

Neutral Citation No: [2026] NICty 2	Ref: [2026]NICty 2
<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS No: 24/038101
	Delivered: 22/06/2026

**IN THE COUNTY COURT IN NORTHERN IRELAND
AT LAGANSIDE COURTHOUSE, BELFAST**

IN THE MATTER OF THE EXTRADITION ACT 2003

Between:

REPUBLIC OF IRELAND

Requesting State

and

NEIL McDERMOTT

Requested Person

Ben Thompson (instructed by the Crown Solicitor's Office) for the Requesting State
Michael Halleron (instructed by Patrick Fahy & Co Solicitors) for the Requested Person

GILPIN HHJ

Introduction

[1] The Republic of Ireland, ("the Requesting State") seeks the extradition of Neil McDermott, ("the Requested Person"), in order that a criminal investigation can be advanced in respect of allegations involving dishonesty resulting in alleged losses of more than €930,000.

[2] To that end on 8 April 2024 the Requesting State issued an Extradition Warrant pursuant to the provisions of the Extradition Act 2003. The Warrant was subsequently certified by the National Crime Agency on 16 April 2024.

[3] Thereafter, on 26 April 2024, the Requested Person was arrested in this jurisdiction. His initial hearing took place that day. At that hearing the Requested Person indicated he did not consent to be extradited and instead intended to resist it.

[4] In resisting extradition, the Requested Person raises one bar namely, that prison conditions within the Requesting State are such that if he was extradited it would be incompatible with his right under article 3 of the European Convention on Human Rights not to be subjected to inhuman or degrading treatment.

The legal principles

[5] The provision in the Extradition Act 2003 on which the Requested Person relies is found in section 21A which provides:

“If the judge is required to proceed under this section ...
the judge must decide ...

(a) whether the extradition would be compatible with
the Convention Rights within the meaning of the
Human Rights Act 1998.

(b) ...”

[6] As the Requesting State is a signatory to the Convention there is a presumption that it will ensure compliance with the Requested Person’s convention rights in the absence of evidence to the contrary [*Kroluk v Poland* [2012] 1 WLR 490 at para 4]. This presumption is enhanced where the Requesting State is, as in the instant case, in addition a Member State of the European Union [*Kroluk v Poland* [2012] 1 WLR 490 at para 5].

[7] However, the presumption of compliance can be displaced if the Requested Person can show there are substantial grounds for believing that, if extradited, there is a real risk his article 3 rights will be violated.

[8] If the court is to displace the presumption of compliance, evidence to justify such a ruling must be placed before it.

[9] As a result of the decision of the Court of Justice of the European Union in *Aranyosi and Caldaru* (C-404/15 & C-659/15 PPU) (“*Aranyosi*”) the concept of a presumption of compliance is subject to a three staged consideration by the court.

Stage one: The general assessment

[10] In *Mohammed v Portugal* [2017] EWHC 3237 (Admin) para 15 the Divisional Court of England & Wales summarised the guidance given in *Aranyosi* regarding the first stage in the following way:

“In *Aranyosi*, the CJEU decided that the consequence of the execution of an EAW [a European Arrest Warrant] must not be that the requested person will, if returned, suffer inhuman or degrading treatment ... The CJEU set out the procedure that must be followed where the judicial authority of a member state is in possession of evidence of

a real risk of inhuman or degrading treatment of individuals detained in the state that has issued the EAW. Stage 1 of the procedure involves determining whether there is such a risk by assessing objective, reliable, specific, and properly updated evidence ... where such a risk is identified, the court is required to proceed to stage 2. This first stage does not involve an evidential threshold that there is 'objective, reliable, specific and properly updated evidence of a real risk of a breach of article 3. All that is required is that the court must be satisfied there is a need to seek further information."

[11] Therefore, at the first stage of the *Aranyosi* process the court must determine whether there is objective, reliable, specific and properly updated information demonstrating that there are systemic or generalised deficiencies in detention conditions prevailing in a requesting state which give rise to a real risk of inhuman or degrading treatment.

[12] At this stage the burden of proof rests on the Requested Person.

Stage two: The specific assessment

[13] If stage one is surpassed the court will be required to make a specific assessment of whether there are substantial grounds to believe the Requested Person will, if extradited, have their article 3 rights breached.

[14] In order that it do so, the court should request from the Requesting State supplementary information on the specific conditions the Requested Person is to be detained in.

[15] In this jurisdiction guidance was given by the Divisional Court in its decision in *Latvia v Kilgasts* [2022] NIQB 60, on the making of such requests. In *Kilgasts*, the Divisional Court "strongly discouraged" an approach of seeking answers from the Requesting State to questions phrased in "vague and general terms." Rather what is required is "all necessary information on the conditions in which it is envisaged that the individual concerned will be detained."

[16] What is commonly required from the Requesting State is, firstly, further information regarding the proposed detention of the Requested Person, and secondly, assurances that, if extradited, the Requested Person will not be subject to treatment contrary to Article 3.

Stage three: Consideration of real risk of violation

[17] Once all specific, necessary information is before the court, if the court concludes that there is a real risk that the Requested Person's article 3 rights would be violated upon extradition, execution of the warrant may not proceed.

[18] At this stage the burden rests on the Requesting State to show there is no real risk of a breach of article 3.

[19] In regard to its consideration of any assurances the Requesting State has provided in relation to how it intends to ensure convention rights will be upheld the principle of mutual trust applies. [*Zabolotnyi v Hungary* (2021 1 WLR 2569 at para 44)].

