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MailOnline

Human rights? He isn't even human: Family's outrage as notorious killer bidding for freedom is granted anonymity by judge

- The man has begun a taxpayer-funded court action demanding he be released from prison
- His own lawyer described his crimes as 'horrific and horrendous'
- If he wins the case it would see him transferred to an open jail

By [Jack Doyle](#), [Inderdeep Bains](#) and [James Slack](#)

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A family whose lives were wrecked by one of Britain's most notorious killers last night condemned the human rights ruling which cloaks his bid for freedom in secrecy.

The man – whose own lawyer described his crimes as 'horrific and horrendous' – has begun a taxpayer-funded court action demanding he be released from prison.

Normally such a case would be heard in open court, but the order means his identity cannot be revealed.



Controversial: A family whose lives were wrecked by one of Britain's most notorious killers last night condemned the human rights ruling which cloaks his bid for freedom in secrecy. The Royal Courts of Justice in London are pictured

If he wins the case, it would see him transferred to an open jail – one step away from him walking out on to the streets.

The Daily Mail knows his identity and the vile nature of his crime but is prevented from revealing it because of Wednesday's ruling at the High Court.

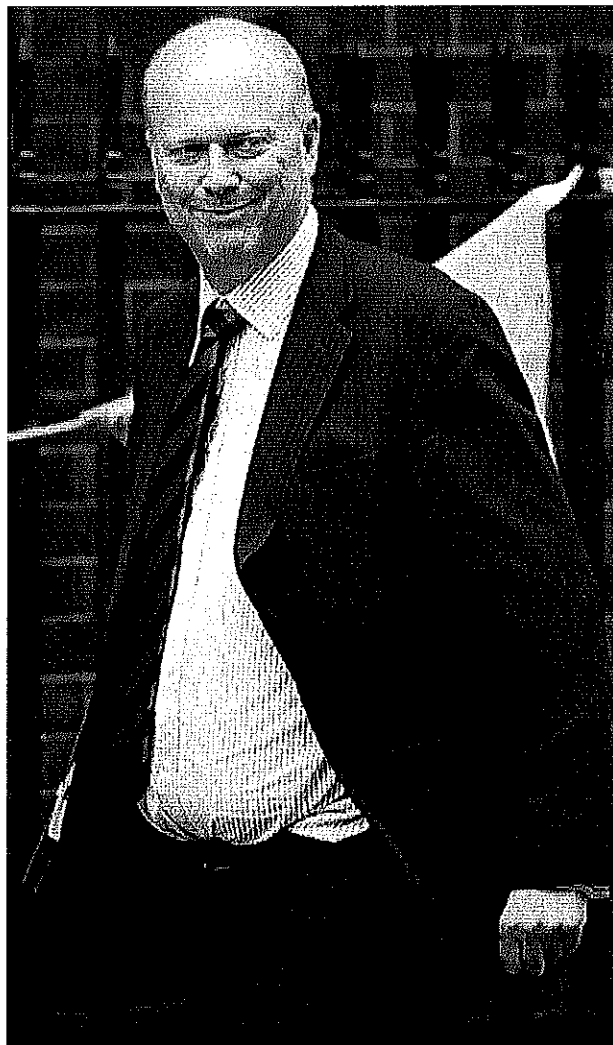
The court said he might be in danger if other inmates at his prison learned his identity, and ordered that reports of the legal action be censored to exclude anything which might identify him.

But last night a woman member of the family devastated by his actions condemned the judge's ruling.

The close relative, who cannot be named because of the same court ruling, said: 'He doesn't deserve human rights, he's not even human. He committed such a horrendous crime and should have to face up to it.'

'What about my human right to live my life without looking over my shoulder because he is roaming free or trying to get released again? Does no one care about the families and the damage that is done?'

At her semi-detached house, the middle-aged woman added: 'I will suffer every day for the rest of my life because of what he's done. It will never get easier for me, so why should it for him? Why should he be given the protection of anonymity so he can escape what he's done when I can't?'



