



Specific assurances about detention conditions sufficient to allow extradition of terrorist suspect to stand trial in the United States

The case of [Aswat v. the United Kingdom](#) (application no. 62176/14) concerned the complaint by a terrorist suspect about the inadequacy of the assurances provided by the Government of the United States with regard to his extradition from the United Kingdom to the United States.

In its decision in the case the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

In a judgment delivered in April 2013 in a previous case brought by Mr Aswat, the Court had held that his extradition would be in violation of Article 3 (prohibition of inhuman and degrading treatment) of the European Convention on Human Rights.

Following a set of specific assurances given by the US Government to the Government of the UK regarding the conditions in which he would be detained in the US before trial and after a possible conviction, Mr Aswat was eventually extradited to the United States in October 2014.

In the decision published today in Mr Aswat's second case, the Court found that the concerns raised in its earlier judgment had been directly addressed by the comprehensive assurances and additional information received by the Government of the UK from the US Government.

Principal facts

The applicant, Haroon Aswat, is a British national who was born in 1974 and is detained pending trial in the United States.

As he was indicted in the United States as a co-conspirator in respect of a conspiracy to establish a jihad training camp in Oregon, the US Government had previously requested his extradition from the United Kingdom.

In a first application brought by Mr Aswat to the European Court of Human Rights, the Court held in a judgment of 16 April 2013 (*Aswat v. the United Kingdom*, no. 17299/12) that his extradition to the US would be in violation of Article 3, but that it was solely on account of the severity of his mental illness and not as a result of the length of his possible detention there. The Court further decided to continue to indicate to the UK Government under Rule 39 of its Rules of Court (interim measures) not to extradite Mr Aswat until the judgment became final or until further order. The UK Government's request for that judgment to be referred to the Grand Chamber of the Court was refused on 11 September 2013. The Court's decision therefore became final and the Rule 39 measure previously in place lapsed.

Mr Aswat brought his second application (no. 62176/14), which included a further Rule 39 request to prevent his extradition to the USA, to the ECHR in September 2014. On 16 September 2014 a decision was made to apply Rule 39 until a Chamber of judges had been given the opportunity to consider the request made. On 23 September 2014 the Chamber, having considered the case – notably the assurances provided by the US Government – lifted the Rule 39 measure. Mr Aswat was subsequently extradited to the US on 21 October 2014.

Complaints, procedure and composition of the Court

When lodging his application in September 2014, Mr Aswat complained that the assurances provided by the US Government did not respond to the risks identified by the European Court of Human Rights in its judgment of April 2013 and that his extradition would be in breach of Article 3 of the Convention (prohibition of inhuman and degrading treatment).

The decision was given by a Chamber of seven, composed as follows:

Guido **Raimondi** (Italy), *President*,
Päivi **Hirvelä** (Finland),
George **Nicolaou** (Cyprus),
Ledi **Bianku** (Albania),
Zdravka **Kalaydjieva** (Bulgaria),
Paul **Mahoney** (the United Kingdom),
Krzysztof **Wojtyczek** (Poland), *Judges*,

and also Françoise **Elens-Passos**, *Section Registrar*.

Decision of the Court

The Court recalled that, subsequent to its judgment of 16 April 2013, the United Kingdom Government had sought additional information and assurances from the United States' Government and fresh domestic decisions by the High Court were subsequently made.

In considering the adequacy of those assurances, the Court found, in particular, that the concerns regarding likely detention conditions and the availability of appropriate medical treatment raised in its earlier judgment had been directly addressed. The national courts and authorities had clearly and judiciously considered the severity of Mr Aswat's mental health problems, in addition to the availability of relevant and sufficient accommodation and treatment starting from the pre-trial period and continuing to the period after his possible conviction.

In considering Mr Aswat's specific complaints, the Court found that the assurances given by the United States government ensured that Mr Aswat would be given treatment appropriate to his mental health needs. The Court found that there was no persuasive evidence before it to suggest that he would not receive adequate treatment in the United States to control his mental illness, or that he would be detained in circumstances which would place him at risk of a mental health relapse so as to render his extradition in breach of Article 3.

In light of the specific assurances and additional information received from the United States' government, and the careful examination of the case by the High Court in the United Kingdom, the Court found that it could not be said that there was a real risk that Mr Aswat would be subjected to treatment contrary to Article 3 if extradited.

The Court therefore considered his complaint to be manifestly ill-founded pursuant to Article 35 of the Convention and declared the application inadmissible.

The decision is available only in English.

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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.