

The Soering Case (Eur. HR Ct. 1989)

What were the allegations that Article 3 would be violated by the extradition to Virginia?

Trial between trial and execution is 6-8 years.

Cells on death row are small; recreational activity is limited.

Risk of homosexual abuse and physical attack, “because of his age, colour and nationality.”

Psychological deterioration.

Is the death penalty itself “inhuman and degrading”?

As applied to a person who was 18 when he committed his murder?

[Article 2(1) permits the death penalty, but no country in Europe uses it, and Protocol 6 prohibits it; dissenting judge De Meyer argued that the death penalty was a violation of the Convention.]

What about the claims of violations of Articles 6(3) and 13?

What happened after this decision?

Virginia’s Attorney General said he would not seek the death penalty, and Soering was extradited to Virginia.

He was sentenced to life imprisonment.

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Jens Soering, a German citizen, and the son of a German diplomat, was accused of killing his girlfriend's parents while he was an 18-year-old student at the University of Virginia in 1985.

Later he was arrested in the U.K. in connection with a check fraud.

U.S. requests extradition on behalf of Virginia.

U.K.-U.S. Extradition Treaty, Art. 4:

“If the offence for which extradition is requested is punishable by death under the relevant law of the requesting Party, but the relevant law of the requested Party does not provide for the death penalty in a similar case, extradition may be refused unless the requesting Party gives assurances satisfactory to the requested Party that the death penalty will not be carried out.”

Did the U.S. give this assurance?

Could the federal government give this assurance?

Federal Republic of Germany also requests extradition. Do they have jurisdiction over this crime?