



## Forthcoming hearings in February 2022

The European Court of Human Rights will be holding the following three hearings in February 2022:

**Halet v. Luxembourg** (application no. 21884/18), concerning Mr Halet's criminal conviction in the "Luxleaks" case for disclosing tax documents concerning some of his employer's clients;

**McCallum v. Italy** (no. 20863/21), concerning the applicant's requested extradition to the United States of America, where she is wanted as a suspect in the murder of her then husband and the burning of his corpse;

**Sanchez-Sanchez v. United Kingdom** (no. 22854/20), concerning 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.

*After these hearings the Court will begin its deliberations, which will be held in private. Its ruling in the cases will, however, be made at a later stage. A limited number of seats are available for the press in the hearing room. To be sure of a place, you need to book in advance by contacting the Press Unit at [echrpress@echr.coe.int](mailto:echrpress@echr.coe.int). If you wish to attend a hearing, we recommend reading the document [How to attend a hearing](#).*

### On 2 February 2022 at 9.15 a.m.: Grand Chamber hearing in the case Halet v. Luxembourg (application no. 21884/18)

The applicant, Raphaël Halet, is a French national who was born in 1976 and lives in Viviers (France). At the relevant time Mr Halet worked for the firm PricewaterhouseCoopers (PwC).

Relying on Article 10 (freedom of expression), Mr Halet alleged that his conviction after he had disclosed 16 documents emanating from his employer PwC to a journalist amounted to a disproportionate interference with his right to freedom of expression. Mr Halet was sentenced on appeal to pay a criminal fine of 1,000 euros and was ordered to pay a symbolic sum of 1 euro to PwC in compensation for non-pecuniary damage.

The application was lodged with the European Court of Human Rights on 7 May 2018.

In its [judgment](#) of 11 May 2021, the Court, by a majority (five votes to two), held that there had been no violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

On 18 June 2021, the applicant requested that the case be referred to the Grand Chamber. On 6 September 2021 a Grand Chamber panel of five judges decided to refer the case to the Grand Chamber<sup>1</sup>.

1. Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

**On 23 February 2022 at 9.15 a.m.: Grand Chamber hearing in the case *McCallum v. Italy* (no. 20863/21)**

The applicant, Beverly Ann McCallum, is an American national. She is currently in detention in Italy.

Ms McCallum is wanted in the State of Michigan in the United States of America as a suspect, along with others, in the death 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.

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

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

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.

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.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 7 September 2021<sup>2</sup>.

**On 23 February 2022 at 2.45 p.m.: Grand Chamber hearing in the case *Sanchez-Sanchez v. the United Kingdom* (no. 22854/20)**

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 strong 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 take into account 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 extraditing 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

2. 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".

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 Convention, Mr Sanchez-Sanchez submits that, if extradited, he would suffer imminent and irreparable harm in the form of a life sentence without parole and that he risked exposure to gross overcrowding, inhuman conditions and torture or other ill-treatment in prison in the United States of America.

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 notice<sup>3</sup> 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.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 19 October 2021<sup>4</sup>.

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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.

<sup>3</sup> 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.

<sup>4</sup> 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".