



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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SECOND SECTION

Application no. 13022/24
Gareth Daniel IDE
against the United Kingdom
lodged on 26 April 2024
communicated on 15 September 2026

SUBJECT MATTER OF THE CASE

On 18 May 2005 the applicant was arrested on suspicion of assault occasioning grievous bodily harm and remanded in custody. He was subsequently convicted and on 16 February 2006 was sentenced to indeterminate imprisonment for the public protection (“IPP sentence”) with a minimum term of two years 91 days.

The minimum term expired on 17 May 2008.

On 29 March 2012, following a Parole Board direction, the applicant was released from prison on licence and subject to a number of licence conditions. Although IPP sentences were subsequently abolished for offenders convicted on or after 3 December 2012, the change was not made retroactive and the applicant remained subject to his IPP sentence and the applicable licence arrangements. He successfully set up his own businesses, including a rehabilitation clinic, gave talks to other young offenders and joined the fire service as a retained firefighter.

Almost 10 years later, on 8 October 2021, the applicant was recalled to prison for further offending and poor behaviour in breach of his licence conditions. It appears that no further action was taken in respect of the alleged further offending. While in prison following recall, the applicant was diagnosed with a mental health condition.

The applicant was released on licence a second time, following a direction from the Parole Board, on 5 January 2023. He was subject to an additional licence condition prohibiting alcohol consumption.

He developed further mental health conditions and started drinking heavily and using cocaine. A further condition was added to his licence in August 2023 requiring him to wear an electronic tag so that alcohol consumption could be detected. He voluntarily entered a rehabilitation facility but upon leaving the facility, he again began drinking and using cocaine. Aware that he would likely be recalled to prison on account of his substance misuse, he attempted suicide. He was taken to hospital where he was assessed and admitted. Meanwhile, on 29 September 2023 his recall to prison was ordered for breach of his licence conditions on the grounds that he had “been misusing alcohol, substances and there is a decline in his mental health”. Reference was also made to the offence for which he was originally sentenced and the risk suggested by his offending history. His probation officer arrested him in the hospital ward. He returned to prison on 3 October 2023.

A mental health triage carried out in prison on 20 October 2023 disclosed a history of a number of mental health conditions. It appears that the applicant began treatment for mental health difficulties in prison in April 2024.

The applicant complains under a number of Articles of the Convention about the continuing effects of his 2006 IPP sentence, including the uncertainty created by the sentence and the constant fear of recall; the extensive and invasive licence conditions upon release and the ongoing impact they have on his life, his employment and his relationships; the circumstances in which and the basis upon which he can be and has been recalled to prison; the alleged discriminatory nature of the IPP sentence; and the impact on his mental health of the application of the IPP sentence regime to him. He does not appear to have taken any court proceedings in respect of his complaints.

QUESTIONS TO THE PARTIES

1. Has there been a violation of Article 3 of the Convention as a result of the impact of the IPP sentence regime on the applicant (see, for example, *Kafkaris v. Cyprus* [GC], no. 21906/04, § 95, ECHR 2008; *Gutsanovi v. Bulgaria*, no. 34529/10, §§ 125-37, ECHR 2013 (extracts); and *Golubar v. Croatia*, no. 21951/15, §§ 36-37, 2 May 2017)?

2. Has the applicant been deprived of his liberty in breach of Article 5 § 1 of the Convention? In particular, has his detention since his recall in 2021 been, at any point, arbitrary, or was the causal link required by Article 5 § 1 severed in the circumstances of the case (see *Weeks v. the United Kingdom*, 2 March 1987, Series A no. 114; *Stafford v. the United Kingdom* [GC], no. 46295/99, ECHR 2002-IV; and *James, Wells and Lee v. the United Kingdom*, nos. 25119/09 and 2 others, 18 September 2012)?

3. Has there been a violation of the applicant's right to respect for his private life, within the meaning of Article 8 of the Convention, in particular his right to physical and psychological integrity and his ability to develop relations with others, on account of the impact of the IPP sentence regime on him (see *Denisov v. Ukraine* [GC], no. 76639/11, § 95, 25 September 2018)?

4. Has there been a violation of Article 14, read in conjunction with Articles 3, 5 § 1 or 8, in the applicant's case (see, for example, *Clift v. the United Kingdom*, no. 7205/07, 13 July 2010)? In particular:

(a) does the applicant enjoy "other status" in respect of his complaints and, if so, what is his "other status"?

(b) is the applicant in an analogous position to other prisoners who were treated more favourably?

(c) is any difference in treatment between the applicant and other prisoners in an analogous position objectively justified within the meaning of Article 14?

5. Did the applicant have at his disposal an effective domestic remedy for his Convention complaints, as required by Article 13 of the Convention?

6. If so, has the applicant exhausted all effective domestic remedies, as required by Article 35 § 1 of the Convention?

7. The parties are requested to provide copies of all relevant documents, including the sentencing remarks of the trial judge, Parole Board dossiers, release and recall decisions, licence conditions and medical reports.