Worrying: The judge was told in court that Justice Secretary Chris Grayling supported the application to keep the killer's name out of the public domain. But last night Whitehall officials said Mr Grayling did not

She said the constant worry of him being released had a deep impact on her. 'I just can't cope, I've been through enough and now this keeps coming up. Life should be life, he should never be freed.'

Astonishingly, she had not even been informed of the prisoner's attempt to be transferred to open conditions, or his bid for secrecy.

On Wednesday Mr Justice Simon, sitting at the Royal Courts of Justice in London, rejected arguments from the Press that the order should be rescinded.

The Press Association, the national news agency, argued that granting the man anonymity would set a precedent and prompt other high-profile killers to demand the same secrecy.

Instead, the judge agreed with the legal aid-funded lawyers for the convicted man who said that to name their client would 'potentially endanger his life'.

The judge continued previous orders that have hidden the man's identity for several years. However, prior to them coming into force his name and picture were in the public domain for several years without any physical harm coming to him.

After hostile reporting in The Sun in 2006 he had to be moved from open conditions back to a category C prison for his own safety.

It is also understood the man's identity has been widely known inside his jail for decades, with guards referring to him by his real name.

Worryingly, the judge's decision may have been based on false information, the Mail can reveal. The judge was told in court that Justice Secretary Chris Grayling supported the application to keep the killer's name out of the public domain. But last night Whitehall officials said Mr Grayling, who has made clear his fury at historic abuses of human rights law, did not.

A Ministry of Justice spokesman said: 'The Secretary of State does not support this application for anonymity. We are looking into how the misunderstanding has arisen and are considering our legal options.'

One possibility is to return to court to inform the judge his decision was based on inaccurate information. The court may then reconsider the decision. The Mail, along with several other newspapers, is now preparing a further legal challenge to the order.

The fear is that this order has set a worrying precedent that could apply to scores of killers in future. Perversely, it appears to suggest that the more notorious and dangerous a felon, the more likely the public will be refused the right to know about their release.

Only in exceptional circumstances are inmates given a false identity inside prison. It was suggested in court that the lifer may have his identity changed when he gets out. Combined with the anonymity order, it will mean the public will never know if he is walking the streets again.

The man's lawyer, Quincy Whitaker, told the judge there was 'a serious likelihood of a serious attack' on the man while in prison if his identity was revealed in the Press and media. She said this would infringe his rights under the 1998 Human Rights Act not to have his life endangered and not to be subject to inhuman or degrading treatment.

A decision on whether the man can be transferred to open conditions is expected within weeks. Last night Tory MP Priti Patel said: 'It is yet another example of human rights being used for all the wrong reasons and to protect people who are in prison for a good reason.'

A senior politician who represented the family affected told the Mail: 'He should spend the rest of his life behind bars because of the heinous crime he committed but if he is being considered for parole it should be a strict condition that he never sets foot again in the place where his offences took place.'

Anonymity order on convicted offender is extremely rare



Exception: Maxine Carr, the then girlfriend of Soham monster Ian Huntley, was given an anonymity order but unlike the killer subject to the new identity order, Carr did not herself kill

For the courts to slap an anonymity order on a convicted offender is extremely rare.

Officials say such cases are normally restricted to those who committed heinous crimes while themselves children.

Currently, protection is offered to Mary Bell, who was ten when she killed two youngsters in 1968, and Robert Thompson and Jon Venables, who were also aged ten when they killed the toddler James Bulger in 1993.

The exception to this rule is Maxine Carr, the then girlfriend of Soham monster Ian Huntley. However, unlike the killer subject to the new identity order, Carr did not herself kill. Her crime was to provide Huntley with a false alibi.

The anonymity order exists to allow her to rebuild her life away from the public gaze. The perversity of the judge's ruling in the latest case is that it appears to reward the man for the truly horrific nature of his offending – which, crucially, took place while he was an adult.

Had he been a burglar, his application would have been thrown out.

But, because he killed in such a way that it shocked and appalled the nation, the courts want to bend over backwards to keep him safe.