[20] In *Othman v United Kingdom* (2012) 55 EHRR 1, the European Court of Human Rights in considering the sufficiency of assurances provided by The Kingdom of Jordan set out principles applicable to a court's consideration of article 3 namely:

- (i) whether the terms of the assurances have been disclosed to the court;
- (ii) whether the assurances are specific or are general and vague;
- (iii) who has given the assurances and whether that person can bind the receiving State;
- (iv) if the assurances have been issued by the central government of the receiving State, whether local authorities can be expected to abide by them;
- (v) whether the assurances concern treatment which is legal or illegal in the receiving State;
- (vi) whether they have been given by a Contracting State;
- (vii) the length and strength of bilateral relations between the sending and receiving States, including the receiving State's record in abiding by similar assurances;
- (viii) whether compliance with the assurances can be objectively verified through diplomatic or other monitoring mechanisms, including providing unfettered access to the applicant's lawyers;
- (ix) whether there is an effective system of protection against torture in the receiving State, including whether it is willing to co-operate with international monitoring mechanisms (including international human rights NGOs), and whether it is willing to investigate allegations of torture and to punish those responsible;
- (x) whether the applicant has previously been ill-treated in the receiving State; and

- (xi) whether the reliability of the assurances has been examined by the domestic courts of the sending/Contracting State.

[21] In *Romania v Zagrean & Others* [2016] EWHC 2786 (Admin), Cranston J identified four factors, considering the principles in *Othman*, against which assurances are to be assessed, namely:

- (i) The terms of assurances must be such that, if they are fulfilled, the person returned will not be subject to treatment contrary to article 3;
- (ii) the assurances must be given in good faith;
- (iii) there must be a sound, objective basis for believing the assurances will be fulfilled; and
- (iv) fulfilment of the assurances must be capable of being verified.

The instant case

The first stage

[22] In relation to the first stage, the generalised assessment: on 24 June 2025 this court, having received extensive submissions, determined that the Requested Person had established a “*real risk*” of a breach of article 3.

[23] That finding was made with reference to a single issue, namely that of individual cell space at Cloverhill Prison, Clondalkin, Dublin, Ireland.

[24] In accordance with the guidance in *Kilgasts* a written decision was issued by this court.

[25] In its decision of 24 June 2025 the court held,

“... there is a real risk that this Requested Person would be remanded into Cloverhill Prison and there be subject to prison conditions in which his cell space would be below 3m² with the attendant presumption that this would amount to a breach of his article 3 rights.

I therefore propose to seek assurances from the Requesting State in this regard.

For the avoidance of doubt, I am satisfied I have before me evidence of a real risk of inhuman or degrading treatment

of individuals detained in the Requesting State, in relation to a single issue, that of cell space...”

[26] In short, the court concluded there was a real risk that the Requested Person would be afforded less than 3m² individual cell space, excluding sanitary facilities in Cloverhill Prison, Ireland.

[27] The significance of 3m² arises from a decision of the European Court of Human Rights in *Mursic v Croatia* [2017] 65 EHRR 1, where the Grand Chamber held that, where a detainee is afforded less than 3m² of personal space, the presumption of a violation of article 3 is a strong one but this may be rebutted where three cumulative factors are established namely:

- (i) The period of confinement in less than 3m² is short, occasional and minor;
- (ii) Such reductions are accompanied by sufficient time out of the cell, together with adequate out of cell activities; and
- (iii) The detainee is in an appropriate detention facility and there are no other aggravating aspects to his detention.

The second stage

[28] Having made the said stage one finding this court then asked the Requesting State to provide supplementary information (and relevant assurances) on the specific conditions the Requested Person is proposed to be detained in, to discount the existence of the risk that he would be subjected to inhuman and degrading treatment.

[29] The power of the court to make such requests is found in Article 604(c) and 613(2)-(3) of the UK-EU Trade and Co-operation Agreement (“TCA”), as incorporated into domestic law by the European Union (Future Relationship) Act 2020 (“EUFRA”).

[30] In this case there were a number of requests made beginning with one dated 2 July 2025 and a number of replies received (ending with one dated 11 March 2026.)

Request made on 2 July 2025

[31] The court sent correspondence to the Requesting State, dated 2 July 2025:

“Belfast County Court hereby requests your specific and focused assurance that:
The Requested Person will be guaranteed a minimum of 3m² individual cell space (excluding sanitary facilities) throughout any period of detention in respect of the criminal proceedings to which this extradition request relates.”

Reply dated 19 August 2025

[32] The Requesting State replied with correspondence dated 19 August 2025. It stated as follows, in relevant part:

“It is always the intention of the Irish Prison Service that any time spent by a prisoner with less than 3m² of personal space will be short, occasional and minor. However, the Irish Prison Service cannot offer a guarantee or confirmation of same to any prisoner at any time due to the daily changing dynamics of the prisoner population.”

Further reply dated 30 September 2025

[33] In addition the Requesting State provided a further reply, dated 30 September 2025. It provided as follows, in relevant part:

“Further to recent correspondence in respect of the above matter, we are advised as follows:

On Mr McDermott’s surrender to Ireland, he will be remanded in prison, in the normal course. He will be provided with 3m² within 72 hours of being committed to prison. This will mean his being committed to Cloverhill Prison or Mountjoy Prison initially where he may be provided with slightly less than 3m² of personal space before being moved to another prison in the prison estate.

