

# UK courts' cavalier approach to EU extradition requests places human rights at risk

*Torquil Dick-Erikson explains how the case of Alexander Adamescu shows the cavalier manner in which UK courts deal with extradition requests to EU countries, disregarding compelling evidence that an individual's rights to a fair trial and to humane prison conditions may be at serious risk. UK courts' supine acceptance of whatever a foreign Prosecutor may say places anyone in Britain at risk of arbitrary arrest and lengthy detention abroad.*

Alexander Adamescu is to be extradited from the UK to Romania, on an accusation of having, with his late father Dan Adamescu, bribed judges in Romania in 2013, in a case concerning a construction company.

He asserts that the real reason is political – that his father and he controlled an opposition newspaper, *Romania Libera*, and Romanian prosecutors, working closely with the re-labelled but not-so-ex Securitate (formerly Ceausescu's secret police, analogous to Russia's KGB), are using their judicial powers of coercion as a political battering-ram to crush opposition.

Whether or not the Adamescus gave money to Romanian judges is not the point at issue here in Britain. Indeed, Adamescu's father had good arguments to show he was not guilty, but the unfair trial he received did not allow him to argue the case properly.

This case is important because it shows the cavalier manner in which two UK courts disregarded the compelling evidence that his rights to a fair trial and to humane prison conditions

will be at serious risk if he is extradited. They have manifested a posture of supine acceptance of whatever a foreign Prosecutor may say. This places anyone in Britain at risk of arbitrary arrest and lengthy detention abroad on the mere say-so of any EU Prosecutor.

Ms Kovesi, Romania's Chief Prosecutor, wrote to the UK Court in to deny Adamescu's allegations. She is now the EU's supremo European Public Prosecutor, with the power to have anyone in Europe arrested and imprisoned on no evidence.

Mr Adamescu argued that his fundamental rights (a fair trial, humane prison conditions) would be violated. He produced compelling evidence – his father Dan's deathbed statement, written before he died in prison.

District Judge John Zani, receiving "assurances" from Romania, swept aside these objections and ordered his extradition. The High Court upheld this decision, and denied Mr Adamescu permission to appeal to the Supreme Court.

Behind DJ Zani's decision lies this paragraph of his judgement:

*328 I return to one of the basic principles of extradition. It is a rebuttable presumption that requests are made in good faith and that, absent compelling evidence to the contrary, assertions made by or on behalf of requesting Judicial Authorities should be accepted by the requested State. The onus is on the defence to rebut the presumption with compelling evidence. I have not received such evidence in this case.*

We can make four key points here:

a) Zani simply ignored "compelling evidence" in the shape of the deathbed, witnessed, written statement from the requested person's own father, who, on the same charge, handled by the same prosecution service, did not receive a

fair trial, suffered horrendous prison conditions, and was refused necessary medical treatment. This occasioned his death in custody.

b) Mr Zani preferred to believe Ms Kovesi, as he had said he must.

c) He, a Judge in her Majesty's Court, accepted supinely the assertions of a foreign Prosecutor, not rebutting but simply ignoring evidence from the defence. Elsewhere, our Supreme Court had ruled that for European Arrest Warrant (EAW) cases, a foreign Prosecutor IS a "Judicial Authority", whose word must therefore be accepted.

d) Underlying these bizarre statements is the unwarranted principle of "Mutual confidence and recognition" by UK courts of all EU states' justice systems.

The High Court compounded and confirmed the injustice. It did mention the statement by Dan Adamescu, rubbishing it, saying it was "not a direct comparator": Dan did not enjoy the "benefit"(!) of the Romanian "assurances" now to be enjoyed by his son. It even justified Zani's ignoring it, saying he needn't consider all the arguments in a "lengthy hearing".

The Romanian "assurances" concerned only prison conditions. Dan had also explained why his trial was unfair: his lawyer was not allowed to cross-examine the only prosecution witness; he and his lawyer were constantly interrupted by the judge; and the prosecution witness did not even appear in the Appeal Court which nevertheless confirmed his conviction. These matters were not addressed by either UK court.

Parliament must amend the legislation which maintains the terms of the Extradition Act 2003 in this regard. Blind "mutual confidence and recognition" has no basis. It must be stopped.

*A longer, more detailed version of this article is available on the Freedom Association website [here](#).*