Inevitably, at the centre of this extraordinary decision is Labour's Human Rights Act.

Quincy Whitaker, his lawyer, said there was 'a serious likelihood of a serious attack' on the man while in prison if his identity was revealed in the Press and media. This, she said, would infringe his 'rights' not to have his life endangered and not to be subject to inhuman or degrading treatment.

As ever, the rights of the family he ripped apart to know what is happening in the case are considered irrelevant.

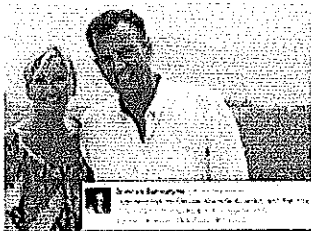
The judgment also has deeply disturbing implications for the public's right to know.

The reason the killer is in court is that he is seeking transfer to an open jail – the last step on the road to freedom.

There is still every reason for the public to fear the man. It is indisputably in the public interest to know if he is going to be moved closer to release and for the judge – who has yet to decide the man's fate – to be held fully accountable for his decision.

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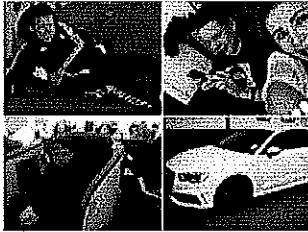
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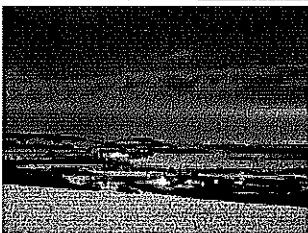
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If the Human Rights Act was true and fair for all then things like this would never be allowed to happen. The HRA should be re-named The Criminal Rights Act because from where I'm standing that's exactly what it is. Makes my blood boil it does. It's utterly disgusting and is yet another reason we should leave this EU.

- [YOOMAN RITÉS INNIT](#) , CHESHIRE UK, 25/1/2013 08:56

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It should be made a condition of receiving legal aid that the people who are funding the action should be allowed to know who their money is being spent on. If this person wants anonymity he should be allowed it only if he funds the action himself.

- [Bob](#) , Havant, 25/1/2013 08:56

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If the royals were involved I wonder if he would get legal aid in order to be moved to an open prison? Us ordinary people have no chance with the justice system as it stands.

- [JD](#) , GLASGOW, United Kingdom, 25/1/2013 08:52

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Anonymity courtesy of the EU - referendum now please

- [celsius man 2](#) , Lincs, 25/1/2013 08:50

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He will come out and kill again and then everyone will be up in the arms about it - we are pathetic when it comes to justice and those poor victims - its truly horrendous - some Judges like Policiticans live in cloud cuckoo land - have no idea about the real world at all

- [Wendy1lilac](#) , London, 25/1/2013 08:48

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What about the general publics human rights? Or does it only apply to criminals? Surely the human rights of the victims family should be honoured by revealing this KILLERS name.

- [ExSapper](#) , Paris, France, 25/1/2013 08:45

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Here we go again-yet another reason to get rid once and for all this rotten human rights act.

- [mickypicky](#) , Rochdale, 25/1/2013 08:40

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A few years ago I wrote to Alan Johnson at the Ministry of Justice, expressing my disgust at a triple child killer being allowed out on shopping trips in Liverpool. The weasel who replied, hid behind 'constraints' of the Data Protection Act so as to avoid giving any information about the triple child killer.

- [C Faulkner](#) , Rochdale, United Kingdom, 25/1/2013 08:37

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Is this happening under the same government that promised three years ago to do away with the lunacy that is our legal system?

- [Funnybone](#) , dorset, United Kingdom, 25/1/2013 08:32

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Just looked up Quincy Whitaker (lawyer), who it appears is a real freedom fighter - fighting tooth and nail to ensure criminals human rights are enforced, ALWAYS at cost to the only people that matter and with no thought whatsoever for the victims. Good work Quincy, I am sure your career gives you so much job satisfaction.

- [Toonuff](#) , Antigua WI, 25/1/2013 08:32

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