For any period that Mr McDermott might spend with a reduction in his personal space, this will be short, occasional and minor. In addition, the Irish Prison Service allows prisoners to spend as much time as possible each day out of their cell or room to associate with other prisoners and engage in structured and unstructured activities. The average time spent out-of-cell by prisoners in the Irish Prison Service estate ranges from 7.5 hours to 8.5 hours per day depending on the constraints of the particular prison.”

[34] Therefore the gist of the two replies from the Requesting State was to provide an assurance of 3m² of “*personal space*”, save for an initial period of up to 72 hours when he may be provided with slightly less than 3m² of personal space.

Request made on 16 October 2025

[35] A further request was made by this court on 16 October 2025. The details of which were subsequently incorporated into the reply of the Requesting State dated 6 November 2025 set out below.

Reply dated 6 November 2025

[36] The Requesting State in its reply dated 6 November 2025 to the request of 16 October 2025 helpfully set out both the questions the court posed and the answers of the Requesting State.

[37] The Requesting State replied as follows, in relevant part:

“For ease of reference the responses are set out in question-and-answer type format [with the responses of the RS set out in bold beneath each question posed by the court].

We are advised as follows:

1. Belfast County Court notes that the correspondence provided by the Requesting State (dated 30 September 2025) confirmed that the Requested Person “... will be provided with 3m² within 72 hours of being committed to prison.” Please confirm that this and any further information given by the Requesting State in reply to this correspondence in relation to the issue of individual cell space refer to 3m² (excluding sanitary facilities), unless stated otherwise.

Response:

It is confirmed that, following the initial period (of up to 72 hours), that Mr McDermott will be provided with 3m² of individual cell space, exclusive of sanitary facilities.

2. Belfast County Court notes that the correspondence provided by the Requesting State (dated 30 September 2025) started with the indication that “... we are advised as follows”, before outlining certain information about the conditions of detention which would apply to the Requested Person, if surrendered. Please confirm that all information relayed in the correspondence from the Requesting State dated 30 September 2025, and in any reply to this correspondence, is to be treated by Belfast County Court as an assurance which guarantees the

conditions of detention as described therein by the Requesting State.

Response:

It is confirmed, by Ireland's Department of Justice, Home Affairs and Migration, that all information relayed in the correspondence from the Requesting State dated 30 September 2025, and in this response, is to be treated by Belfast County Court as an assurance regarding the conditions of detention.

3. Belfast County Court notes that the correspondence provided by the Requesting State (dated 30 September 2025) indicates that on the Requested Person's "surrender to Ireland, he will be remanded in prison, in the normal course. He will be provided with 3m² within 72 hours of being committed to prison. This will mean his being committed to Cloverhill Prison or Mountjoy Prison initially where he may be provided with slightly less than 3m² of personal space before being moved to another prison in the prison estate." Please assist Belfast County Court with the following:

- (a) Belfast County Court notes that the Requested Person would have the ability to apply for bail before the relevant criminal court in the Requesting State (as was explained in your previous correspondence, received on 26 February 2025). Please confirm if the information provided in respect of the first period of up to 72 hours applies only if the Requested Person is refused bail by the court, and that, immediately following his extradition, he would be held in police custody before being produced before the court.

Response:

It is confirmed that Mr McDermott would have the opportunity to apply for bail before the relevant criminal court in Ireland. Should the Requested Authority accede to Ireland's request for extradition, Mr McDermott will be arrested on foot of the domestic warrants upon which the extradition request is based; he will be brought before a judge of the District Court at the earliest opportunity (i.e. the next sitting of the District Court following the arrival of

Mr McDermott in this jurisdiction), where evidence of arrest, charge and caution will be given. He will have the right to make an application for bail on his first appearance before the District Court or at any stage thereafter. The decision to grant bail will be made by the Court in accordance with the provisions of the Bail Act 1997, as amended. Accused persons have the right to appeal a refusal to grant bail by the District Court to the High Court.

It is also confirmed that the information provided in Ireland's correspondence of 30 September 2025 in respect of the first period of up to 72 hours applies only if Mr McDermott is refused bail and that, immediately following his extradition to Ireland, he would be held in police custody before being produced before the court.

- (b) Belfast County Court notes that your last correspondence referred to the possibility that the Requested Person may be detained, for an initial period of up to 72 hours, in either Cloverhill Prison or Mountjoy Prison. This is relevant because the previous correspondence of the Requesting State (received on 26 February 2025) indicated, in respect of Cloverhill Prison only, that "... individual cell space per prisoner in certain cells may fall below 3m², but not below 2.9m²." The subsequent correspondence of the Requesting State (received on 26 March 2025) indicated that "the 2.9m² relates to personal accommodation space and is exclusive of sanitary facilities." The Requesting State will be aware that the extent of any reduction in the required minimum personal space is a factor which the court will be asked to consider. Please therefore confirm, at whichever prison the Requested Person is liable to be detained during the initial period of up to 72 hours, the minimum amount of individual cell space which will apply to him during that time, to be expressed in m² (exclusive of sanitary facilities).

Response:

A standard cell in Cloverhill Prison measures 10.9m² exclusive of sanitary facilities. Where there are three people detained in such a cell, the space per person is 3.6m² exclusive of sanitary facilities; it is envisaged that

Mr McDermott will have access to that amount of individual cell space. In the event that there are four people detained in such a cell, the space per person would be 2.73m². It is not possible at this remove to say which of these scenarios is the most likely, given the fluid nature of the prison system. It is to be noted that, the Irish Prison Service allows prisoners to spend as much time as possible each day out of their cell or room to associate with other prisoners and engage in structured and unstructured activities.

