

**Helping** people  
to understand and  
exercise their rights

**Fighting** the  
underlying causes  
of unfair trials

**Building** an  
international network  
of fair trial defenders

**Fair**

**Trials**



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# Introducing Fair Trials

Injustice anywhere  
is a threat to justice  
everywhere.

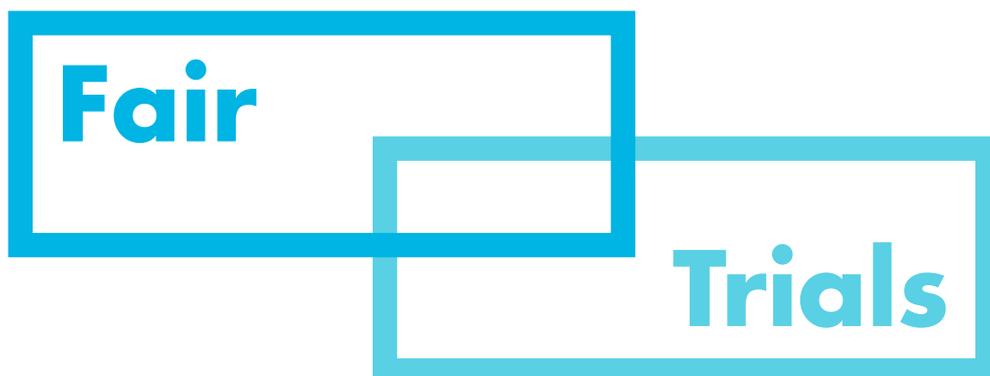
Fair Trials is a specialist human rights NGO. We exist to build respect for the fundamental human right to a fair trial. On behalf of Fair Trials, I am delighted to share this short introduction to our work and our impact.

Fair trials are the only way to prevent miscarriages of justice and are an essential part of a just society. Every person accused of a crime should have their guilt or innocence determined by a fair and effective legal process. But the right to a fair trial is not just about protecting suspects and defendants; it also makes societies safer and stronger. Without fair trials, victims can have no confidence that justice will be done. Without fair trials, trust in government and the rule of law collapses.

The right to a fair trial is not new; it has long been recognised by the international community as a basic human right. Despite this, it's a right that is being abused in countries across the globe with devastating human and social consequences.

What is new is the scale and nature of the challenge: the number of people directly affected by criminal justice is growing with new offences created every day and increasing numbers being jailed. Countries are developing swifter ways of imposing punishments, often without a trial; the global "war on terror" and flawed political talk of "rebalancing" criminal justice systems to make us safer has had a corrosive effect; dictators are finding new ways of using criminal justice as a tool of oppression; and human rights face new threats from increasing cross-border cooperation to fight crime.

**Our work to make the human right to a fair trial a reality is more important now than ever before.**



# Fair Trials

Thankfully there are also exciting new opportunities to make fair trials a reality. A vibrant human rights movement is emerging; the legacy of the “war on terror” has highlighted the costs of derogating from fundamental rights; the central role of justice and the rule of law in development is at last being recognised; cross-border cooperation is showing that injustice anywhere really is a threat to justice everywhere; and social media and the internet have made it possible to reach many more people in need of help and to build a global movement for fair trials.

This short report shows how we are making the most of these opportunities. We recognise the scale of the challenge and we realise that we can’t achieve our goals on our own. But by working with the best local experts we are protecting people against miscarriages of justice and building fair and effective criminal justice systems that benefit everyone.

**Jago Russell**  
Chief Executive



*Our vision:*  
A world where every  
person's right to a fair  
trial is respected.

**Helping** people to understand and exercise their rights. Throughout this report are compelling human stories of some of the people we have helped. Their cases have been instrumental in raising awareness of systemic fair trial abuses.

**Fighting** the underlying causes of unfair trials through balanced and evidence-based campaigns, research and policy work, which put human rights at the forefront of criminal justice.

**Building** an international network of fair trial defenders, because collaborating with the best local experts helps us to understand the causes of injustice, design solutions and build support for reform.

