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PRESS RELEASE – THE 2017 OXFORD CONFERENCE ON INTERNATIONAL EXTRADITION AND THE EUROPEAN ARREST WARRANT

Academic and practising lawyers from around the world congregated in Oxford, England in the first week of September to brainstorm on current developments in extradition law in several countries, including the UK, Canada, Australia, Germany, and Switzerland. A poll of participants indicated that virtually all considered the two-day conference a “complete success,” said **Cristina Saenz Perez**, a UNICRI graduate now at the University of Leicester.

The second edition of the global conference on **International Extradition and the European Arrest Warrant** was held at Worcester College, University of Oxford and attracted experts from the **United States, Canada, Australia, Singapore, the United Kingdom and Continental Europe**. High on the agenda was an examination of the comparative practice of extradition in several jurisdictions, the current state of the European Arrest Warrant (EAW) mechanism and the consequences of Brexit for extradition rules in the UK.

Over the course of two days, the seminar sessions covered the theory and practice of a number of domestic extradition laws, noting that **few universities, law societies and bar associations around the world focus on extradition as an independent area of legal practice**. No university in the world offers ad hoc programmes in international extradition. “Despite the sharp increase of high-profile extradition cases in recent years, international extradition is still not taught as an independent subject in undergraduate and graduate courses in law across the world,” said **Stefano Maffei** of Italy, one of the principal organizers of the conference. “As a result, with the exception of the UK, no established class of extradition lawyers exists in most countries.”



The seminar began with a comprehensive analysis of extradition law and court procedure in Germany, by extradition expert **Thomas Wahl** from the Max Planck Institute for Foreign and International Criminal Law. He also explained the current controversial issue whether the constitutional ban not to **extradite German nationals** must be extended to **Union citizens** following the judgment of the European Court of Justice in “*Petruhhin*” and the recent request for a preliminary ruling by the Regional Court of Berlin in the “*Pisciotti*”-case. Furthermore, Thomas Wahl commented on the recent case law of the Federal Constitutional Court on the refusal ground of “**ordre public**”. He referred to the famous ruling of 15 December 2015, which opened “Pandora’s box” for defence lawyers to attack surrender requests arguing that the law of another EU country is not in line with parallel German concepts. Wahl noted that the Court did a U-turn when it recently concluded that drawing of negative inferences from the accused’s silence under English law does not hinder surrender to the UK.

UK barrister **Mark Summers QC** of Matrix Chambers - who appears on a regular basis in extradition cases, including *Assange v. Sweden* in 2012 – outlined the similarities and differences in the reading of EAW provisions (such as the definition of judicial authority, the issue of res judicata and the effectiveness of summons) by the Court of Justice of the European Union and the UK Supreme Court. “Although several major differences persist, on several occasions the ECJ has often reached, over time, the very same conclusions of the UK courts,” said **Summers**. “On the domestic front, the last decade shows a **fascinating and difficult tension between pro-surrender courts and a Parliament sceptical of, and determined to lessen the impact of, this European mechanism**”

British solicitor **Rebecca Niblock**, co-author of the leading textbook on “Extradition law” (published by LAG, now in its II edition) **focused on the issue of bail and detention in EAW cases, especially in instances where other less intrusive alternatives are possible**. Niblock also informed participants of the newly-established association DELF – Defence Extradition Lawyers’ Forum. “DELF aims to represent defence lawyers practising in extradition by **creating best working practices**,” said Niblock “– and several DELF lawyers might be interested in contributing to the III edition of this seminar in 2018.”

An entire session was then chaired by **Gary Botting**, a Canadian barrister and published expert on extradition law, who **showed participants the documents** that lawyers are given in Canada when a person is arrested in an extradition case, including the so called “authority to proceed”, the “record of the case” and other documents showing the enormous challenges faced by lawyers defending extradition cases in Canada these days, as the discovery of information is truly minimal. Dr Botting also reported on the developments in the Hassan Diab case, a Canadian academic who was wrongly extradited from Canada to France in 2014.



Swiss lawyers **Gregoire Mangeat** and **Alice Parmentier** reported on the extradition rules in Switzerland. “In 2016 Switzerland requested the extradition of 282 individuals, and received requests for 372. These figures are in line with the practice of the last 5 years” - said Mangeat, who recently counselled in the FIFA case in which a number of officers were requested by the USA. “The practice of Swiss courts shows

how difficult it is to secure a refusal of extradition, even when the issue of poor prison condition or inhumane treatment is raised by the suspect or defendant”.

Australian academic and lawyer **Ned Aughterson** then highlighted the peculiarities of the “unduly complex” **Australian procedure of extradition**, drawing parallels with bilateral extradition practice in the United States and Canada. “The proceeding is unquestionably administrative,” argued Aughterson, “and bail is very rarely granted, pending the extradition proceeding.” Other participants included USA academic lawyer **Darryl Brown**, UK Barrister **Beatrice Collier**, **Alessandro Lazzaroni**, a lawyer from Italy, **Ravneet Kaur**, a lawyer from Singapore and **Kai Ambos**, an academic lawyer from Germany

The third International Extradition Conference will be held in Northern Italy at the end of June 2018. All those interested should email the team of organisers at stefano.maffei@gmail.com