

European arrest warrant: ECJ ruling a 'stark warning' to Poland

Written by Martin Banks on 30 July 2018 in News
News

Philippe Lamberts says that a ruling by the European Court of Justice (ECJ) should serve as a “stark warning” to Poland as the country still finds itself at the centre of controversy over changes to its national legislation.



Philippe Lamberts | *Photo credit: European Parliament audiovisual*

This comes after the ECJ ruled that Ireland is not required to extradite a Polish citizen to Poland under the European arrest warrant (EAW).

The court, the EU's highest legal authority, said that the Polish government's reforms to the judicial system, which include the removal of judges and an increased role of the executive in judicial appointments, constitute a clear risk of a serious breach of the rule of law in the country.

This poses a real possibility that the accused would not receive a fair trial if the extradition demand were met, according to the ECJ.

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Belgian MEP Philippe Lamberts, co-leader of the Greens/EFA group in the European Parliament, commented, “This should be a stark warning for the Polish government that its path away from European democratic values is undermining its role in Europe and the world.”

Speaking on Friday, the deputy added, “The erosion of the rule of law weakens mutual trust between EU member states, which is clear by the fact that the ECJ refuses to uphold the European Arrest Warrant for requests from countries where an independent judicial system is under attack. The Polish government must reverse its recent changes to the court system and guarantee fundamental rights such as the right to a fair trial for all.”

The case also casts the spotlight once again on the EAW which some MEPs and campaign groups have called into question.

These include Human Rights Without Frontiers International (HRWF), a Brussels-based NGO, which has urged the EU to look again at the European arrest warrant scheme, designed to counter cross-border crime.

Willy Fautre, director of the NGO, 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 European Commission to calls for reform.”

The arrest warrant scheme was established to ease the extradition of criminal suspects between EU member states.

Fautre, in illustrating the scheme’s alleged shortcomings, cited the example of Romania which he says is “one reason for its failings.”

He said there had been “obvious abuses” the European arrest warrant.

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

HRWF is also recommending to the Commission that anyone subject to an arrest warrant must have access to a lawyer in two countries: his own and the one issuing the warrant.

HRWF and another group, Fair Trials, also want improvements to detention conditions for suspects held under a European arrest warrant.

Speaking recently, the EU's chief Brexit negotiator Michel Barnier said that the EU and the UK will "cooperate strongly" on security post-Brexit.

But Barnier also rejected the approach of the British government, which he argued wants "to maintain all the benefits from EU membership without being in the EU."

He warned that the UK will lose the right to participate in the European arrest warrant, and that new procedures for "effective" information exchange will need to be agreed.

About the author

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