*This is* **how we work.**

*We are committed to making fair trials a reality and are proud of our successes to date. With your help we hope to achieve much more.*

# Detention without trial

**“Excessive use of pre-trial detention runs against human rights.”**

*Thomas Hammarberg*  
Former Commissioner  
for Human Rights Council  
of Europe

**Globally, there are close to three million people being held in pre-trial detention.** These are people who have not been convicted of any crime, are being imprisoned and are trapped in a legal limbo for months or years, losing their jobs and being separated from their families. Our clients’ cases show the shocking effects that pre-trial detention can have.

**We want to see an end to the excessive and unjustified use of pre-trial detention.** Sometimes it is necessary to hold a person before trial—for example, to ensure key witnesses are protected—but pre-trial detention should be used as a last resort. It should be reserved for the few cases where it is really justified and where less severe alternatives wouldn’t work. Pre-trial detention should be subject to strict time-limits and regularly reviewed by a court.

**Fair Trials is campaigning to end the unjustified and excessive use of pre-trial detention.** Starting in Europe, we are now working with partners in ten countries to build a unique understanding of why pre-trial detention is being used so excessively. We are looking behind the law and analysing what is happening in practice.

This unique research will be invaluable to diagnosing the problem and then prescribing practical solutions tailored to local needs.

**We are closer than ever before to clear minimum standards on pre-trial detention.** Cases like Andrew’s (p10) have shown that pre-trial detention isn’t just an issue for lawyers and academics; it’s something that is needlessly destroying lives and wasting huge amounts of public funds. Thanks to our policy and campaigns work, policy-makers in Europe are starting to call for EU-wide laws to address the problem. These could act as a model for the rest of the world.

No. of pre-trial detainees in EU:  
**132,800**. Annual cost of pre-trial  
detention in EU: **€4.8bn**.\*



\* Figures taken from our report  
'Detained without trial'  
(October 2011)

# Andrew Symeou



Andrew's case is one of many.  
For more please visit: [fairtrials.org](https://fairtrials.org)

Andrew was twenty years old when he was extradited to Greece. He spent nearly a year in pre-trial detention in horrendous conditions before finally being cleared of any wrongdoing.

The case illustrates how pre-trial detention is often used as a first (not last) resort, when alternatives could have been used which would have been far less traumatic for Andrew, and cheaper for the authorities.

Andrew's case has been cited by politicians and the press to show the need for reform. It prompted the UK Home Secretary to introduce a new safeguard against extradition months before trial, known as the 'Symeou clause'.

“My experience was awful but, thanks to Fair Trials and others, politicians have started to recognise the need for change, meaning that other innocent people won't have to go through what I did.”

# EU defence rights



Between 2007 and 2014, the European Court of Human Rights found that EU Member States had violated the right to a fair trial in almost **500** cases.

**Fair trial abuses are a daily reality in courts, police stations and prisons across Europe.** Every week we are contacted by people facing criminal charges who have no idea of their rights, no understanding of the legal system and no legal aid to help them pay for a lawyer or interpreter. This same message is being heard by members of LEAP, the Legal Experts Advisory Panel—our network of criminal justice experts and lawyers from across all 28 of the EU Member States.

**We have a unique opportunity to do something about this.** In 2009 the EU started down a path that promised fair trial rights for the eight million people accused of crimes every year in the EU. It recognised that, until we have justice in Europe, human rights abuses will continue to undermine the ability of countries to work together to fight crime. The EU is creating new minimum fair trial standards with the power to tackle systemic abuses across the whole of the EU. These could lead the way in showing countries around the world how to build respect for fair trials and the rule of law.

**Fair Trials is at the heart of the movement for human rights in criminal justice systems across Europe.** We have become “go to” experts for the EU institutions developing these new laws, facilitated by our new office in Brussels. LEAP provides a unique insight into the reality in courtrooms and prisons across Europe. By highlighting our clients’ experiences of injustice in Europe we have helped to maintain the momentum for reform. Our balanced and evidence-based policy interventions have contributed to stronger and more effective fair trial safeguards.

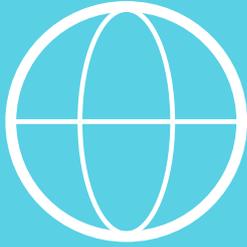
**We continue our work to make justice in Europe a reality.** New laws have been passed guaranteeing basic defence rights—such as access to a lawyer—but much more remains to be done. The EU is now negotiating protection for legal aid and the presumption of innocence. Crucially, these laws need to be used in practice (read more about this on p24).

