ISSUE 27: March 2022

DELF

DEFENCE EXTRADITION LAWYERS FORUM

NEWS

Welcome to the first newsletter of 2022. In view of recent events the judicial decisions examined in this edition concerning the Russian Federation take on new significance and we await future European judgments and Government pronouncements in the context of extradition arrangements with the Russian Federation. DELF members attended an urgent meeting this morning to discuss this issue – further details below.

This edition contains a series of Russian case updates (written before recent events in Ukraine) on decisions from 2021: Thom Dieben writes about a Russian extradition case concerning prison conditions and assurances from the Netherlands and Ciju Puthuppally discusses prison conditions and section 81 in the context of two Russian cases from November 2021 (*Malyshev* and *Lyashenko*). We also have an update on November's CJEU decision concerning extradition between Ireland and the UK post-Brexit. With many thanks to our contributors and Maeve Keenan who assisted with the preparation of this edition.

The Russian Federation's invasion of Ukraine – urgent meeting

DELF unequivocally condemns the invasion of Ukraine by the Russian Federation and the gross violation of international law demonstrated by Russia as set out in the UN Charter. We stand in solidarity with the people of Ukraine and our colleagues in Ukraine, the Russian Federation and Belarus who work tirelessly to uphold the rule of law and oppose this act of war despite persecution and great personal cost.

This morning, DELF convened an emergency meeting of its members to discuss the Russian invasion of Ukraine. Following votes at the conclusion of the meeting, we will be taking action in the coming days and weeks to encourage the suspension of all extradition and mutual legal assistance relations between Russia and the UK whilst military aggression is on-going. Assurances as to compliance with international norms and human rights demonstrably cannot be relied upon. We will continue to work closely with our colleagues across Europe on both domestic and regional initiatives to achieve the same result across Europe, and are looking into the means by which we can support colleagues in Ukraine.

A message from the Chair

Welcome to the latest edition of DELF's Newsletter. This newsletter provides updates from Westminster

Magistrates' Court and our colleagues in The Netherlands on recent cases determining requests from the Russian Federation, both countries refusing requests on article 3 grounds. The inclusion of these articles about cases in which requested persons would have had to argue against presumptions in favour of the Russian Federation and mutual trust and respect are all too timely in light of the appalling, frightening and unjustifiable decision of the Russian Federation to invade Ukraine. It must be the starkest and most grave example of there being an evisceration of the principle of mutual trust. We can only hope that there is a swift cessation of hostilities.

Following an emergency meeting of its members this morning, I am delighted that DELF now has a mandate to seek to make representations that extradition arrangements with the Russian Federation should be suspended forthwith. It is inconceivable that Russia can be trusted to respect international norms and our arrangements with them should reflect this. We will also work with our European colleagues to make similar representations across Europe and are looking at ways to support colleagues in Ukraine.

As the year is now well and truly underway, with spring just around the corner, we are delighted to have our first educational event of the year, on 14 March. A series of interactive group discussions on the emerging trends on Part 1 cases post TCA. It should be an interesting and informative evening and I encourage you all to sign up. I also commend the excellent article on the CJEU's decision on whether Ireland is bound by the TCA in this newsletter.

We are also delighted to be able to announce the date for the return of the much loved DELF Annual dinner, which will be held on 27 May 2022. Tickets and details will be on sale soon.

We exist to represent those in the UK and Europe who defend in extradition and we are delighted to now have on the Committee two of our international members, Alexis Anagnostakis and Thom Dieben and we look forward to working with them to ensure DELF works closer with our international members. We are also now a collective member of the European Criminal Bar Association and we would encourage all our members to sign up to the ECBA who host a monthly extradition forum.

Finally, if there is anything we can do for you, or if you would like to contribute to this newsletter, please do not hesitate to get in touch.

James Stansfeld
Matrix Chambers

Our Recent Activities

We continue to make representations on behalf of our members to the Criminal Procedure Rules Committee, the LAA, the Administrative Court staff and the Senior District Judge's office. If members have any issues they would like DELF to raise please email enquiries@delf.org.uk.

