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### DH-DD(2026)369

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Meeting: 1563<sup>rd</sup> meeting (June 2026) (DH)

Communication from the applicant (12/03/2026) in the case of Neophytou v. the United Kingdom (Application No. 28805/21).

Information made available under Rule 9.1 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1563<sup>e</sup> réunion (juin 2026) (DH)

Communication du requérant (12/03/2026) relative à l'affaire Neophytou c. Royaume-Uni (requête n° 28805/21) **[anglais uniquement]**

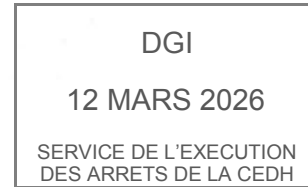
Informations mises à disposition en vertu de la Règle 9.1 des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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23 February 2026

Reference: Neophytou v United Kingdom, Application No. 28805/21

To:  
Claire Brown  
Head of Division  
Council of Europe  
F-67075 Strasbourg Cedex  
France



And:  
The Attorney General's Office  
5-8 The Sanctuary, London SW1P 3JS

From:  
Stefanos Neophytou  
Prisoner No. A3746DW  
HMP Berwyn  
North Wales  
LL13 9QE

Dear Sir or Madam,

I write further to previous correspondence regarding a recent judgment handed down in my favour at the European Court of Human Rights on 23 September 2025. I am grateful for the response I received on 8 January from Claire Brown, Head of Division at the Council of Europe. I am writing today to respectfully inquire whether there has been any development since that letter, which stated that the matter had been forwarded to the Council of Europe's permanent representation of the United Kingdom.

With respect to the letter I sent to the Attorney General's Office of the UK in January, I have not yet received a response, and I respectfully request that one be provided urgently.

It should not be forgotten that domestic case law prohibits the use of a default term of imprisonment being imposed where there has been unreasonable delay amounting to a breach of Article 6 § 1. On 25 November 2021, Birmingham Magistrates' Court refused an application to stay the enforcement proceedings owing to a breach of Article 6 § 1, and, as such, I was and remain detained under the default term. It was not suggested that the Magistrates' Court had the power to quash the confiscation order against me; rather, it was simply stated to be unreasonable to issue a warrant on a default for non-payment as there had been unreasonable delay in these proceedings amounting to a breach of Article 6 § 1.

Subsequently, whilst detained, the ECHR handed down its ruling on the complaint I brought against the UK and confirmed that there was, in fact, a breach of Article 6 § 1 during the proceedings. As such, this means that my detention followed an unlawful process, and I wish to exercise my right to be provided with an effective remedy and be put in a position as if the breach had not occurred. Clearly, this means that the right I had in 2021 not to be detained as a protection against a breach of Article 6 § 1 should now be recognised and implemented.

However, the UK authorities have asserted that no effective remedy will be provided whatsoever and have refused to affect my release from prison. This is despite the fact that, whilst detained under a term of imprisonment which should not have been imposed in the first place and therefore lacked justification, I have suffered a serious decline in my mental and physical health, as summarised in a recent Court of Appeal judgment.

It should be respectfully borne in mind by all parties that the UK Government has a duty to implement an appropriate remedy that fairly and justly puts right the breach that occurred. Section 8 of the Human Rights Act 1998 provides that, in relation to any act of a public authority which the court finds unlawful, such relief or remedy should be provided or an order made that is considered just and appropriate.

There are a number of options available to remedy the breach of Article 6 § 1 in my case, depending on factors such as the nature and extent of the breach, where the prejudice was

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enforcement of the confiscation order would have been used instead. The fact that I have suffered hardship in compassionate circumstances while detained under a term of imprisonment which should not have been activated in the first place is a further justifying factor for affecting my release following the ECHR ruling.

On 30 September 2025, the Public Protection Casework Section within the Ministry of Justice refused my application for early release on compassionate grounds, submitting that, whilst my hardships were accepted, my circumstances were not exceptional enough to warrant early release. Then, on 30 October 2025, the Ministry of Justice communicated its decision not to affect my release from prison on account of the ECHR ruling. It was asserted that the breach was historic and therefore merely requires a public acknowledgement and that, as such, no remedy would be provided. The Ministry of Justice also confirmed that the decision to refuse compassionate release would not be reviewed following the ECHR ruling, as no good reason had arisen to do so. This is despite the fact that my case now clearly involves exceptional circumstances which warrant a review, namely where there is undisputed hardship — it is wednesbury unreasonable to refuse compassionate release from a civil term of imprisonment that no longer has a strong legal foundation, given it was imposed following unlawful proceedings, and especially where alternative enforcement measures can be utilised.

I submit that, overall, the UK State is treating me unreasonably and is disregarding the decision of the ECHR with robust and unjustified measures to prevent providing a fair and effective remedy, namely my release from the civil term of imprisonment. This is difficult to understand given this Government's stated commitment to the ECHR and the fact that this Government has been simultaneously citing prison overcrowding as justification for releasing over 50,000 offenders from prison early, at considerable risk to the public.

In its letter dated 13 October 2025, the Ministry of Justice suggested that I should pursue the matter in the domestic courts if I am not satisfied with the Government's response. However, this was misleading and dishonest. Firstly, it is the Government's responsibility to provide an effective remedy, and secondly, I have in any event attempted to pursue the matter in the domestic courts, and the Crown Prosecution Service have robustly resisted applications I have made and, in fact, have sought to undermine the ECHR ruling. It is therefore plain that the UK authorities are making a concerted effort not to respect the decision of the ECHR in this case, which I struggle to understand.

At a time when so much public discourse is aimed against the European Convention on Human Rights, the authorities have sought to undermine a decision in favour of a British citizen. This is despite the fact that the Government, in the last four years, defended the complaint, which suggests that officials did care about the outcome. At a time when foreign criminals are using the ECHR to their benefit, the Government's approach to reaching a fair resolution in my case will further undermine public confidence in the Court.

I assure the domestic parties that I will do all I can to bring attention to the way this decision is being disrespected and to how, in the case of a British citizen, the Government have suddenly decided that the rules of the Court do not apply. I respectfully ask for urgent intervention into my case to reach any outcome which results in my immediate release from prison. This can be effected by any of the following three ways:

1. The Secretary of State using the power vested in him to direct my release from prison.
2. Release under the early release on compassionate grounds mechanism.
3. The Crown Prosecution Service agreeing, rather than resisting, any application to reduce or adjust the confiscation order against me to give practical effect to the ECHR ruling.

I respectfully remind you that I am a civil prisoner who is not released under any licence restrictions and that the confiscation order will continue to be enforced in the public. There is, in reality, no legitimate objective being served, nor any public interest in my continued detention.

I respectfully urge the Council of Europe to expedite this matter to the appropriate person so that it may be addressed. The matter concerns my liberty and the rights of myself and my family. Should the UK authorities not seek to provide any remedy, I intend to litigate this matter to the full extent for the oppressive treatment I have suffered.

Yours sincerely,  
Mr. Neophytou