



Grand Chamber hearing Sanchez-Sanchez v. the United Kingdom

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 23 February 2022 at 2.45 p.m.** in the case of **Sanchez-Sanchez v. the United Kingdom** (application no. 22854/20).

The case concerns the applicant's extradition to the United States, where there is a possibility that he may, if convicted, be sentenced to life imprisonment without parole.

A recording of the hearing will be available this afternoon on the Court's Internet site (www.echr.coe.int). After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage.

Principal facts

The applicant, Ismail Sanchez-Sanchez, is a Mexican national who was born in 1968. He is detained in Wandsworth Prison in the United Kingdom. He was arrested at Heathrow Airport (United Kingdom) 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 he would receive a sentence of life imprisonment without possibility of release on parole if convicted of the offences charged. In dismissing his appeal, the High Court declined to follow the European Court's judgment in [Trabelsi v. Belgium](#) of 2014 which found that the applicant's extradition to the USA where he risked life imprisonment entailed a violation of the Convention. It 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. The High Court was also satisfied that any life sentence 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.

Complaints and procedure

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

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 will suffer imminent and irreparable harm in the form of a life sentence without parole.

¹ Under Article 30 of the European Convention on 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."

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 [notice](#)² 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 .

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

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 19 October 2021.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Robert **Spano** (Iceland), *President*,
Jon Fridrik **Kjølbro** (Denmark),
Síofra **O'Leary** (Ireland),
Yonko **Grozev** (Bulgaria),
Georges **Ravarani** (Luxembourg),
Marko **Bošnjak** (Slovenia),
Krzysztof **Wojtyczek** (Poland)
Alena **Poláčková** (Slovakia),
Tim **Eicke** (the United Kingdom),
Arnfinn **Bårdsen** (Norway),
Erik **Wennerström** (Sweden),
Raffaele **Sabato** (Italy),
Saadet **Yüksel** (Turkey),
Anja **Seibert-Fohr** (Germany),
Peeter **Roosma** (Estonia),
Ana Maria **Guerra Martins** (Portugal),
Ioannis **Ktistakis** (Greece), *judges*,
Jolien **Schukking** (the Netherlands),
Iulia Antoanella **Motoc** (Romania),
Maria **Elósegui** (Spain), *substitute judges*,

and also Johan **Callewaert**, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government

Fraser **Janeczko**, *Agent*,
David **Perry** QC and Victoria **Ailes**, *Counsel*,

Applicant

David **Josse** QC and Ben **Keith**, *Counsel*,
Roger **Sahota**, *Adviser*.

² 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 communicated to a Government can be found in the Rules of Court.

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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.