



## Overuse of pre-trial detention keeps thousands in EU jails, report finds

People later found not guilty 'can spend years locked up in foreign prisons'

- [Duncan Campbell](#)
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Fair Trials International says many people are spending long periods in foreign jails awaiting trials that may eventually clear them. Photograph: Albert Gea/Reuters

Thousands of people who have not been convicted of any [crime](#) are being held for months, or even years, because of the failure of pre-trial detention rules in the European Union, according to a survey.

The overuse of pre-trial detention can lead to lengthy jail terms for people subsequently found not guilty, according to the [report \(pdf\)](#) produced by [Fair Trials International](#).

The prison population in the EU is estimated at 643,000, with overcrowding a serious issue in more than half the 27 member countries.

The arrival of the [European arrest warrant](#), which has facilitated extradition between member states, has led to a growing number of people spending long periods in foreign jails awaiting trials that may eventually clear them. About 26% of EU pre-trial detainees are foreign nationals.

Maximum pre-trial detention periods vary greatly across the EU: Spain has a maximum of four years and Belgium no limit at all. The overuse of pre-trial detention is costing EU countries billions every year, according to the report.

One case highlighted is that of [Andrew Symeou](#), who was extradited to Greece as a 20-year-old in 2009 on a manslaughter charge arising from the death of a man in a nightclub.

A student with no criminal record, he was held on remand for 11 months. He was finally acquitted in June 2011.

"Andrew was extradited despite the fact that Greek prosecutors were not yet ready for trial," says the report. "This is time he could have spent under supervised release in the UK."

Another case is that of Mohamed Abadi (not his real name), an Iraqi with British refugee status, who was arrested in Malaga, Spain, in 2005 for alleged terrorist offences. He spent a total of two years in pre-trial detention before being released under stringent conditions. When he finally came to trial in 2010, he was acquitted on all charges after a brief hearing. Back in the UK, he suffers from depression and anxiety.

Often detainees are denied access to a lawyer, the report found, despite having the right to legal representation.

"Many of the people who approach us for help complain that they have been denied release pending trial simply because they are non-nationals," Fair Trials International says in its report, which was compiled with assistance from the international law firm Clifford Chance.

The report makes four recommendations: the EU should legislate for minimum standards for pre-trial detention; the European supervision order should be implemented so that people charged with offences can await trial in their own countries; deferred issue of European arrest warrants and negotiated surrender should be used to avoid unnecessary pre-trial detention; and the EU should take steps towards establishing a maximum period of one year for pre-trial detention.

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