With the help of our experts, we have also produced country-specific Notes of Advice to help people to understand their rights and find the local support they need to exercise them.

# Eight Million

The number of people accused  
of crimes every year who will  
have their rights protected  
by the new EU laws we have  
helped to secure.

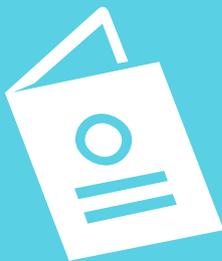
**Helping** people to  
understand and exercise  
their rights



We have helped  
over **100** nationalities in  
over **120** different countries  
in the last 5 years

“Thank you for  
providing such great  
work for people  
like me in such  
hard times.”

Maltese client  
detained in Spain



**35** country  
advice notes  
given out to over  
**500** people a year

**8m**

Delivering **3** EU laws  
applying across Europe,  
affecting the rights of  
**8,000,000** people

**Fighting** the  
underlying causes  
of unfair trials

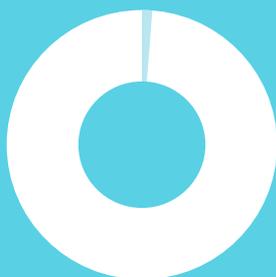
**Building** an  
international network  
of fair trial defenders



Over **130** lawyers,  
NGOs and academic  
members in our legal  
expert network



**120** lawyers  
trained in 2013,  
made up of  
**23** nationalities



**94%** of  
Fair Trials spending  
goes into charitable  
activities (2013/14)



**450** hours of  
pro-bono support from  
lawyers every year for our  
evening advice clinics

# INTERPOL

“Fair Trials’ report is a thoughtful contribution towards improving the protection of the rights of individuals who are sought through INTERPOL channels, notably through the Red Notice system.”

INTERPOL, 2013

**INTERPOL is being used as a weapon against journalists, human rights defenders and refugees.**

INTERPOL is the world’s largest international policing organisation, with 190 member countries. It plays an important role in fighting crime, but its systems are being abused by countries around the world.

INTERPOL’s own authority is being undermined, while innocent people are being detained for months on end, with their families separated, reputations destroyed, and lives ruined.

**Fair Trials is campaigning for simple changes to help make INTERPOL a more effective crime-fighting tool.**

We believe that INTERPOL can and must do better at filtering out abuses before it circulates “wanted person” alerts across the globe with its stamp of approval. We believe that victims of abuse should have redress through a fair, open and impartial process. At present, INTERPOL is operating in a legal black hole.

