



**INTERNATIONAL HUMAN RIGHTS**  
**LouvainX online course - prof. Olivier De Schutter**

**READING MATERIAL**

**related to: section 4, sub-section 1: The duty to protect and waiver of rights**

**Eur. Ct. HR (2nd sect.), *Younger v. the United Kingdom* (Appl. no. 57420/00), dec. (inadmissibility) of 7 January 2003:**

[The applicant's son, Stuart Gipp, was found hanging from his shoelaces which were attached to the bolt hole of his open cell hatch while he was in custody at Lion Yard Magistrates' Court, Cambridge, on 9 February 1999. He died in hospital at 9.55 a.m. on the following day, aged 20. He had been arrested on 8 February 1999. Although he had confided in his solicitor that he was a heroin user and was just beginning to experience withdrawal symptoms, he had decided not to call the police surgeon at that time.]

'...the Court concludes that there is no evidence of anything about Stuart Gipp's actions or behaviour that ought to have put the authorities on notice that he was at a real and immediate risk of suicide either at the times at which he requested a doctor or when he revealed that he was a drug user.

The applicant submits, however, that, had the authorities acted with reasonable care - in particular by ensuring that Stuart Gipp was seen by a doctor and/or by the community psychiatric nurse, who was on duty at the court that morning - there is a real possibility that they would have been made aware of Stuart Gipp's vulnerability to the risk of suicide. The Court finds this assertion to be too speculative. While the Court does not regard it as appropriate to apply a "real possibility" test, which it finds puts the threshold far too low for the purposes of determining whether there has been a violation of Article 2, the Court would reach the same conclusion even on the basis of such a test. It cannot conclude on the available evidence that there was even a real possibility that, had Stuart Gipp been seen by a medical professional at a time prior to his bail application at about 2.50 p.m., the authorities would have become aware that he was at a real and immediate risk of suicide, nor that the calling of a doctor would have made any difference to the tragic outcome of the case. The Court notes that, from 2.50 p.m. onwards, a doctor would have been unavailable, even if called, as SCO Davis had been trying to get one to attend another detainee since that time without success at the time at which she spoke to Mr Milsom at 3.50 p.m. While the Court regards it as most unfortunate that Stuart Gipp was not seen by a medical practitioner in the circumstances of the case, it would be pure speculation to conclude that the summoning of a medical professional would have had the outcome for which the applicant contends.