

# German Court Denies Extradition to UK Because of Bad Detentions



**eu crim**

European Law Forum: Prevention • Investigation • Prosecution

**Thomas Wahl**

**News**

On 10 March 2023, the [Higher Regional Court of Karlsruhe \(Germany\)](#) declared extradition of a person from Germany to the UK as “currently inadmissible” due to the lack of guarantees for the person’s protection of fundamental rights. The decision in an unofficial English translation can be found [here](#).

The requested person’s defence council *Dr. Jan-Carl Janssen* put forward objections against extradition with regard to the prison conditions in the UK and a possible violation of Art. 3 ECHR. By also referring to a 2021 CPT report, the Higher Regional Court of Karlsruhe posed several specific questions to the UK authorities with regard to prison conditions to be expected of the prosecuted person after his extradition in the UK. The court requested from the UK binding guarantees that human rights will be respected under international law pursuant to Art. 604 lit. a) and c) of the UK-EU Trade and Cooperation Agreement (→ [eu crim 1/2020, 265-271](#)). UK authorities, however, replied rather unspecifically to the questions posed and could not fully discard the substantiated objections raised by the requested person.

The [Higher Regional Court of Karlsruhe](#) decided that “it cannot currently be assumed with sufficient certainty that the prosecuted person would receive humane conditions of detention there in the case of his extradition to the United Kingdom and Northern Ireland.” The TCA-extradition warrant was revoked. The immediate release of the requested person who was in the prison of Freiburg i.Br., Germany, was ordered.

## AUTHOR

**Thomas Wahl**

Senior Researcher  
Max Planck Institute for the  
Study of Crime, Security and  
Law

---

ISSN: 1862-6947

<https://eu crim.eu>

---



---

## About eu crim

eu crim is the leading journal which regularly informs about current developments in European criminal and “criministrative” law.

All news items are freely accessible at: <https://eu crim.eu/news/>

Stay informed by emailing to [eu crim-subscribe@csl.mpg.de](mailto:eu crim-subscribe@csl.mpg.de) to receive alerts for new releases of issues.

The project is co-financed by the [Union Anti-Fraud Programme \(UAFP\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



**Co-funded by  
the European Union**