- (c) Please confirm whether Belfast County Court would be correct in interpreting your correspondence as guaranteeing the Requested Person a minimum of 3m² individual cell space (excluding sanitary facilities) throughout any period of detention in respect of the criminal proceedings to which this extradition request relates, except for the initial period of up to 72 hours.

Response:

Yes, an assurance is provided that Mr McDermott will be guaranteed 3m² individual cell space (excluding sanitary facilities) throughout any period of detention except for the initial period of up to 72 hours.

4. In respect of the initial period of up to 72 hours (in which the Requested Person may be provided with less than 3m², excluding sanitary facilities), Belfast County Court notes that the correspondence provided by the Requesting State (dated 30 September 2025) refers to out of cell time and, specifically, to the average amount of time that prisoners spend out of their cells. Please confirm the amount of out of cell time available to prisoners pursuant to the regime that would apply to the Requested Person, if surrendered (during any initial period of up to 72 hours during which he may be detained in less than 3m², excluding sanitary facilities).

Response:

As previously stated, the Irish Prison Service allows prisoners to spend as much time as possible each day out of their cell or room to associate with other prisoners and

engage in structured and unstructured activities. The average time spent out-of-cell by prisoners in the Irish Prison Service estate ranges from 7.5 hours to 8.5 hours per day depending on the constraints of the particular prison. It is confirmed that out-of-cell time in the range indicated would be made available to Mr McDermott.

It is confirmed that “unlock hours” in Cloverhill Prison are as follows:

- 8.00am to 8.30am
- 9.15am to 12.00 noon
- 2pm to 4pm
- 5.15pm to 7.20pm.

Between 12 noon and 12.40pm, individuals detained in Cloverhill Prison leave their cells to collect their meals; each landing is unlocked at different intervals during this time to facilitate same. This regime is repeated between 4pm and 4.40pm for tea.

5. In respect of the initial period of up to 72 hours (in which the Requested Person may be provided with less than 3m², excluding sanitary facilities), Belfast County Court would welcome any additional information which the Requesting State seeks to provide about: (a) out of cell activities during that initial period of up to 72 hours; (b) and any other aspects of the conditions of detention applicable during that initial period of up to 72 hours.

Response:

Mr McDermott will have access to healthcare including a doctor and nurse should he require it during that initial period of up to 72 hours. The Chaplaincy Service in Cloverhill provides a seven-day presence in the prison throughout the year and will be available and accessible to Mr McDermott. The Chaplains provide a person centred, safe and confidential space on the overall care and wellbeing of an individual as part of the prison’s multidisciplinary team.”

Further reply dated 10 November 2025

[38] This was followed by further correspondence from the Requesting State, dated 10 November 2025. This correspondence confirmed that:

“[w]e are advised by the Department of Justice, Home Affairs and Migration that in the normal course, [the RP] will be remanded in Cloverhill Prison as it is the main remand prison for the Leinster area, which includes Dublin.”

[39] The court understands that this further reply is to be read as referring to the Requested Person’s initial period of detention of up to 72 hours, if he is refused bail, before being moved to another prison.

Request made on 9 February 2026

[40] On 6 February 2026 the court convened for what was anticipated as being the third stage of the *Aranyosi* procedure given the information and assurances then to hand. However, this did not occur as a further request to the Requesting State was made.

[41] As noted above, in *Mursić* it was held that less than 3m² of personal cell space creates a strong presumption of an article 3 violation, rebuttable only where the restriction is brief and minor, offset by adequate out-of-cell time and activities, and occurs in otherwise appropriate conditions without aggravating factors.

[42] At the hearing on 6 February 2026, the Requested Person accepted that the first two of the *Mursić* factors had been established in the correspondence received from the Requesting State, as noted above.

[43] However, at that hearing the Requesting Person submitted that no information had been provided to date by the Requesting State in relation to the third factor namely whether Cloverhill is an appropriate detention facility and there are no other aggravating aspects to the Requested Person’s possible detention there.

[44] Accordingly, out of an abundance of caution, by a letter dated 9 February 2026 the court wrote again to the Requesting State asking it to provide any information it wishes to rely on regarding the third of the *Mursić* factors as would apply to the Requested Person during the initial period of his detention of up to 72 hours.

Reply dated 11 March 2026

[45] The Requesting State replied to the letter dated 9 February 2026 by its letter dated 11 March 2026.

[46] In its reply the Requesting State said in relevant part:

“... we can assure that the following conditions (as described below) will apply to Mr McDermott if, after his

surrender to Ireland, he is remanded in custody and, during any initial period of up to 72 hours, detained at Cloverhill Prison which provides him with less than, 3m² excluding sanitary facilities:

Adequate bedding facilities

Mr McDermott will be detained in a cell providing adequate sleeping facilities.

The general practice for new committals is that they will be provided with a bed for their initial first night in custody, before being moved onto a landing or transferred to a different prison within the prison estate.

It is improbable that Mr McDermott would be required to sleep on a mattress on the floor during any initial period of up to 72 hours in Cloverhill Prison. As of 10 March 2026, of those prisoners who were in custody in Cloverhill Prison, only 8% were required to sleep on mattresses which were not part of permanent beds.

In the unlikely event that Mr McDermott is required to sleep on a mattress on the floor during any initial period of up to 72 hours, he will be provided with a mattress of adequate quality, comfort and condition.

In either scenario, Mr McDermott will be provided with appropriate bed linen. All prisoners are given a pillowcase, bed sheet and a duvet cover upon committal. Additionally, the bed linen is changed and washed on a weekly basis.