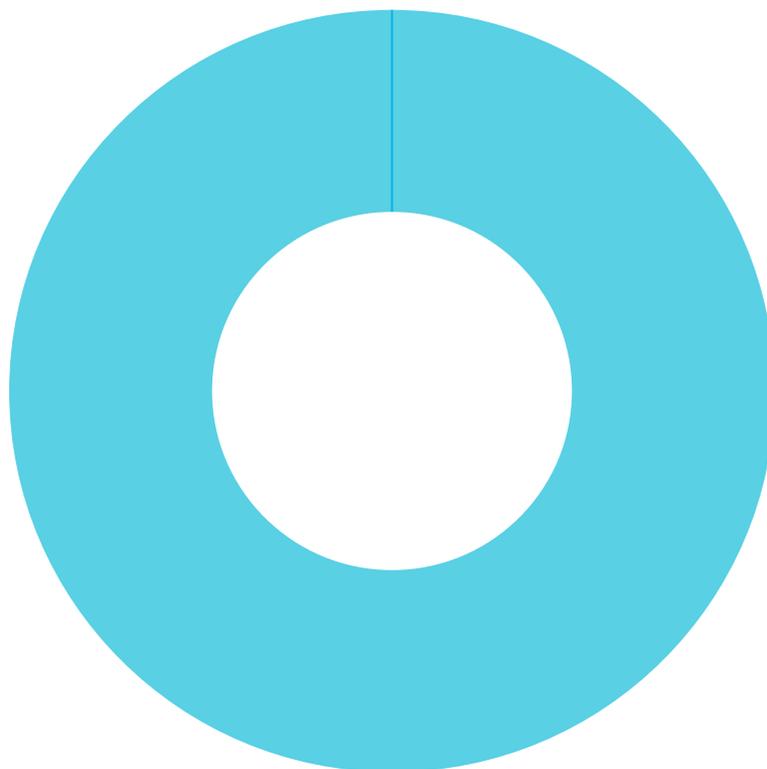
**Fair Trials is working with**

**INTERPOL, not against it.** Since 2012, we have helped dozens of people subject to abusive INTERPOL alerts from countries including Russia, Turkey, Venezuela, Sri Lanka and Indonesia (see Benny’s case, p.18). For the first time, our report, ‘Strengthening respect for human rights, strengthening INTERPOL’ demonstrated the extent and causes of these abuses and proposed reforms that would prevent injustice.

**INTERPOL is listening.**

Our work for individual victims of abuse has enabled us to get some alerts removed and has generated global press coverage including with the BBC, Al Jazeera, the Economist, New York Times and Le Soir. Our work has not gone unnoticed: political pressure is mounting for INTERPOL to introduce much-needed safeguards, including from the OSCE, a US Senate Committee and the Council of Europe. In 2015, INTERPOL announced that it had taken the first steps towards implementing reforms that Fair Trials had proposed.

**€70,000,000** - INTERPOL's operating income. **€120,000** (0.17%) - budget for the internal oversight body that deals with requests to delete abusive alerts.\*



\* INTERPOL budget figures, 2012



# Benny Wenda

Benny leads an international campaign for the people of West Papua. Before he managed to flee Indonesia, Benny was persecuted by the government, subjected to torture, death threats and a politically-motivated prosecution.

Benny was given asylum but, years later, was shocked when he found a picture of himself on INTERPOL's website labelling him a terrorist after Googling his own name. Indonesia had obtained a Red Notice against Benny, making it impossible for him to move freely, campaign, and live a normal life.

“Indonesia was only using this INTERPOL Red Notice to try to silence me (and keep me from travelling to tell the truth about what they are doing to my people). I am not the criminal; Indonesia is.

Thanks to Fair Trials, the Red Notice was removed and I could return to campaigning for a free West Papua.”

Benny's was the first INTERPOL case we saw, but it soon became clear that it was not an isolated one. Benny's Red Notice was deleted, but others haven't been so lucky. The need for wider reforms continues.

**“We believe that it is possible to combine effective extradition with respect for human rights. We have shown how simple reforms could achieve this, building public trust in extradition and preventing abuse and overuse.”**

# Extradition

**Since 9/11, countries have made it quicker and easier to extradite people.** Countries need to work together to fight serious cross-border crime but too often this is being done at the expense of basic human rights. People are being extradited to countries where their human rights are at serious risk, months or years before a trial is due to start, and for minor crimes where the human and financial costs of extradition are disproportionate.

**We want extradition laws that safeguard basic human rights.** We believe that it is possible to combine effective extradition with respect for human rights. We have shown how simple reforms could achieve this, building public trust in extradition and preventing abuse and overuse:

- Protection against people being extradited where there is a real risk they will be subjected to serious human rights abuses;
- Where they are available, alternatives should be used and extradition should not be used for minor crimes;

- People should not be extradited until the country concerned is ready to charge and try them; and
- A more transparent process is needed for deciding where cross-border cases are prosecuted.

**Fair Trials has been campaigning for fairer extradition laws since 2009.** We have helped dozens of people facing extradition and have prevented serious miscarriages of justice. Our clients' cases have become synonymous with the need for reform, generating press and political interest in the UK and beyond (see Natalia's case, p.22 for example). We have also produced detailed policy documents and reports explaining why reform is needed and making practical suggestions.

## **Our campaign is working.**

Persuading states to match effective extradition laws with safeguards for human rights has been a challenge but the UK Government has already taken on board some of our recommendations and changed the law. The European Parliament has also called for EU-wide reforms to its fast-track extradition law, the European Arrest Warrant.

# Natalia Gorczowska



Natalia's case is one of many.  
For more please visit: [fairtrials.org](https://fairtrials.org)

Natalia faced extradition to Poland for a minor offence she committed as a teenager. If extradited, she would have been separated from her son, Nathan (who was just a baby at the time). At the last minute her extradition was prevented, meaning that Nathan didn't lose his mum.

