, negligence had occurred under the Fatal Accidents Act, when the prison guard failed to cite, report, or fix the broken emergency buzzer he had witnessed during the elapsed time of Edwards’ murder. The subsequent decision of the ECHR superceded the findings of the Crown Prosecution Service’s inquiry, and ruled that Edwards’ right to life, effective remedy, and investigation had been violated according to the European Convention on Human Rights, and awarded the applicants 20,000 British Pounds for legal costs and non-pecuniary damages.
- c. British citizens Paul and Audrey Edwards, Christopher’s parents, are the plaintiffs in this case. They privately commissioned the Inquiry of Care and Treatment and lodged the subsequent complaint within the ECHR
- d. The defendant in this case is the state of the United Kingdom, against which Paul and Audrey Edwards filed suit, regarding the incarceration and murder of their deceased son, Christopher.

Questions

- a. Can the police officers who initially arrested and detained Edwards be held criminally responsible for electing not to complete a CID2 form and failing to

¹ *Paul and Audrey Edwards v. the United Kingdom*, ECHR 2002

² *Paul and Audrey Edwards v. the United Kingdom*, ECHR 2002

- identifying Edwards as “an exceptional risk on the grounds of mental illness”, as expressed by the social worker?
- b. Should Christopher have been remanded from police detention, on the grounds on his mental illness, when his parents [the applicants] met with the duty solicitor and explained the mental imbalance of their son, which required close medical attention?
 - c. Did the prosecutor violate Edwards’ rights by not remanding him to an appropriate medical facility for attention, in light of the fact that he had, at this point, been deemed a “perceived risk to women”, and the complete report of the psychiatrist had not yet been filed?
 - d. Was it a further violation of Edwards’ rights, that, [in light of the identification of Richard Linford as “sane but dangerous”, failure to file a CID2 form, or officially note his psychological state and previous convictions], he was forced to share a cell with Linford due to the prison’s “shortage of space”?
 - e. Did the officer, who failed to report or fix the broken emergency buzzer outside of the cell, violate Edwards’ right to protection and negligently allow his death to occur?
 - f. In light of the breaches of section 2 of the Mental Health Act of 1983, code C of the Police and Criminal Evidence Act of 1984, Prison Service Health Care Standards [as established by the private Inquiry] were the applicants denied appropriate civil remedy by the Crown Protection Service, which claimed “insufficient evidence to proceed with criminal charges”?³

Decision

- a. The ECHR ruled unanimously, on March 14th, 2002, that regarding the death of Christopher Edwards, violations of Articles 2 (right of life, effective investigation) and 13 (right to effective remedy) of the European Convention of Human Rights had occurred. The Court held that, while Article 13 (civil act of negligence) had been breached as well, this avenue of redress was not applicable under the Human Rights Act of 1998 and that any continued breach of this obligation would be covered by Article 2. Under Article 41 (just satisfaction), of the Convention, the Court awarded the plaintiffs, Paul and Audrey Edwards, 20,000 sterling pounds for non-pecuniary damages and legal costs.

Principles

- a. The most critical points of this case rely on the fact that the authorities failed to protect the life of Christopher Edwards, which is evidenced by violations of the Human Rights Act of 1998 in domestic terms, and greater **violations of**

³ *Paul and Audrey Edwards v. the United Kingdom*, ECHR 2002

international law under the European Convention of Human Rights.

- b. Article 2 provides, “**Everyone’s right to life shall be protected by law**”. Whether or not the evidence had been filed, the authorities maintained *inter alia* awareness of “Richard Linford’s dangerous condition and Christopher Edwards’ vulnerability”⁴. This right was thus violated by the failure of authorities to report findings, pass on information, reasonably place the men in separate facilities, and repair the defective buzzer. As previously determined by *Salman v. Turkey* [GC], no. 21986/93, § 99, ECHR 2000-VII, “persons in custody are in a vulnerable position and that the authorities are under a duty to protect them. **It is incumbent on the State** to account for any injuries suffered in custody, which obligation is particularly stringent where that individual dies.”⁵
- c. In any prison, the necessity for and purpose of an effective screening process is to identify prisoners who require “for their own welfare or the welfare of other prisoners to be placed under medical supervision”.⁶
- d. Article 2 of the Convention also provides for the obligation of authorities, on behalf of the state, to carryout **effective investigations**. The court determined that “more rigorous scrutiny”⁷ was necessary in this case to properly ensure “accountability for deaths occurring under potential state responsibility”⁸.
- e. Under Article 13 of the Convention, “Everyone whose rights are violated shall have an **effective remedy** before a national authority”⁹, and this case establishes that it is not enough for a government to offer remedies which may be available only in principle. Due to lack of sufficient evidence and witnesses, the prison authorities could not be held criminally responsible for their negligent actions, potentially contributing to the death of Christopher Edwards.

Conclusion

- a. This case is important in the realm of International Law because it addresses several concerns relating to any individual’s [in accordance with the Convention] right to protection, effective investigation, and remedy, as essential human rights. Moreover, it underscores this right especially for vulnerable peoples, such as the mentally disturbed victim, Christopher Edwards, in the context of a prison. Under International Law, the Convention provides for all peoples’ rights to protection as well as the right to effective procedure including prompt and reliable means of effective investigation by able-bodied authorities. Furthermore, in the event that a potential victim may need to pursue a course of action, all persons maintain the right to effective remedy. This case establishes that such remedy must be effective

⁴ *Paul and Audrey Edwards v. the United Kingdom*, ECHR 2002

⁵ *Salman v. Turkey*, ECHR 2000

⁶ *Paul and Audrey Edwards v. the United Kingdom*, ECHR 2002

⁷ *Paul and Audrey Edwards v. the United Kingdom*, ECHR 2002

⁸ European Convention of Human Rights

⁹ European Convention of Human Rights

in practice, not just in principle, and must be a relevant and feasible avenue of redress. Above all, the State is bound by the Convention to uphold these provisions and ensure that all people are afforded these entitlements as essential Human Rights.

Bibliography

Salman v. Turkey [GC], no. 21986/93, § 99, ECHR 2000-VII

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Submitted

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