Sanitary, hygiene facilities and cleanliness

Mr McDermott will be detained in a cell with a semi-partitioned toilet that provides adequate privacy. He will also be detained in a cell which is adequately clean and hygienic.

Mr McDermott will be detained in a type of cell which includes a toilet partition which is approximately 3 foot in height. The partition provides partial privacy in that it is partially obscured by a half-wall from the ground up so that only a prisoner's head and upper shoulders would be visible by other prisoners or guards.

Mr McDermott's cell will be equipped with a wash basin which provides access to hot running water and handwashing facilities. The tap water in cells is also drinkable.

Cells are cleaned by the prisoners daily.

Also, communal areas to which Mr McDermott will have access are cleaned by designated, trained prisoner cleaners.

Prisoners are provided access to showers on a daily basis and are permitted 15-20 minutes per day to have a shower.

Prisoners are provided with soap and toiletries for personal hygiene, and they can also purchase their own from the tuckshop.

Prisoners are provided with clean towels, including a bath and hand towel, on a weekly basis.

Prisoners are also provided with clean clothes and underwear, if they do not have their own.

General cell condition, ventilation, heating and lighting

Mr McDermott will be detained in a cell of adequate condition, with adequate ventilation, heating and lighting.

Prisoners have access to natural light and ventilation via a window in the cell.

Cells are equipped with adequate artificial lighting, which is self-controlled from within the cell.

There is also vent ventilation within the cell. The blocked and non-functioning ventilation holes as identified by the 2024 CPT visit have been remedied, as it transpired that some prisoners had been blocking the cell ventilation themselves. This is now mitigated by including cell vents as part of the daily cell inspection by prison staff.

The intended room temperature of a cell is between 18-21° Celsius. This is controlled through piped central heating on set times throughout the day. It is noted that the 2024 CPT visit also identified hot temperatures during the summer of 2024. Since then, measures have been put in

place to mitigate this. During this period, prisoners were provided with in cell fans and additional water.

It should also be noted that work has commenced to install cold drinking water stations throughout Cloverhill, including on landings. These stations are already in situ in gym areas and feedback is positive to date.

In terms of personal comfort, there are also tea and coffee making facilities available in cells.

Access to outdoor exercise, food and nutrition, regime information, out-of cell time, out-of-cell facilities, and other factors

Mr McDermott will have daily access to outdoor exercise in the yard during the cell unlock hours. As previously indicated, these hours are as follows: 8.00am to 8.30am; 9.15am to 12.00noon; 2.00pm to 4.00 pm; 5.15pm to 7.20pm.

The average time spent out of cell by prisoners' ranges from 7.5 hours to 8.5 hours. As previously indicated, this range of time would be made available to Mr McDermott.

As previously indicated, prisoners in Cloverhill Prison have access to medical services and a chaplaincy. They also have access to many other activities and points of interests to engage with, both indoors and outdoors, per their own choice.

The Irish Prison Service provides a wide range of out of cell activities and rehabilitative programmes to persons in custody. These include education, vocational training, healthcare, psychiatric and psychological counselling, welfare and spiritual services. As an example, prisoners can use the gym, attend school, attend workshops and engage with the various therapeutic services in the prison.

During the initial 72-hour period, following his committal interview and healthcare assessment, Mr McDermott will be provided with access to the tuckshop. During this period, he will also be considered for the opportunity to avail of the gym and will engage with the Chief of Work & Training who will assess Mr McDermott for suitable employment or training opportunities.

Mr McDermott will be served 3 meals daily. At least one of those meals will be served hot. These meals will be adequately nutritious, calorific and of good standard. The menu is changed every 28 days, and dietary requirements are taken into consideration should alternative provisions be required. Prisoners are provided drinks with their meals.

Additional food, drinks and other items can also be purchased from the tuckshop. As indicated, in terms of personal comfort, there are also tea and coffee making facilities available in cells.

Upon committal, Mr McDermott will be subject to a dynamic risk assessment which seeks to identify security issues, offence details, court information and medical information. Additional information such as information on threats to life is also sought from An Garda Síochána at the committal stage, and prisoners are encouraged to provide their own information as to any threats or enemies that they may be aware of.

Prisoners are also assessed by medical personnel at the committal stage. The information assessed will be reflected in accommodation considerations.

There are robust systems in place to keep prisoners safe from one another. For example, the Irish Prison Service utilises electronic recorded databases that capture all aspects of a prisoner's detention. This includes data from the prisoner's initial assessment, information supplied by An Garda Síochána and information provided by the prisoners themselves. This allows prison staff to identify any potential issues and measures are then taken to mitigate any negative impact, such as any prisoners who are assessed as posing a risk to other prisoners being detained separately.

Mr McDermott will have access to visits and telephone calls. Upon committal, he can fill out visitor nomination forms to include both legal and family visits. 24 hours' notice is required for a legal visit and 48 hours' notice is required for a family visit.

Prisoners are also provided with a contact nomination form where they fill out the names and numbers of persons

they wish to contact. Those numbers are contacted by prison staff to confirm that the listed contact person is happy to receive contact from the prisoner.

Once that is confirmed, the person is added to the prisoner's phone panel, and they can contact that person, or their legal representatives.

The Irish Prison Service's regime is governed by the Prison Rules 2007 and Prisons Act 2007. Irish prisons are also subject to regular inspections by the Inspector of Prisons and by prison visiting committees.

Additionally, all prison staff undergo specific prison officer training upon commencement of employment with the Irish Prison Service. Currently, staffing levels are at an appropriate level to the relevant prison to maintain these systems..."