Update from Westminster Magistrates' Court

As many of our members will no doubt already be aware, the Advocates Room on the second floor at Westminster Magistrates' Court is once again available for use.

International Members join the DELF Committee

DELF is delighted to announce that the DELF Committee has voted to appoint both Thom Dieben and Alexis Anagnostakis on to the Committee to be our International Representatives. We very much look forward to working with them in the coming months and particularly discussing ways in which DELF can assist its members who live and work outside the UK

Upcoming Events

Educational event - Part 1 cases post-TCA - 14 March 2022

DELF is delighted to announce that our first educational event of the year will be held on 14 March 2022. Members are invited to join our panellists Rebecca Niblock, Ed Grange and Stefan Hyman in interactive group sessions where we will discuss emerging trends in Part 1 cases post-TCA. Full details will be circulated in due course. Please email the DELF Administrator if you would like to attend.

This is an event for members only so please don't forget to renew your membership if you haven't already done so (details below).

SAVE THE DATE: DELF Annual Dinner - 27 May 2022

The DELF Annual Dinner will be held on 27 May 2022. Details to book tickets will follow shortly but for now please save the date in your diaries for this long overdue event which we are delighted to be hosting.

Case analysis: Recent extradition case law between the Netherlands and Russia.

In the last couple of years, the Netherlands and Russia have had a lot of disagreements with regard to lawful extradition. By way of example, Russia was not willing to extradite one of the suspects of the MH17 disaster to the Netherlands. However, these disagreements have not yet led to a demonstrable deterioration in the mutual assistance relationship.

Now, a new extradition dispute has arisen. On the 28 of October 2021, in a summary proceedings case, the District Court of The Hague prohibited the Dutch State from extraditing a Russian wanted person to Russia (*Rechtbank Den Haag (District Court The Hague) 28 October 2021, ECLI:NL:RBDHA:2021:11719*). The Russian Federation, on the one hand, wanted to prosecute the Russian woman for her role in a major fraud case. The wanted person, on the other hand, emphasized that Russia only wanted to start proceedings due to political reasons. The District Court let this matter rest; however, as it held that extradition should be refused due to poor prison conditions.

Reversal of Minister of Justice's decision

Of specific interest in this case is the fact that the initial decision by the Dutch Minister of Justice to extradite was reversed by the District Court. The wanted person invoked the fact that her human rights would be at real risk of being violated when the extradition would take place. The District Court agreed with the wanted person and therefore deviated from the legal principle of mutual trust under European Human Rights Law. In particular, the wanted person suggested she would face a real risk of being subjected to torture and/or inhumane and degrading treatment if extradited. Accordingly, if the extradition would have taken place, the Netherlands would have violated its positive obligation under article 3 ECHR to prevent the wanted person from becoming subject to torture in Russian detention centres.

Note. *In the Netherlands, the extradition judge may only decide whether there are compelling reasons under treaty law to declare the extradition 'inadmissible'. It follows from Sections 8 and 10 of the Dutch Extradition Act that, in the division of duties between the extradition judge and the Minister, the decision as to whether the extradition violates or will result in a violation of fundamental rights, such as a violation of the prohibition laid down in Article 3 of the ECHR, is reserved for the Minister (HR 15 October 1996, ECLI:NL:HR:1996:ZD0547, NJ 1997, 533). This decision, however, can subsequently be challenged before the civil courts. If a decision of the Minister to allow extradition is challenged in the civil courts with the argument that the extradition is in conflict with fundamental rights, review of that decision must be a complete one (HR 15 September 2006, ECLI:NL:HR:2006:AV7387, NJ 2007, 277). This means that in Dutch extradition cases there are usually two rounds of court proceedings: the first one before the extradition judge and the second one before the civil courts.*

In the case at hand, the extradition judge had ruled that the extradition was permissible. In his follow-up decision, the Minister of Justice ruled that art. 3 ECHR did not stand in the way of extradition to Russia and ordered that this extradition take place. For this reason, the wanted persons had commenced civil proceedings which ultimately led to the judgment discussed here.