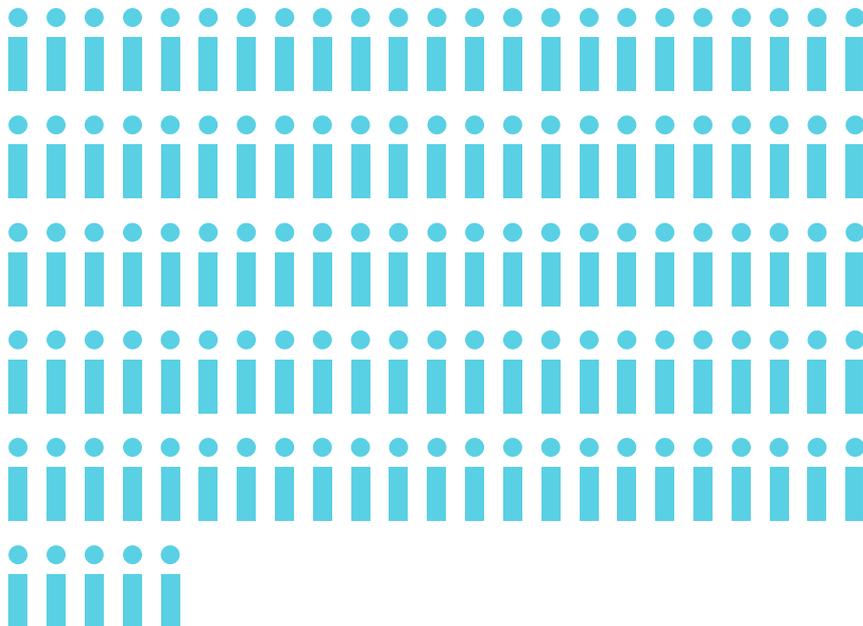
Natalia is just one of the many EU citizens who have used their right to free movement to try and build better lives for themselves and their families in other countries, only to then face losing it all for petty crimes.

“In one moment everything was done. I was sure I was going to lose everything. My son was always my dream and just because of that arrest warrant, I could have lost him for sure.”

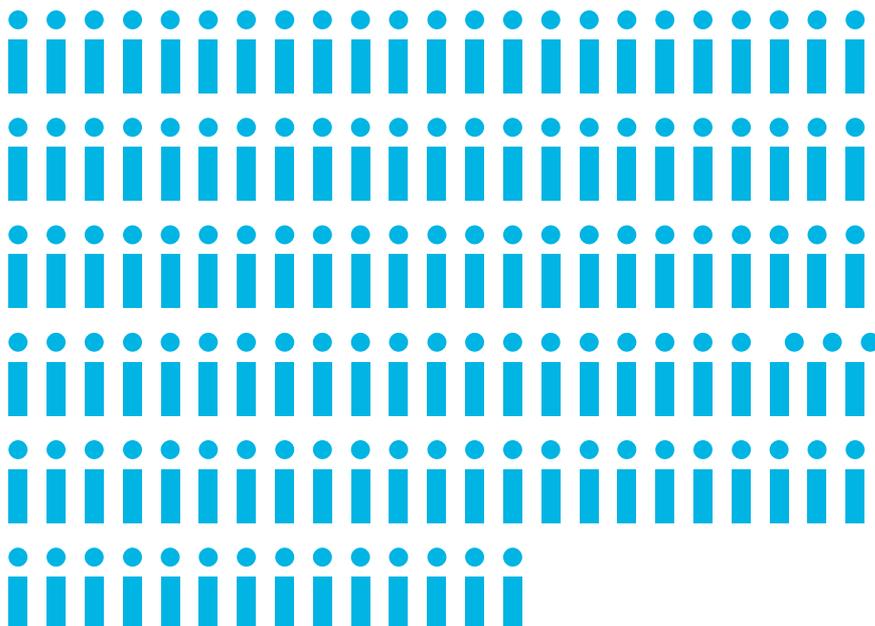
Fair Trials has succeeded in getting changes made to the UK's extradition arrangements to help the hundreds of people who face similar problems to Natalia, and the European Parliament has recognised the need for Europe-wide reform.

