

FAIR TRIALS  
INTERNATIONAL

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# justice *in* EUROPE

## The Arrest Warrant

At Fair Trials International we believe that respect for fundamental rights and the rule of law should be at the heart of European justice policy. Europe must cooperate to fight serious crime but this must not be at the expense of our basic rights and freedoms.

Europe's fast-track extradition regime (the European Arrest Warrant) is causing serious cases of injustice but, through our Justice in Europe campaign, we are succeeding in making the case for reform. In the year ahead we will continue our work for a system which is both fair and effective.

Working for a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused

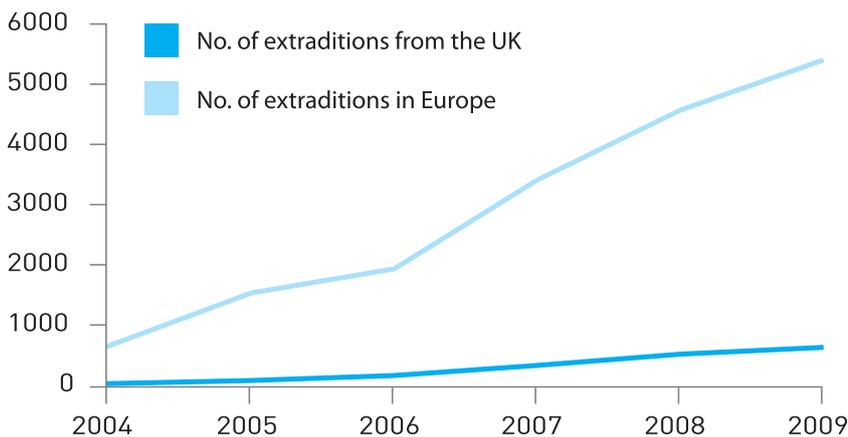
Imagine that you are arrested, torn from your home and family and sent to a prison in a foreign country. You don't speak the language, you have no idea of your rights and you are imprisoned far from home. Extradition is a horrendous ordeal. People involved in serious crime should not be able to escape justice by crossing borders but Europe's current extradition system is causing grave and avoidable cases of injustice.

## The European Arrest Warrant

### What is a European Arrest Warrant?

The European Arrest Warrant is a fast-track system for surrendering people from one EU country to another to face trial or serve a prison sentence. It has removed many of the traditional safeguards in the extradition process. If a court in one country demands a person's arrest and extradition, courts and police in other countries must act on it. In 2009, this fast track extradition system was used to extradite over 4000 people across the EU (700 people from the UK alone).

### Number of extraditions under the Arrest Warrant 2004–2009



Source: European Council questionnaire on the EAW



**Edmond Arapi**

### **Wanted for a crime he could not have committed.**

British courts ordered Edmond's extradition to Italy to serve sixteen years for a murder in a city he had never visited and which took place on a day he was at work in the UK. Italy only dropped the extradition demand after a high-profile campaign by Fair Trials International. By this time he had already spent weeks in custody, separated from his young family.

*"I had overwhelming evidence that I could not have committed the crime yet they didn't care. All they cared about was following the procedures of the arrest warrant, and I spent six weeks in jail as a result."*

**Edmond Arapi**



With financial support from the EU's Criminal Justice Programme

**What needs to change?**

Fair Trials International is calling for reform of the European Arrest Warrant to ensure that it works efficiently and in the interests of justice:

**No extradition for minor offences**

**The Problem**

Arrest Warrants are being issued for minor offences such as stealing a dessert and going over an overdraft limit. Not only does this lead to injustice in individual cases, it also places an unjustified burden on public funds.

**The Solution**

Arrest Warrants should not be issued for minor offences where the effect of extradition is disproportionate to the alleged crime.

**Stronger protections for fundamental rights**

**The Problem**

The Arrest Warrant regime is based on blind faith in the criminal justice systems of other European countries. Standards of justice however vary greatly from one EU country to another and fundamental rights do not receive the same level of protection in all countries.

**The Solution**

Stronger safeguards must be put in place to stop people being extradited where it would result in a breach of their fundamental rights. The EU must also continue to take action to ensure that basic fair trial rights are respected everywhere in Europe.

**Improved system for removing warrants**

**The Problem**

If one country refuses to execute an Arrest Warrant because extradition would be unjust, the person still faces re-arrest, every time they leave the country.

**The Solution**

If a court in one European country decides that extradition would be unjust, that decision should be respected across the EU and the Arrest Warrant should be removed.



**Deborah Dark**

**British grandmother wanted in France for a twenty year old conviction she knew nothing about.** Despite courts in both the UK and Spain ruling that it would be unjust to extradite her, France refused to remove the Arrest Warrant. Deborah was trapped in the UK, unable to visit her father in Spain.

*“Without FTI I would be in jail in France. I wouldn’t be able to look after my grandchildren and watch them grow up.”*

**Deborah Dark**



**Andrew Symeou**

**(Mother and sister pictured) Student held for 18 months in Greece awaiting trial after his extradition.**

Following extradition to Greece, despite evidence of police misconduct and a flawed investigation, Andrew spent over 10 months in prison and was denied bail because he was a non-national.

*“The sight of our son in prison is heartbreaking. If we did not have the help of FTI we would be lost.”*

**Andrew’s parents, Frank and Helen Symeou**

For more information on all the cases featured and our proposals for reform visit [www.fairtrials.net](http://www.fairtrials.net)

# Fair Trials International

## Achievements

- We have generated high profile coverage on television, radio and print showing the injustices being caused by the Arrest Warrant.

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*"I very much appreciate your ongoing support for my work on procedural rights for suspects and accused persons and your ongoing input into identifying where improvements must be made in the EAW system."*

Viviane Reding, Vice-President of the European Commission, in a letter to FTI

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- In the wake of our calls for reform of the Arrest Warrant, the Government announced a review of the UK's extradition arrangements and politicians responsible for the legislation have recognised its flaws.

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*"I was insufficiently sensitive to how [the Arrest Warrant] might be used not only for misdemeanours carrying greater sentences elsewhere than they would here – but also to the vagaries of time."*

Rt Hon David Blunkett MP, former Home Secretary

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- FTI's campaigning at EU level led the European Commission to accept the need for improvements to the European Arrest Warrant.

## Future Plans

We will continue to build on these achievements by:

- Generating public and political awareness of the rights violations resulting from the Arrest Warrant.
- Playing a leading role in responding to future EU justice initiatives to ensure the faults with the Arrest Warrant are not replicated.
- Campaigning to ensure fair trial rights are upheld across the EU, including the right to legal advice and to communication with relatives and consular officials.
- Launching a campaign to improve standards of pre-trial detention across Europe.

## European Defence Rights

A third of the people who contacted Fair Trials International in 2010 reported that they were denied access to an interpreter or translation of key documents. We have long campaigned for EU guarantees of this fundamental right, without which a fair trial is impossible. This work paid off. In October 2010, a new law was passed to ensure anyone facing charges in an EU country is given access to interpretation and translation.

## Support Us

At Fair Trials International, we rely on the generosity of our supporters to continue our work. With your support we will continue to fight individual cases of injustice and to campaign for fair trials across the globe. To find out more and how to get involved, visit [www.fairtrials.net](http://www.fairtrials.net)

## Want to Know More?

Keep informed about our work by signing up to our monthly e-newsletter at [www.fairtrials.net](http://www.fairtrials.net) or email [information@fairtrials.net](mailto:information@fairtrials.net)

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