The third stage

[47] Following receipt of the letter dated 11 March 2026 the court must now address the third stage of the *Aranyosi* procedure whereby it must conduct a specific, precise assessment and determine whether, in the light of the information provided by the Requesting State and any other information available to the court, there exists a real risk of being subject to inhuman or degrading treatment if extradited to the Requesting State because of the conditions envisaged for his detention.

[48] The court is grateful to counsel for the extensive written and oral submissions received.

The submissions on behalf of the Requested Person

[49] In his submissions on behalf of the Requested Person, Mr Halleron argues that the assurances provided by the Requesting State are inadequate because they do not guarantee the Requested Person a minimum of 3m² of individual cell space (excluding sanitary facilities) at all times of his detention. This falls to be considered in the context of the Requested Person's concession that any reduction below 3m² would be short, occasional and minor, and would be accompanied by sufficient out-of-cell time and adequate activities.

[50] Furthermore, following certain research conducted by Mr Halleron, in addition to the court conducting its stage three consideration of cell space, he also invited the court to conduct a stage one consideration of three new identified concerns in relation to Irish prison conditions namely:

- (i) Cell conditions;
- (ii) Inter-prisoner violence; and
- (iii) Delay and deficient investigations of complaints.

[51] In relation to this new, “stage one” request the Requested Person submits the additional issues are such that the court should “make a further *Aranyosi* request ...” and “seek appropriate assurances to assuage its concerns with supplementary information from” the Requesting State.

The submissions on behalf of the Requested State

[52] In his submissions on behalf of the Requesting State, Mr Thompson, submitted that:

- (i) The assurance provided by the Requesting State in respect of individual cell space is sufficient for the court to be satisfied that there are not substantial grounds for believing that the Requested Person would be at a real risk of suffering a breach of article 3 if extradited to the Requesting State.
- (ii) None of the additional issues raised by the Requested Person undermine the sufficiency of the assurance provided by the Requesting State. None surmount the high threshold of establishing a “real risk” of a breach of article 3, if considered at the first stage of the *Aranyosi* process, still less do they give rise to substantial grounds for believing that the Requested Person would suffer a breach of article 3 if extradited to the Requesting State, as the court is required to determine at the final stage of the *Aranyosi* process.

Consideration of individual cell space – the stage 3 consideration

[53] In its correspondence dated 6 November 2025, the Requesting State provided an assurance that the Requested Person will be afforded at least 3m² of personal space, excluding sanitary facilities, at all times during any period of detention save for the first 72 hours, which the Requesting State confirmed in their correspondence dated 10 November 2025 will be served at Cloverhill Prison.

[54] The Requesting State has indicated that during the initial period of 72 hours of detention in Cloverhill the Requested Person “may be provided with slightly less than 3m² of personal space ...”

[55] I remind myself what the ECHR said in *Mursić v Croatia*, noted above about circumstances where a detainee is afforded less than 3m² of personal space.

[56] In the instant case the court starts from the presumption that in Cloverhill there is a real risk the Requested Person will have his article 3 rights violated given what the Requesting State has indicated about cell space in Cloverhill.

[57] However, the court must go on to consider the three *Mursić* factors to determine if the presumption is rebutted.

[58] In relation to the first of the *Mursić* factors I am satisfied that the period of confinement will be short, occasional and minor, it being for a maximum period of 72 hours, only applicable if bail is refused and the smallest amount of personal space would be 2.73m².

[59] In relation to the second of the *Mursić* factors I am satisfied that during the 72-hour period there will be both sufficient time out of the cell, together with adequate out of cell activities. In its correspondence dated 6 November 2025 the Requested State confirmed that the Requested Person will be afforded between 7½-8½ hours out of his cell during the 72-hour period. The Requesting State has provided details of various times, “unlock hours,” throughout the day when this time out of cell may be taken. The Requesting State provided details in its letter of 6 November of out-of-cell activities including access to medical personnel and the chaplaincy service. This was augmented by the Requesting State in its letter of 11 March 2026 in which they noted opportunities to exercise, access education, undertake vocational training and attend counselling and welfare services.

[60] In relation to the third of the *Mursić* factors I am also satisfied that Cloverhill is an appropriate detention facility and there are no other aggravating aspects to the Requested Person’s detention. In this regard I note the information provided by the Requesting State in its letter dated 11 March 2026 in which it provides detailed practical information under a variety of headings in relation to Cloverhill namely: bedding facilities; sanitary, hygiene facilities and cleanliness; general cell conditions, ventilation, heating and lighting; access to outdoor exercise, food and nutrition, regime information, out of cell time, out of cell facilities and other factors. The letter concludes with the Requesting State saying, if detained in Cloverhill the Requested Person “will be detained in what is, when viewed generally, an appropriate detention facility without other aggravating aspects to the conditions of his detention.”

[61] In assessing the assurances given by the Requesting State, both in relation to any initial detention in Cloverhill and thereafter elsewhere, the court must assess the reliability and sufficiency of the assurances applying what was said in *Othman* and in *Zagrean*.

[62] I am satisfied the assurances have been given in good faith and there is no evidence before the court that the Requesting State will not comply with them nor is there any evidence that fulfilment of the assurances cannot be objectively verified.

[63] I am also satisfied that when the assurances are fulfilled the Requested Person will not be subject to a treatment that would violate article 3. In relation to an initial period of detention in Cloverhill, considering the three factors outlined in *Mursić* cumulatively I am satisfied the Requesting State has rebutted the presumption there will be a breach of article 3 if the Requested Person is detained in Cloverhill in a cell which affords him less than 3m² of personal space.