Mutual trust

Under European Human Rights Law, States are bound to the principle of 'mutual trust'. In general, ECHR Member States must trust each other to guarantee the rights contained in the ECHR. Both the Netherlands and Russia are ECHR Member States. The Dutch Minister of Justice allowed the extradition to Russia, stating that it could be trusted that Russia would comply with the obligations arising from the ECHR towards the wanted person. Along these lines, Russia also confirmed in multiple letters that the wanted person would not be subjected to torture, cruel, inhumane or degrading treatment or punishment and that she would be held in a detention facility where the standards stipulated in the Convention for the Protection of Human Rights and Fundamental Freedoms were met.

Restriction: 'real risk'

Jurisprudence has developed some restrictions to this general principle. Extradition can only be refused if there are substantial grounds to assume that there is a real risk that the ECHR obligations will be violated towards the wanted person and that this risk cannot be removed by means of guarantees. In the *Soering* case, the ECtHR held that the extraditing state is not responsible for every (threatened) violation of the ECHR, but is responsible for serious violations of article 3 ECHR. Article 3 of the ECHR prohibits extradition if there are substantial grounds for believing that the person claimed would, in the event of extradition, run a real risk of being subjected to torture or to inhuman or degrading treatment or punishment (ECHR 7 July 1989, ECLI:NL:XX:AB9902, NJ 1990, 158).

The Dutch Minister of Justice argued that the arguments put forward by the counsellor were too general to establish a real risk. The District Court disagreed however, and stated that the opinion of the minister that it could not be concluded that the wanted person would run a real risk of violating article 3 of the ECHR, could not stand.

Assessment of 'real risk' in the case at hand

The District Court concluded that torture is not only possible when the wanted person would be extradited, but that the risk to be subjected to it would be unacceptable since torture and other forms of mistreatment are still systematic and widespread in Russia, even though Russia emphasized that it takes the identified violations of Article 3 ECHR seriously. In the opinion of the Court in preliminary relief proceedings, the systematic and widespread practice confirm that it cannot be concluded otherwise than that there are well-founded reasons to assume that the wanted person, in case of extradition, runs a real risk of being subjected to torture or to inhuman or degrading treatment or punishment in one of the Russian prisons. This was again emphasized by multiple studies done on this subject (*For example the General Ambition Report Russian Federation of April 2021,the Russia 2020 Human Rights Report of the United States Department of State and the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 2013*).

Before the case at hand was pending, there had been quite a few summary proceedings in the Netherlands to "prevent" extradition to Russia, but without a similar outcome (*See for example: ECLI:NL:RBSGR:2011:BQ9926, ECLI:NL:RBDHA:2017:12708 and ECLI:NL:RBDHA:2018:7913*). The concerning case therefore can be seen as a bit of an oddity. The main difference between the concerning case and the earlier summary proceedings, was that in the case at hand, according to the Court, Russia did not provide sufficient guarantees for the protection of the wanted person not to be subject to torture.

Sufficient guarantees for the protection against an Article 3 ECHR violation can only be said to be given if

concrete assurances are given that the Russian authorities will ensure that the wanted person will not be tortured or subjected to other inhuman practices by police officers, prison staff or other officials within the judicial system during her detention and trial. Adequate guarantees on this point should at least include that and how the Russian authorities will ensure in practice that the judicial and other officials with whom the wanted person will come into contact during her detention and trial will not torture her or expose her to any other inhuman treatment (*HR 15 September 2006, ECLI:NL:HR:2006:AV7387, para. 3.4.2*). The assurances made by the Russian authorities, did not qualify as such.

In the earlier summary proceedings, according to the Court, there had been sufficient and more concrete guarantees and circumstances that lead to the conclusion that the wanted person would not be exposed to violence of essential human rights obligations by Russia when extradited. The concrete guarantees were focused on, inter alia, the criminal procedure and treatment of the wanted person. However, it still remains a bit unclear why the Court differentiated in comparison with its previous judgments.

In reaching its decision, the District Court also took into account what was stated in the official report from 2019 submitted by the wanted person about the far-reaching consequences of the measures taken against the outbreak of the coronavirus in Russian detention facilities, and especially in pre-trial detention. Detainees could no longer communicate with the outside world, which increased the risk of ill-treatment to extract confessions. In addition, the government took no concrete measures to protect detainees from the virus, according to this report.

