

Renewed call for reform of European Arrest Warrant in wake of Romanian businessman's death

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News

Growing number of cases involving rights abuses undermining arrest warrant's effectiveness, MEPs told



The 'The European Arrest Warrant in Question' event heard criticism of the European Commission for its perceived reluctance to address serious shortcomings in the EAW | *Photo credit: Human Rights Without Frontiers International*

The EU has again been urged to review the use of the European Arrest Warrant mechanism.

An event in the European Parliament on Tuesday was told that while the European Arrest Warrant (EAW) has proved a "useful tool" in combating terrorism and serious crime it is currently being "undermined" by a "number of flaws" and needs reformed.

The two-hour discussion, entitled 'The European Arrest Warrant in Question' heard criticism of the

European Commission for its perceived reluctance to address “serious shortcomings” in the EAW.

Willy Fautre, director of Brussels based NGO Human Rights Without Frontiers, which helped organised the event, said, “We are calling for a review of the scheme. This should be an absolute necessity for the EU.”

He added, “Despite the efforts of some MEPs there has been no response from the Commission to calls for reform.”

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The EAW was established to fast-track the extradition of criminal suspects between EU member states.

But Jago Russell, CEO of the UK-based legal charity Fair Trials, said the mechanism had been subject to “abuse”.

He stressed that criticism of the EAW should not be taken as criticism of the EU which, he added, had an “absolutely crucial role” in tackling cross border crime.

However, Russell explained that there were numerous cases of injustice and rights abuses suffered by people caught up in the EAW process and arrested and surrendered from one EU country to another.

Russell argued that EU policymaker must work to deliver much needed reforms to the EAW to ensure that extradition does not violate fundamental human rights.

“While there has been some progress in dealing with this issue, the problem is that the EAW is flawed and this is undermining its effectiveness.”

Referring to the European Commission’s refusal to engage on the issue, Russell said, “The EAW is a bit like a boil. It’s getting bigger and more septic looking every day. Somebody needs to have the courage to lance that boil.”

His comments were echoed by Fautre, who cited the example of Romania as “one reason” for the scheme’s alleged failings.

Fautre said, “The huge demonstrations in the last two weeks in Romania have clearly shown that the people do not believe that their government believes in the democratic rule of law in their country.

“Neither does the European Court of Human Rights which recently noted that Romania was the worst violator of human rights in the EU for its lack of fair trials and effective investigations as well as for its appalling detention conditions.”

Fautre told the meeting that Bucharest “abuses” its use of the European Arrest Warrant.

“For example, in 2015-16, there were 1508 extradition requests addressed by Romania to the UK while London in the same period had addressed only six requests to Bucharest.”

He also cited the case of a leading Romanian businessman and outspoken critic of the country’s anti-corruption, Dan Adamescu who died of septicaemia in January while in detention in Romania.

“Two weeks ago, businessman and owner of the Romania Libera newspaper Dan Adamescu, died in a hospital in Bucharest while serving a prison sentence of four years and four months.

“Despite his age (68) and his poor health – he had been in the coma in December – he was refused an early release or an alternative way of serving his sentence.”

Romania’s National Anticorruption Directorate has been accused of using its powers to stifle political dissent and a threat to the country’s democracy.

Fautre said that Adamescu's son, Alexander, a playwright living and working in London, has not been able to attend his father’s funeral because Romania has issued an EAW against him for allegedly being an accomplice in his father’s fraud case.

Fautre said, “He vehemently denies this. British and other media like the New York Times suspect the extradition request is politically motivated. All these reasons should seriously be taken into consideration by the executing countries which are requested to implement extradition to Romania as long as the rule of law and prison conditions fail to meet EU standards.”

Another speaker, Finnish-born lawyer Eeva Heikkila, also cited the Adamescu case as an example of the failings of the arrest warrant.

She said Alexander Adamescu had recently been detained in London by British police, who were acting on an EAW from the Romanian authorities. He faces trial in April on “trumped up” charges, she said.

“This is just one among many examples of the web that private individuals can find themselves entangled in because of the supra-national shortcomings of the arrest warrant scheme,” she told attendees at the event.

Oliver Pahnecke, another speaker, said the recent mass demonstrations in Romania were partly inspired by a desire in that country for better detention conditions for criminal suspects.

Brussels-based human rights lawyer Scott Crosby said one problem with any call for reform of the EAW was that the system was based on a concept of “mutual recognition and trust.”

He said, “When you start calling into question this scheme you are also calling into question this concept of mutual trust.”

He added, “What is needed is not tinkering around the edges but a monumental overhaul.”

Attendees heard that a number of recommendations had been made to the EU as part of a new

campaign to reform implementation of the arrest warrant scheme.

These include the introduction of a “proportionality test” under which arrest warrants would be issued for only the most serious crimes.

Another recommendation is that anyone subject to an arrest warrant must have access to a lawyer in two countries, his own and the one issuing the warrant.

Fair Trials and HRWF also want improvements to detention conditions for suspects held under an EAW.

ALDE group MEP Hannu Takkula who opened and closed the event, said the EAW had been an important tool in combating serious cross-border crime.

The Finnish deputy added, “An efficient system of extradition within the European Union is needed, especially to fight terrorism and criminal activities successfully. However, functioning inter-state cooperation in judicial matters inside the EU must not be at the expense of basic principles of fairness and justice.

“Currently there are a number of flaws in the EAW system that need to be remedied if we want to avoid future cases of injustice and increased mistrust in the EAW.”

Fautre said that the campaign to reform the EAW would be drafting several recommendations to share with members of the European Parliament’s civil liberties committee for the purpose of putting forward MEP written questions to the European Commission on the issue.

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