[64] Therefore, I accept the assurances offered by the Requesting State and thus find that the Requested Person will not suffer a violation of his article 3 rights in relation to cell space.

Additional concerns identified by the Requested Person - the new stage one consideration

[65] At the point when the court was about to conduct the stage 3 hearing in relation to cell space, given certain information published about Irish prison conditions, Mr Halleron in his written submissions said:

“... the court is obliged to make a further *Aranyosi* request
... in respect of the following issues:

- (i) Cell living conditions generally in Cloverhill;
- (ii) Inter-prisoner violence in Cloverhill; and
- (iii) Delays and deficient investigations of complaints in Cloverhill.”

[66] While Mr Halleron’s written submissions invited the court to make the further stage 1 *Aranyosi* request about issues “in Cloverhill” the information he relied on ranged across the Irish Prison estate which he confirmed he wished the court to consider.

[67] The information relied upon by Mr Halleron in relation to the additional concerns is contained in various reports and some published statistical information namely:

- (i) A report dated 24 July 2025 by the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (“the CPT report”) following its periodic visit to Ireland in May 2024, to, *inter alia*, evaluate systemic issue affecting Irish prisons and the response of the Requesting State
- (ii) The Annual Report by the Office of the Inspector of Prisons dated November 2025 which included a report on its December 2024 inspection of Cloverhill prison

- (iii) Irish Prison Service Population Statistics providing daily updates in respect of the prison population
- (iv) A report of the Office of the Inspector of Prisons on Cloverhill Prison published on 16 January 2026 following an inspection in May 2023
- (v) A follow up report of the Office of the Inspector of Prisons on Cloverhill Prison published on 4 February 2026 following an inspection in December 2024
- (vi) Annual statistics on inter-prisoner violence published by the Irish Prison Service.

Cell living conditions generally

[68] In relation to this issue Mr Halleron drew the court's attention to various parts of the 2025 CPT report following its visit to Ireland in May 2024.

[69] Among the issues Mr Halleron directed the court to, he noted that the 2025 report found there to be chronic overcrowding in all prisons visited including Cloverhill.

[70] He also noted that in relation to some parts of Cloverhill, Limerick and Castlerea prisons the report stated at para 153,

“Multi occupancy cells did not have fully partitioned sanitary annexes, some had mould on the ceilings, were dilapidated and dirty, with insufficient access to natural light due to obstructed windows and limited ventilation often caused by blocked or nonfunctional ventilation holes or security window mesh/grills.”

[71] Mr Halleron noted the Office of the Inspector of Prisons' report dated 6 November 2025 included reports of its inspections of various prisons including Cloverhill. The report commented, “Overcrowding at Cloverhill Prison remained the primary issues of concern to the Inspectorate.” Following an inspection in December 2024 the report commented “The vast majority of people were living in degrading conditions at Cloverhill Prison.”

Inter-prisoner violence

[72] In relation to inter-prisoner violence Mr Halleron again drew the court's attention to the 2025 CPT report. In relation to Cloverhill the Executive Summary said:

“inter-prisoner violence and bullying remain pervasive, especially in Cloverhill, where much of the violence is tied

to contraband smuggling and drug related conflicts. The rising number of violent incidents underscores insufficient measures to prevent such occurrences.”

[73] Mr Halleron noted that the CPT report had found that measures to prevent inter-prisoner violence were insufficient not only in Cloverhill but also made reference to both Castlerea and Limerick prisons.

[74] In addition, Mr Halleron drew the court’s attention to the report of the Office of the Inspector of Prisons on Cloverhill Prison published on 16 January 2026 , the follow up report of the Office of the Inspector of Prisons on Cloverhill Prison published on 4 February 2026, and the Annual statistics on inter-prisoner violence published by the Irish Prison Service.

[75] In the report of Office of the Inspector of Prisons on Cloverhill Prison of January 2026 it notes at para 2.70:

“While many prisoners interacted with fellow prisoners, there existed an environment of tension and aggression in most areas of the prison ... which often erupted into short periods of violence.”

Delay and deficient investigations of complaints

[76] In relation to delay and deficient investigations of complaints Mr Halleron again referred the court to the 2025 CPT report in which it was stated at para 73:

“In sum, the deficiencies in the complaint system regarding allegations pertaining to core issues of safety, notably ill treatment and abuse of prisoners by prison staff, have not been addressed since the CPTS recommendations set out in its 2019 report.”

[77] In relation to all the additional concerns Mr Halleron submitted when considered cumulatively along with the issue of cell space there is a real risk of a breach of article 3 and thus the court should seek supplemental information from the Requesting State and appropriate assurances.

[78] The Requested Person also submitted that, even if he is detained in circumstances where his personal cell space is more than 3m², nevertheless his article 3 rights will be violated as a result of the additional concerns identified considered cumulatively.

Submissions of the Requesting State

[79] In relation to the additional matters raised by the Requested Person the Requesting State submitted:

- (i) Much of the information relied on by the Requested Person is not sufficiently up to date for the court to place reliance on.
- (ii) In relation to Cloverhill Prison, given the Requesting State has confirmed the maximum length of time the Requested Person will be detained there is 72 hours, any breach of article 3 that may occur there will be short-lived.
- (iii) Given the Requesting State is a signatory to the Convention there is a presumption, which is not easily displaced, that it will ensure compliance with the Requested Persons convention rights in the absence of evidence to the contrary which the Requested Person has failed to provide.