Conclusion

The District Court declared the principle of mutual trust to be inapplicable on the ground that there would be a real risk that the wanted person would be subjected to torture. It is not the first time that one of the limitations to this principle has been deemed applicable. It will be interesting to see whether and in which way the District Court will follow this more stringent line of putting heavy weight on its assessment of whether there are substantial guarantees of protection of human rights in future summary proceedings.

Thom Dieben and Jan Leliveld Jr.
JahaeRaymakers Advocaten

Case Update: *Russian Federation v Lyashenko* (2021) and *Russian Federation v Malyshev* (2021)

On 29 November 2021, SDJ Goldspring delivered his first two judgments on extradition requests from the Russian Federation ('RF') in the cases of *Lyashenko* and *Malyshev*.

In each case, the requested person ('RP') was wanted for trial on 'economic crimes' – often a red flag for politically-driven prosecutions in the Russian context: in *Lyashenko* for alleged participation in a criminal group and money laundering in connection with a shipping company, and in *Malyshev* for alleged misappropriation and fraud in connection with nanotechnology and construction companies.

The cases raised what are by now the standard suite of issues for Russian requests: Article 6 (fair trial), s. 81(a) and (b) (extraneous considerations), abuse of process, and Article 3 (prison conditions). Breaking, however, from the standard suite of rulings, SDJ Goldspring discharged the RPs not only under Articles 3 and 6, but also under s. 81. In so doing, by comparison with previous decisions on s. 81, he adopted a broader approach in one respect and a narrower approach in another – points that will be of significance to other requesting states even if, in the current climate, certified Russian requests might be only as forthcoming as Russian gas.

Article 6, Section 81 and Abuse

The arguments on Article 6, s. 81 and abuse of process in both cases were built on similar foundations. The prosecution of the RPs was said to be entangled in matters of political sensitivity: although neither of the RPs had actively professed particular political opinions, they had been connected with companies of special interest to the Russian Government and/or had associations with a high-profile and controversial player in the Russian political landscape. Relying on expert evidence on the Russian legal system as well as on a long line of decisions in Russian extradition cases, the RPs argued successfully that the Russian criminal justice system is incapable of dealing with such 'sensitive' cases fairly. That followed from a string of structural deficiencies including, in particular, the influence of investigators and prosecutors over the judiciary. No contrary evidence was led by the RF. In *Lyashenko*, expert evidence obtained through the instruction of an interested private party and sought to be relied upon by the RF was ruled inadmissible.

The SDJ agreed that the RPs, embroiled in 'sensitive' cases, would face the risk of a flagrant denial of justice under Article 6 if returned to the RF. He was, however, careful not to make any broader finding on the availability of a fair trial in Russia more generally.

Departing from the more recent approach of District Judges at Westminster, SDJ Goldspring also found that the same concerns engaged the bar in s. 81. Limb (a) of s.81 provides that extradition is barred by reason of extraneous considerations if the request for an RP's extradition is 'is in fact made for the purpose of prosecuting or punishing him on account of his ... political opinions'; the same conclusion applies under limb (b) if 'he might be prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his ... political opinions.'

Originally, under SDJ Workman, a 'broad approach' had been taken to the scope of 'political opinions', such that it encompassed cases where the prosecution was 'politically motivated' even if the RP himself had not expressed any particular political beliefs, for example where the RP was associated with some other overtly activist figure. However, in a later line of cases before SDJ Riddle, SDJ Arbuthnot and DJ Goozée, a 'narrow' approach had been preferred, limiting s. 81 to RPs who had themselves expressed political views.

Following full argument on the point and in a carefully reasoned judgment, SDJ Goldspring held that that the 'broad approach' should apply. This was consistent with the approach adopted by the higher courts in the immigration and asylum context.

On the other hand, across both Article 6 and s. 81, the SDJ refrained from relying on the glaring weaknesses of the underlying criminal allegations, which the RPs had argued were proof that the prosecutions were driven by politics, not evidence. District Judges had been amenable to such arguments in previous Russian decisions, although the RF argued that they were matters for trial. The SDJ did not, however, exclude such arguments as a matter of principle. Given the abundance of other material for finding the relevant bars established, it was perhaps unnecessary to descend into this further issue.