# Building international networks and training

**120** lawyers trained  
in 2013 alone, made up of  
**23** nationalities



**130** lawyers, NGOs and  
academic members in our  
legal experts network



**“No questions were asked other than my name, and then I was locked up for 18 months without knowing any detail or the charges against me.”**

*Fair Trials’ client*  
Spain

**Imagine being put in prison without knowing the charge against you. You might think they’ll tell you after a few hours, maybe a day or two, definitely a week. When do you give up hope?**

For years, in countries across Europe, people have been detained with little if any information. How can you defend yourself when you don’t know the case against you?

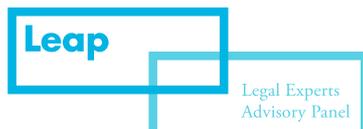
Working with LEAP, our Legal Experts Advisory Panel—a network of criminal justice experts coordinated by Fair Trials Europe, we were able to document the human cost and scale of the problem. The EU had to listen to us: this wasn’t just the view of one NGO, but the experience of lawyers and NGOs across the EU experiencing these problems in practice every single day.

**In April 2012 the EU responded to our calls with a new law which could change all this.** It requires countries to give suspects and their lawyers the information they need to prepare a defence and challenge detention. Any person arrested anywhere in the EU can now rely on this law to access the information they need to prepare a defence.

**This was a positive step for justice, but it is only the start.** For years, human rights organisations have secured new laws and court decisions, only to find that countries are not respecting them. But at Fair Trials, we are committed to making sure the law is used in practice.

**LEAP members are helping us to make sure that lawyers across Europe know about these new fair trial standards.** They are helping us to provide training, both in person and online, and are working with us to develop tools that lawyers can use to persuade local judges and prosecutors to take notice.

In Spain for example, LEAP members and lawyers we have trained have been able to use this new EU law to challenge the continued use of blueprint justifications to deny access to a client’s casefile. They have challenged the authorities in the Spanish Constitutional Court and undertaken a range of professional and public initiatives based on the EU laws we’ve helped to secure to promote good practice by the police and courts.



**It is early days but we are starting to see the impact we can have when we work with the best local experts.**

### Who we are

Fair Trials has a growing number of experienced, mainly legal, staff based in its London and Brussels offices. Our work is also generously supported by full-time interns, as well as a large number of professionals, who give freely of their time and expertise, helping to keep our costs low. This includes extensive pro-bono support from a number of international law firms including Allen & Overy, Arnold & Porter, Clifford Chance, Freshfields Bruckhaus Deringer, Herbert Smith Freehills, Hogan Lovells, Reed Smith, and Simmons & Simmons.

Fair Trials is governed by a board of volunteer trustees which is responsible for the charity's strategic direction and financial management. Our growing pool of patrons spans the political spectrum and reflects Fair Trials' growing influence and standing.

Fair Trials would not exist without our supporters, who are made up of generous individuals, a number of UK and international trusts and foundations, and the EU Commission. All of our funders are thanked in our annual report and accounts but we would like to thank, in particular Hans-Peter and Nicole Holinger, the Oak Foundation and Open Society Foundations.

Fair Trials does not aspire to be a huge global organisation with offices or employed experts across the globe. Instead, we act as a small hub of expertise on fair trials, working in partnership with the best local experts.



## Get involved

As a charity, we rely entirely on the generosity of our supporters to carry out our important work. Without this, we would not be able to help the hundreds of people each year who ask for our support and would not be able to continue our work to make the right to a fair trial a reality around the world.

We also need help to spread the word online about our work. You can get involved by sharing our tweets, posts, videos and articles with your friends, and keeping yourself up to date with the latest developments by signing up to our newsletter.

Fair Trials is a specialist legal charity focusing on improving respect for fair trial rights in criminal cases. "Fair Trials" comprises: Fair Trials International, a registered charity (No 1134586) and registered with limited liability (No 7135273)

in England and Wales, Temple Chambers, 3/7 Temple Avenue, London EC4Y 0HP; and Fair Trials Europe, a registered public foundation in Belgium (No 0552.688.677), 85 avenue des Nerviens, Box 10, B-1040, Brussels, Belgium. *Published 2015.*

*Our vision:*

A world where every  
person's right to a fair  
trial is respected.



@FairTrials



FairTrials.org



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