



Forthcoming Grand Chamber rulings on two cases concerning extradition to the United States

Sanchez-Sanchez v. the United Kingdom

The European Court of Human Rights will be delivering a **Grand Chamber** ruling in the case of **Sanchez-Sanchez v. the United Kingdom** (application no. 22854/20) at a public hearing on 3 November 2022 at 10.30 a.m. in the Human Rights Building, Strasbourg.

The case concerns the requested extradition of a Mexican national to the United States of America (USA) to face trial for drug dealing and trafficking, where he alleges that there is a possibility that he may, if convicted, be sentenced to life imprisonment without parole.

Principal facts and complaints

The applicant, Ismail Sanchez-Sanchez, is a Mexican national who was born in 1968. He is detained in Wandsworth Prison in the United Kingdom (UK). He was arrested at Heathrow Airport (UK) on 19 April 2018 in response to a request from the United States for his provisional arrest.

Mr Sanchez-Sanchez faces extradition to the United States of America, where he is wanted on charges of drug dealing and trafficking.

At the extradition hearing the parties agreed that if Mr Sanchez-Sanchez were convicted of the offences charged, his sentencing would be Level 43 in the US Sentencing Guidelines, which has a sentence range of life imprisonment. The District Judge considered that there was a “real possibility” that, if convicted, he would receive a sentence of life imprisonment.

Mr Sanchez-Sanchez’s appeal against extradition was heard by the High Court. Invoking Article 3 (prohibition of inhuman or degrading treatment) of the European Convention, he argued that there was a real risk that if he were convicted of the offences charged, he would receive an “irreducible” sentence of life imprisonment without the possibility of release on parole. In dismissing his appeal, the High Court declined to take into account the European Court’s judgment in [Trabelsi v. Belgium](#) of 2014, in which it had been found that the applicant’s extradition to the USA violated the Convention because he had been at risk of receiving a life sentence which, by reference to the standards applicable in Contracting States, was irreducible. The High Court considered itself bound by the judgment of the [House of Lords in R \(Wellington\) v. Secretary of State for the Home Department \[2009\] 1 AC 335](#), which held that to extradite a claimant to the United States of America to face, if convicted, a life sentence without parole would not breach Article 3 of the Convention because the sentence would not be irreducible. The High Court was similarly satisfied that any life sentence imposed on the applicant could be reduced since there were two routes by which a prisoner could seek a reduction in sentence under the US system: compassionate release, pursuant to Title 18 of the US Code, and executive clemency.

Relying on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention of Human Rights, Mr Sanchez-Sanchez submits that, if extradited, he would be at risk of an irreducible life sentence without the possibility of parole.

Procedure

The application was lodged with the European Court of Human Rights on 11 June 2020.

On 12 June 2020 the Court granted an interim measure to stay the applicant's extradition to the United States of America. The UK Government were given notice¹ of the application, with a question being put to the parties as to whether his extradition would be consistent with the requirements of Article 3 of the Convention – see the [statement of facts](#).

At the same time, the Chamber decided to grant the case priority under Rule 41 of the Rules of the Court.

On 19 October 2021 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber². A Grand Chamber hearing was held in the case on 23 February 2022.

McCallum v. Italy

The European Court of Human Rights will be delivering a **Grand Chamber** ruling in the case of **McCallum v. Italy** (application no. 20863/21) in writing on 3 November 2022 at 10.30 a.m. in the Human Rights Building, Strasbourg.

The case concerns the applicant's potential extradition to the United States of America, where she is wanted as a suspect in the death of her then husband and the burning of his corpse.

Principal facts and complaints

The applicant, Beverly Ann McCallum, is a US national who was born in 1960. At the time she applied to the Court she was detained in Rome pending extradition to the USA.

Ms McCallum is wanted in the State of Michigan in the United States of America as a suspect, along with others, in the murder of her then husband and the burning of his corpse. On 26 June 2020, the Court of Appeal of Rome granted an extradition request on the part of the US Government. That decision was confirmed by the Court of Cassation.

Relying on Article 3 (prohibition of inhuman or degrading treatment or punishment) of the European Convention of Human Rights, the applicant complained that if extradited to the United States, she would face a real risk of life imprisonment without parole.

Procedure

The application was lodged with the European Court of Human Rights on 22 April 2021.

Following a request by the applicant, on 22 April 2021 the Court decided to indicate to the Italian Government, under Rule 39 of the Rules of Court, that the applicant should not be extradited, ultimately deciding to prolong the measure for the duration of the proceedings before it. At the same time, the Court decided to grant the case priority under Rule 41 of the Rules of the Court. The interim measure was lifted on 21 January 2022. Ms McCallum was extradited to the USA on 8 July 2022.

On 28 May 2021 the President of the First Section decided to give notice of the application to the Government of Italy, with questions from the Court.

¹ In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is notified to a Government can be found in the Rules of Court.

² Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 7 September 2021. A Grand Chamber hearing was held in the case on 23 February 2022.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpess@echr.coe.int | tel.: +33 3 90 21 42 08

We would encourage journalists to send their enquiries via email.

Jane Swift (tel.: + 33 3 88 41 29 04) / Neil Connolly (tel.: + 33 3 90 21 48 05)

Tracey Turner-Tretz (tel.: + 33 3 88 41 35 30)

Denis Lambert (tel.: + 33 3 90 21 41 09)

Inci Ertekin (tel.: + 33 3 90 21 55 30)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.