Indeed, for that reason and in line with the usual approach, the SDJ declined to rule on abuse.

Article 3

On Article 3, the familiar starting point was the pilot decision in *Ananyev v Russia* (2012) 55 EHRR 18 and that in *Tomov v Russia* (App No. 18255/10, 09.04.19). In light of those rulings, the burden was on the RF in relation to pre-trial detention conditions and prisoner transport. The RPs also advanced expert evidence on a range of wider issues encompassing post-trial detention, personal security and healthcare for specific medical conditions.

Following SDJ Arbuthnot's guidance in *Egorova* (2019), the RF sought to buttress generic assurances as to detention conditions with photos of the cells in which the RPs were to be held. However, the photos offered not confidence but controversy when it appeared the very same cell was being proposed across several pending extradition cases involving both male and female RPs. The confusion did not present well in the face of a

mounting record of the RF providing inaccurate information to the courts.

In relation to transport, personal security and healthcare, the RF provided little more than extracts of old, black letter law masquerading as assurances.

As was the case for DJ Goozée in *Kalashnikova* (2021), the SDJ's greatest concern was in relation to the existence of adequate monitoring arrangements to ensure compliance with the assurances provided. The monitoring arrangements in Russia, principally consisting of work by the federal and regional Commissioners of Human Rights (CHRs) and Public Monitoring Commissions (PMCs), had already been found wanting in *Egorova* and *Kalashnikova*. Therefore, the question was what more was being offered in this fresh round of requests. The answer was nothing. Like DJ Goozée in *Kalashnikova*, SDJ Goldspring did not consider that a new 2020 federal law on CHRs had effected any substantial change. Moreover, the RF's information as to who sat on one of the key PMCs was found to be inaccurate.

Ultimately, while the conditions on the ground in Russian prisons had not changed materially, the assurances on offer had – but only for the worse. Overall, the assurances proposed were substantially weaker than in previous cases, although even those assurances been found wanting. The SDJ accordingly found that there was a real risk of Article 3 mistreatment in both cases, relying in particular on monitoring arrangements, prisoner transport and healthcare.

Comment

The judgments in *Malyshev* and *Lyashenko* – handed down just as permission to appeal in *Kalashnikova* was refused – confirm that the long-running trend in RF cases will continue under SDJ Goldspring. If an RP can be shown to be closely linked with figures or companies that are of special interest to the Russian Government, extradition to the RF will likely be barred under Article 6 and s. 81. On the other hand, if the case is not politically 'sensitive', it appears unlikely that a more sweeping argument on the availability of fair trials in Russia will succeed.

However, in any event, the RF appears incapable at present of offering a system of monitoring that can satisfy Article 3. So far as any further information or assurance is offered in future, the story of these two cases – as too the broader history of Russian requests – highlights the importance of fact-checking everything and anything that might be put forward by the RF.

Ciju Puthuppally
Three Raymond Buildings
acted for the RP in Malyshev, led by Ben Watson QC

Extradition post-Brexit—the Irish questions answered

On 16 November the CJEU delivered its judgment following the publication of the Advocate General's opinion on the UK-Ireland extradition questions. The decision concerned the mechanisms for extradition to the UK from Ireland in two scenarios (1) under the terms of the withdrawal agreement from 1 February to 31 December 2020 and (2) under the EU-UK Trade and Cooperation Agreement ("TCA") from 1 January 2021.

The judgment confirms the AG's Opinion that Ireland is bound by the withdrawal agreement and the TCA ("the agreements") in respect of extradition arrangements with the UK and, accordingly, extradition from Ireland to the UK post-Brexit will continue under those terms.

