

## A. READING COMPREHENSION

I Think about the following questions, before you read the text.

- 1) What is your opinion about the European Arrest Warrant?
- 2) Do the judicial authorities in your country issue a great number of EAWs?
- 3) Have you encountered any problems or difficult situations with respect to the issuance/execution of an EAW?

II Now, read the following texts:

**THE JULIAN ASSANGE CASE**  
Julian Assange arrest: How the extradition process works  
WikiLeaks founder could face detention upon his return to Sweden after activation of European Arrest Warrant

Julian Assange's arrest by police this morning will kickstart the fast-tracked extradition process, using the European Arrest Warrant system, to attempt to return him to Sweden, where he is wanted for questioning regarding a rape charge.

Swedish criminal law experts said this morning that little was known about the allegations Assange is facing in the country, in line with legal requirements to protect anonymity and preserve confidentiality for sex crimes.

The activation of a European Arrest Warrant

(EAW) by UK police suggests Assange has been formally charged by Swedish prosecutors and could face a period of detention upon his return.

Assange's legal team is determined to fight his extradition on grounds including the failure of authorities to provide details of the warrant issued by Sweden. They will also claim human rights reasons, including the arguments that the WikiLeaks founder may be unfairly deprived of his liberty in Sweden and that he risks not facing a fair trial.

If extradited to Sweden under the EAW – a process that could be concluded quickly under the fast-track procedure – Assange will be vulnerable to other extradition requests from countries including the US.

The US has an extradition treaty with Sweden since the 1960s. [...] Extradition under the treaty is likely to face a number of obstacles, not least the fact that the likely charges facing Assange in the US – under the Espionage Act or other legislation protecting national security – are not included in the exhaustive list of offences set out in the law.

Even if Assange's case falls outside the remit of Sweden's treaty with the US, there is scope for the country to agree to his extradition to the US.

Swedish law permits extradition more generally to countries outside Europe, although the process is subject to safeguards, including a ban on extradition for "political offences" or where the suspect has reasons to fear persecution on account of their membership of a social group or political beliefs.

Any extradition from Sweden to other countries could take place only after the current rape proceedings have been concluded. With Assange's lawyers confirming their intention to dispute those proceedings on all grounds, it seems the prospect of any extradition to the US remains some way away.

*(from The Guardian, December 7th, 2010)*

The Julian Assange case: a mockery of extradition?  
The European Arrest Warrant is being used to have thousands of people flown out to

There may be many unintended consequences of the race to prosecute Julian Assange, the WikiLeaks founder. But as he faces extradition to Sweden, where he is accused of rape, one of the more eccentric side effects has already become clear: the rise to prominence of the European Arrest Warrant. This legal instrument has been controversial since it was introduced in

2003, creating everyday injustices;

but rarely has anyone outside the small group of lawyers that handles cases really cared. Now followers of the WikiLeaks story wonder how Assange could be extradited with so few questions asked. Why, for example, can our prisons detain someone (Assange is currently on remand in Wandsworth prison) for an offence under Swedish law that does not exist in British law? And how can a judge agree to an extradition without having seen enough evidence to make out a prima facie case?

The 2003 Extradition Act originated in an EU decision agreed just one week after 9/11. It was sold to voters as a way of ensuring cross-border cohesion in prosecuting suspects wanted across Europe for terrorism and serious crime. The level of cohesion in criminal justice systems across Europe, the argument went, and their common obligations under the European Convention on Human Rights, provided a sufficient basis of trust that an arrest warrant by an EU country could be agreed by the UK with little scrutiny.

It's been downhill from there. Around three people per day are now extradited from the UK, and there is little to suggest that the majority are terrorists or serious criminals. In fact those involved in the process agree that many of the cases are "trivial".

This month I watched proceedings in Westminster magistrates' court as Jacek Jaskolski, a disabled 58-year-old science teacher, fought an EAW issued against him by his native Poland. Jaskolski – also the primary carer for his disabled wife – has been in the UK since 2004. His crime? Ten years ago, when he still lived in Poland, Jaskolski went over his bank overdraft limit.

There are instances when unauthorized bank borrowing can have criminal elements, but this is not one of them. The bank recovered the money, and there is no allegation of dishonesty. A similar case in Britain would be a civil, not a criminal, matter.

But it is a criminal offence in Poland, where every criminal offence has to be investigated and prosecuted, no matter how trivial. As a result Poland requested 5,000 extraditions last year alone, accounting for 40% of all those dealt with by Britain. By contrast the UK made just 220 requests.

In 2008 a Polish man was extradited for theft of a dessert from a restaurant, using a European Arrest Warrant containing a list of the ingredients. People are being flown to Poland in specially chartered planes to answer charges that would not be thought worthy of an arrest in the UK, while we pick up the tab for police, court, experts' and lawyers' time to process a thousand cases a year. This whole costly system is based on the assumption that the criminal justice systems of countries such as Poland are reasonable enough that it is worth complying with all their requests.

The level of frustration with the failure of this assumption is now beyond question. Even David Blunkett, who as home secretary presided over the introduction of the system, has regrets. "There is room for improvement with the EAW", Blunkett told the Commons home affairs committee this month. "When we agreed to the system we believed that people would act rationally." The government is now conducting a review into extraditions, with a panel led by a former court of appeal judge and senior extradition barristers.

But the EAW is not a stand-alone measure – it was intended as part of a much more ambitious agenda for the harmonization of criminal justice systems across the EU. In January the European

evidence warrant is meant to come into effect. Like the EAW, this would require Britain to give automatic recognition to search warrants issued by member states.

