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IMPLEMENTATION OF JUDGMENTS OF THE EUROPEAN COURT OF HUMAN RIGHTS – VINTER AND OTHERS V UK

Thank you for your letter of 19 March about how the Government intends to respond to the *Vinter* judgment on whole life orders.

You ask whether the Government considers that any further general measures are necessary to implement the *Vinter* judgment in the light of the recent Court of Appeal judgment in *McLoughlin* and others. The Court of Appeal ruled that whole life orders can and should be imposed under our domestic law in the most heinous cases. The judgment also found that the domestic law of England and Wales is clear as to the possible exceptional release of whole life order prisoners. The judgment clarifies that a prisoner may apply for review on the basis that there are exceptional circumstances which justify release on compassionate grounds, and that this test must be read in a way which is compatible with Article 3. Requests must be considered on an individual basis against these criteria, and decisions of the Secretary of State will be subject to judicial review.

However, you may be aware that Lee Newell, one of the appellants in the *McLoughlin* case, has applied for leave to appeal to the Supreme Court. We will, therefore, be awaiting the outcome of his application before updating the Committee of Ministers on the Government's action plan in *Vinter and others v UK*.

CHRIS GRAYLING