Questions for the CJEU

The Irish Supreme Court's questions to the CJEU were:

Having regard to the fact that Ireland has the benefit of retaining sovereignty in the [Area of Freedom Security and Justice] ASFJ subject to Ireland's entitlement to opt into measures adopted by the Union in that area made pursuant to Title V of Part Three TFEU;

Having regard to the fact that the stated substantive legal basis for the Withdrawal Agreement … is Article 50 TEU;
Having regard to the fact that the stated substantive legal basis for the [TCA] … is Article 217 TFEU; and
Having regard to the fact that it followed that it was not considered that an opt in was required or permitted from Ireland so that no such opt in was exercised:-

1. *Can the provisions of the Withdrawal Agreement, which provide for the continuance of the [EAW] regime in respect of the United Kingdom, during the transition period provided for in that agreement, be considered binding on Ireland having regard to its significant AFSJ content; and*

2. *Can the provisions of the [TCA] which provide for the continuance of the EAW regime in respect of the United Kingdom after the relevant transition period, be considered binding on Ireland having regard to its significant AFSJ content?'*

Since the Lisbon Treaty, Ireland has had to formally "opt-in" to European measures that touch on ASFJ matters as set out in the Justice and Home Affairs protocol (or join as a separate contracting party). It was argued by the requested persons in this case that neither Article 50 TEU nor Article 217 TFEU (which constitute the legal basis for the Withdrawal Agreement and the TCA respectively) can justify the inclusion of measures within the AFSJ in those agreements. They argued that Article 82 TFEU ought to have been considered and that the procedure outlined in Protocol 21 must be complied with.

Note. Article 82 TFEU forms part of Title V (relating to the ASFJ) of Part Three of TFEU:

'*Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States in the areas referred to in paragraph 2 and in Article 83.*

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures to:
…
(d) facilitate cooperation between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.'

The Court rejected this argument noting: "*To add point* [82(1)] *(d) … to the substantive legal basis for the Withdrawal Agreement would give rise to uncertainty since, because of the resulting applicability of Protocol (No 21), Ireland, which had chosen to be bound by the European arrest warrant regime, including with regard to the United Kingdom, would be treated as if it had never participated in it. Such a situation would be difficult to reconcile with the objective of reducing uncertainty and limiting disruption so as to enable an orderly withdrawal…"*

The Central Question

In short, the central question could be framed as follows: **Is Ireland bound by the post Brexit extradition arrangements in circumstances where it has not formally "opted in" to those arrangements for the purposes of Protocol 21 nor entered into the agreements as a party in its own right?**

The Court's answer is: yes. Article 50 TEU and Article 217 TFEU alone provided the necessary legal basis for the new arrangements to be binding.

In respect of Article 50 TEU, the Court focused on the objectives of Article 50: 1) to enable a Member State to withdraw and 2) to provide for such a withdrawal to take place in an orderly fashion.

In respect of Article 217 TFEU regarding association agreements, the Court cited case law confirming that this article empowers the European Union to guarantee commitments towards third countries in all the fields covered by the TFEU (Judgment of 18 December 2014, *United Kingdom v Council, C-81/13*, EU:C:2014:2449, paragraph 61).

The Court drew parallels with case law in relation to development cooperation agreements holding that "*to require that such an agreement also be based on a provision other than its generic legal basis whenever the agreement touches on a specific area would, in practice, be liable to render the competence and procedure set out in that legal basis devoid of substance*" (See judgment of 2 September 2021, *Commission v Council (Agreement with Armenia), C-180/20*, EU:C:2021:658, paragraph 51 and the case-law cited). The Court held that the TCA necessarily had sufficiently wide scope "*to ensure an appropriate balance of rights and obligations between the parties to the agreement and to secure the unity of the 27 Member States*" and bound Ireland accordingly.

Comment

It is of note that in the EU-Ukraine Association Agreement, Ireland and the UK were individual signatories as separate contracting parties in respect of any provisions in the agreement that fell within the scope of AFSJ matters but this approach was not taken in respect of the Withdrawal Agreement and TCA and is not apparently addressed by the Court.

From an EU law perspective it is interesting to consider the way in which the CJEU has limited the reach of Protocol 21 in this case. It appears that matters which touch on AFSJ issues can fall within the competence of the EU and therefore be imposed on Ireland by the EU without the Protocol 21 procedures being followed so long as the agreement does not predominantly relate to AFSJ. One wonders if that was a position that was fully appreciated by the UK and Ireland when Protocol 21 was carved out.

