



JUDICIARY OF  
ENGLAND AND WALES

**The Queen on the Application of Tajik**

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**City of Westminster Magistrates' Court, Secretary of State for the Home Department**

**&**

**Government of the United States of America**

**High Court (Administrative Court)**

**27 November 2012**

**Summary to assist the media**

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From time to time the most senior judges reiterate the need to avoid delay in extradition proceedings. Frequently, the inordinate delays are due to increasingly desperate attempts by requested persons to avoid facing trial. This case is different. Mr Tajik, the claimant, is a former Iranian ambassador to Jordan. The history of his extradition, at the request of the United States of America, started with the issue of a warrant in Illinois for his arrest on charges relating to the export of defence articles, in particular night-vision equipment, on 30 August 2006. The Divisional Court rejected his statutory appeal, brought on the basis of his ill-health, on 10 April 2008.

He then submitted further medical reports to the then Secretary of State and she agreed to consider whether, in the light of those reports, extradition would breach Mr Tajik's rights under the Human Rights Act 1998. There then followed a delay of over three and a half years before the Secretary of State reached a decision that his extradition should be ordered.

In these proceedings Mr Tajik argued that it was now, after so long a delay, too late to order his extradition. The Divisional Court ruled that the question whether he should now be extradited turned on whether reasonable cause had been shown for that delay. It ruled that his case was governed by s.118 of the Extradition Act 2003. This provision requires an order for extradition to be implemented within 28 days following the conclusion of a statutory appeal, unless reasonable cause is shown.

The Secretary of State did consider the fresh medical reports between their submission in June 2008 and 2009. Thereafter, the Secretary of State sought to persuade the USA to withdraw its request for extradition. The reason was explained by a Home Office official: his case was a "prominent feature of the UK's bilateral relationship with Iran since his arrest in October 2006 and has the potential to cause significant disruption to that relationship". The United Kingdom was concerned as to the security of the British Embassy in Tehran and the safety of the staff who worked there in the light of fears as to the reaction in Tehran should Mr Tajik be extradited to the USA.

But there was no response from the USA, despite repeated requests from the Home Office to the FCO for confirmation of the US position throughout 2009, through until October 2010. Thereafter, until August 2011, the FCO continued to raise Mr Tajik's case with US officials on a number of occasions. It was only in late September 2011 that the Secretary of State was informed that the United States did not intend to withdraw the extant request for Mr Tajik's extradition.

The USA advanced no justification for choosing to reply to the United Kingdom's request in August 2011 and not much earlier, in 2009 or 2010. The only inference the court could draw was that it had arrogated to itself the time for choosing when Mr Tajik should be extradited and face trial without advancing any justification for its decision. The Divisional Court ruled that this was a stance which the provisions of the 2003 Act did not permit. It was not consistent with the structure of the 2003 Act to find reasonable cause when the requesting state had put forward no explanation for failing to seek a speedy surrender but on the contrary, without explanation, had sought surrender at a time of its own choosing and convenience. Under the statute, delay in implementing an extradition must be justified to the court, once the appeal process is over. In the absence of any justification offered by the requesting state, the USA, the court could not find that there was reasonable cause for the delay. It ordered Mr Tajik's discharge.

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**This summary is provided to assist in understanding the Court's decision. It does not form part of the reasons for the decision. The full judgment of the Court is the only authoritative document.**