

Grand Chamber hearing McCallum v. Italy

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today **Wednesday 23 February 2022 at 9.15 a.m.** in the case of **McCallum v. Italy** (application no. 20863/21).

The case concerns 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.

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.

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 8 March 2021 the Minister of Justice granted an extradition request on the part of the US Government, following a Court of Appeal decision. That decision was confirmed by the Court of Cassation.

The United States authorities have since guaranteed that if convicted, Ms McCallum would have the possibility of parole when sentenced. They sent a new extradition request, which led to the issuing of a new extradition order by the Italian authorities on 7 Dec 2021.

Procedure

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 on Human Rights, 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.

The Government of the United Kingdom, the association Hands Off Cain, and jointly three legal academics, Professors Davide Galliani, Dirk van Zyl Smit and Paul Reingold, were granted leave to intervene in the written proceedings as third parties.

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."

Composition of the Court

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

Jon Fridrik **Kjølbro** (Denmark), *President*,
Robert **Spano** (Iceland),
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

Lorenzo **D’Ascia**, *Agent*,
Elio **Cucchiara**, *Adviser*;

Applicant

Walter **De Agostino** and Marina Silvia **Mori**, *Counsel*;
Margareth **Amitrano**, Elsa **Kiranmoye Chaudhuri**, and Violette **Sirello**, *Advisers*.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court’s press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR_CEDH](https://twitter.com/ECHR_CEDH).

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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.