Consideration of the additional matters – the stage one consideration

[80] In relation to the first stage of the *Aranyosi* process the court must determine whether the Requested Person has satisfied it that there is objective, reliable, specific and properly updated information demonstrating that there are systemic or generalised deficiencies in detention conditions prevailing in a requesting state which give rise to a real risk of inhuman or degrading treatment.

[81] As noted above the information the court is invited to place reliance on must be properly updated. The point in time for the evaluation of real risk being the date of the court's consideration of it [*Chahal v United Kingdom* (1996) 23 EHRR 413].

[82] In the instant case I am not satisfied the additional information the Requested Person places reliance on is properly updated. The 2025 CPT report relates to the Committee's visit to Ireland in May 2024. The 2025 Annual Report of the Office of Inspector of Prisons relates to a variety of inspections from March 2024 to December 2024 while its reports of Cloverhill relate to inspections in May 2023 and December 2024. The need for evidence to be properly updated is of course because over time things can change.

[83] To illustrate the point the court notes that the 2024 CPT visit to Cloverhill found, "temperatures in overcrowded cells became very hot at certain periods during the summer ..." However, in correspondence from the Requesting State dated 11 March 2026 it notes that since the 2024 CPT visit "... measures have been put in place to mitigate this."

[84] In relation to cell living conditions generally the court notes that the information relied on by the Requested Person is to the effect that within the Irish Prison estate prisoners were detained in overcrowded conditions, in multi-occupancy cells without fully-partitioned annexes, cells with mould on the surfaces, which are

dirty and dilapidated and have poor access to natural light and limited ventilation. However, I consider the information provided by the Requested State in its correspondence with this court which post-dates the additional information the Requested Person relies on is to be preferred. In this regard I note the letter from the Requesting State dated 11 March 2026, the relevant part of which is set out above, which sets out the position in relation to cell living conditions and in general demonstrates much improved cell living conditions.

[85] In relation to inter-prisoner violence, the applicable legal test is to be found in the decision of the House of Lords in *R (Bagdanavicius) v Secretary of State for the Home Department* [2005] UKHL 38. Here the court held that where a breach of article 3 is alleged a two-fold test applies with the person sought to be removed having to establish:

- (i) that he would be at real risk of suffering serious harm from non-state agents, and
- (ii) that the receiving country does not provide a reasonable level of protection against this risk.

[86] I am not satisfied the Requested Person has established either limb of the *Bagdanavicius* test.

[87] In the CPT report, which the Requested Person relies on, following the Committee's visit to Irish Prisons in May 2024 they comment at para [58]:

“Frequent low level, and some severe, inter prisoner violence and bullying was noted at all prisons visited, with the highest levels evident at Cloverhill Prison.”

[88] The court notes that the CPT conclusions therefore suggest that most inter-prisoner violence is “low level.” I am not satisfied any of the additional information relied on by the Requested Person is sufficient to establish there is a real risk a prisoner will suffer serious harm.

[89] In any event the court notes that in its response to the CPT report the Requesting State's stated commitment to “develop and implement a strategy based on international best practice in relation to the systemic management of violence in custody.”

[90] In this regard the court is cognizant of the Requested State's assurance of 11 March 2026, set out above, which demonstrates it provides reasonable levels of protection in relation to inter-prisoner violence. This correspondence notes that:

- (i) Upon committal the Requested Person “will be subject to a dynamic risk assessment which seeks to identify security issues ...”

- (ii) “Additional information such as information on threats to life is also sought from An Garda Siochana ...”
- (iii) “... prisoners are encouraged to provide their own information as to any threats or enemies that they may be aware of.”
- (iv) “There are robust systems in place to keep prisoners safe from one another.”

[91] Finally, in relation to the Requested Person’s concerns regarding delay and deficient investigations of complaints these are grounded in the CPT report. I am not satisfied what is relied on establishes a real risk of a breach of article 3. The CPT report notes that previous recommendations made by the Committee had not been implemented and after reviewing the position in its visit in May 2024 concluded at para [73]:

“In sum, the deficiencies in the complaint system regarding allegations pertaining to core issues of safety, notably ill treatment and abuse of prisoners by prison staff, have not been addressed since the CPT’s recommendations set out in its 2019 report.”

[92] However, the Committee went on to note that “a new model of complainants was, at the time of this visit, in the process of being drawn up ...”

[93] In their response to the CPT report, the Requesting State noted that following a previous review of the complaints system,

“... the process to develop a new Prisoner Complaints System commenced. Unfortunately, this work was impacted by the Covid-19 pandemic and remains on-going between stakeholders to establish the new system, taking into account the recommendations of the Inspector of Prisons, in line with the basic principles surrounding complaints mechanisms as laid out in the 27th General Report of the CPT.”

[94] The additional issues raised by the Requested Person are not such as to create a presumption of a breach of article 3. Furthermore, I am not satisfied that there is a real risk of a breach of article 3 when they are assessed cumulatively. Neither are they such as to render the assurances provided by the Requesting State inadequate, being a consideration at the third stage of *Aranyosi* process.

Conclusion

[95] Therefore, for the reasons noted above the court rejects the Requested Person's objections to his extradition grounded on article 3 of the Convention and section 21A of the 2003 Act.

[96] I order the Requested Person's extradition to the Requesting State.

[97] The Requested Person has seven days from today's date to lodge an appeal to the High Court against this ruling pursuant to section 26 of the Act.

[98] I will hear submissions from counsel as to whether he should be remanded into custody pending his extradition.