With the UK's departure from the EU, Protocol 21 is now only relevant to Ireland and it remains to be seen whether this judgment will apply to the EU's competence in respect of other AFSJ matters that affect Ireland in future or whether the argument is simply academic. The judgment means that for now the post-Brexit Irish-UK extradition questions have been settled and it is difficult to see how they could be revived on the basis of the substance of the Brexit agreements without a radical departure from this decision by the CJEU itself.

Áine Kervick
Kingsley Napley LLP

Grand Chamber of the European Court of Human Rights examines extradition to the USA and Life Without Parole cases

On 23 February 2022 the Grand Chamber of the European Court of Human Rights heard two extradition cases dealing with the issue of life sentences without parole in the United States of America:

McCallum v Italy (no 20863/21)

The case of McCallum v Italy (no 20863/21) was heard in the morning session. Walter De Agostino and Marina Silvia Mori represented Mrs McCallum.

Watch: McCallum v Italy (no 20863/21) here

Sanchez-Sanchez v. United Kingdom (application no. 22854/20)

The case of Sanchez-Sanchez v. United Kingdom (application no. 22854/20) was also heard in the morning session. David Josse QC and Ben Keith or 5 St Andrew's Hill instructed by Roger Sahota of Berkeley Square Solicitors represented Mr Sanchez-Sanchez. The Government of the United Kingdom was represented by David Perry QC and Victoria Ailes of 6KBW College Hill.

Watch: Sanchez-Sanchez v. United Kingdom (application no. 22854/20) here

CPT Updates

Council of Europe anti-torture Committee publishes the response of the Croatian authorities to the report on the 2020 ad hoc visit on migration issues. Available here.

Membership

Membership runs from January to December annually. If you wish to join DELF for the first time since 01 January 2021, please e-mail your name, professional title, firm / chambers / employer, e-mail address and the category of membership that you wish to join DELF under, with "DELF Membership" in the subject heading to the e-mail address membership@delf.org.uk and follow the payment instructions set out below.

Fees for 2022 are as follows:

£50 - Full Membership - Open (subject to approval by the Committee) to any Solicitor, Barrister or member of the Institute of Legal Executives practising in the field of extradition and legal academic staff, whose practice includes representing requested persons in extradition cases. Full membership is also open to lawyers practising outside of England and Wales whose practice includes representing requested persons in extradition cases

£25 - Associate Membership - Trainee Solicitors, Pupil Barristers and Paralegals

£15 - Correspondent Membership - Open to court staff and other lawyers practising in the field of extradition

Fees can be paid in a group payment by a firm or Chambers administrator, or can be paid individually. If you are paying for more than one member in the same transfer, please email the details of who you have paid for and at what levels of membership they are joining at to membership@delf.org.uk after you have transferred the membership fees.

If you are simply paying for your own membership fee, please use your name as a reference on the bank transfer. There is no need to email to confirm transfer in this case.

Please make your payments by bank transfer to:

Defence Extradition Lawyers Forum
NatWest
Sort Code: 60 40 04
Account Number: 32 49 95 82
IBAN details: GB97NWBK60400432499582
BIC: NWBKGB2L

For any queries, please contact enquiries@delf.org.uk

Contacts

Current Committee member officers 2021-2022

Chair – James Stansfeld
Vice-Chair – Danielle Reece-Greenhalgh
Treasurer – Catherine Brown
Educational Secretary – Anthony Hanratty
Social Secretary – Claire Kelly and Rebecca Hadgett

Policy Officer – Peter Caldwell
Membership Secretary – Renata Pinter
Equality and Diversity Secretary – Mary Westcott
Court Liaison Group – James Stansfeld and Danielle Reece-Greenhalgh
Newsletter Editor – Áine Kervick
International Representatives – Thom Dieben and Alexis Anagnostakis

Contact us at enquiries@delf.org.uk
To join, email membership@delf.org.uk
Website: www.delf.org.uk

Follow us on:
Twitter: @DELF_Lawyers https://twitter.com/DELF_Lawyers
LinkedIn: https://www.linkedin.com/company/defence-extradition-lawyers-forum/

Editor: If you would like to contribute, please contact our editor at akervick@kingsleynapley.co.uk