By next December the UK is supposed to have adopted mutual recognition of other states' decisions on probation, bail, the transfer of prisoners, and the suspending of individuals' finances. The Lisbon treaty, should the UK opt in, would take things even further. Opting out would still mean implementing the measures already agreed, and prevent negotiation of measures being applied in the rest of Europe.

In both the Assange and Jaskloski cases the EAW is set on a collision course where the labyrinthine world of EU mutual recognition meets the reality of defendants' rights. And suddenly the mutual confidence that the public are meant to have in the criminal justice systems of other EU states – in Sweden's immunity from pursuing a politically motivated rape claim, or Poland's ability to be reasonable – does not seem to exist after all.

*(The Guardian, December 10th, 2010)*

III Decide whether the following statements are true or false.

- 1) Julian Assange has been charged with rape by the Swedish prosecutors.
- 2) Assange's lawyers do not intend to fight his extradition.
- 3) Sweden does not have an extradition treaty with the US.
- 4) Sweden may agree to Assange's extradition to the US.
- 5) Assange's extradition to the US is imminent.
- 6) The author of the two texts is a supporter of the European Arrest Warrant.
- 7) The European Arrest Warrant was intended for prosecuting "trivial" offences.
- 8) The EAW was aimed at enhancing the harmonization of criminal justice systems across the EU.
- 9) Lots of people were extradited by the UK for offences that do not exist in British law.
- 10) The EAW was intended and designed as a means of violating defendants' rights.

IV Fill in the blanks with synonyms of the words in brackets.

- 1) The British authorities ..... (try) to return Assange to Sweden, using the EAW system.
- 2) The ..... (probable) charges facing Assange in the US are not included in the exhaustive list of offences set out in the law.
- 3) Swedish law ..... (allows) extradition more generally to countries outside Europe.
- 4) One of the important safeguards is the ..... (prohibition) on extradition for "political offences".
- 5) Assange's lawyers confirmed their intention to ..... (challenge) the proceedings on all grounds.
- 6) Assange faces extradition to Sweden, where he is ..... (charged with) rape.
- 7) Many of the offences for which extradition is requested are ..... (minor).
- 8) Member States are meant to have mutual ..... (trust) in the criminal justice systems of other EU States.
- 9) Assange wants to challenge the ..... (accusations) against him.

V Complete the sentences below.

- 1) Julian Assange was charged with .....
- 2) Sweden requested Assange's .....
- 3) Assange's lawyers are determined to .....
- 4) Swedish law permits .....
- 5) The extradition process is subject to safeguards, including a ban on extradition for .....
- 6) The EAW was intended .....

## B. VOCABULARY PRACTICE

I Complete the table below with related forms of the words given, then complete the sentences below with appropriate words from the table.

| VERB      | NOUN      | ADJECTIVE |
|-----------|-----------|-----------|
| apply     |           |           |
| legislate | (2 forms) |           |
| convene   |           |           |
| regulate  |           |           |
| authorize | (2 forms) |           |
| proceed   |           |           |

The Framework Decision on the European Arrest Warrant simplifies and speeds up the .....

Documents may be sent or returned via a central ..... of a Member State. Judges from all Member States apply the EU ..... on judicial cooperation in criminal matters. The European Arrest Warrant ..... where a final sentence of imprisonment or a detention order has been imposed for a period of at least four months.

The Contracting Parties must comply with the provisions of the ..... . If you want detailed information about the case, you have to fill in an ..... form. Cases must be handled with due observance of the defendants' ..... rights. We must check if there are special provisions ..... to the case.

Interception of telecommunications must be ..... by the competent judicial authority of the Member State concerned. When solving a case, a judge must consider both the EU legislation and the national laws and ..... The Council ..... the matter of the European Arrest Warrant by way of a framework decision.

II Match the terms below with their definitions, and then use them in sentences of your own.

smuggler, arson, prosecution, bail, acquittal, defendant,  
defamation, deposition, offender, to testify

- 1) the giving of testimony on oath; the sworn statement of a witness used in court in his absence
- 2) someone who secretly and illegally takes goods or people into or out of a country, as a way of earning money
- 3) person sued in a law-suit
- 4) declaration of innocence in court
- 5) false or unjustified injury of the good reputation of another person
- 6) infringer of the law, delinquent
- 7) the deliberate and malicious burning of property

- 8) money or property put up by the accused to allow release from prison before trial
- 9) give evidence, declare as a witness
- 10) the process of bringing a person to trial on criminal charges; the side bringing a case against another party

III Use the particles in the box to fill in the gaps.

|                                                            |
|------------------------------------------------------------|
| at, between, by, for, in, of, on, through, to, under, with |
|------------------------------------------------------------|

- 1) The Convention lays down the conditions ..... which mutual assistance is granted. The requested Member State must comply ..... the formalities and procedures indicated ..... the requesting Member State as soon as possible and they may try to agree ..... further action to be taken concerning the request.
- 2) Each Member State is to send procedural documents intended ..... persons who are in the territory ..... another Member State to them directly ..... post. In some cases, the documents may be sent via the competent authorities ..... the requested Member State. Where necessary ..... the comprehension of the addressee, the document, or at least its important passages, must be translated. All procedural documents are to be accompanied ..... a report stating where the addressee may obtain information regarding his rights and obligations concerning the document.
- 3) As a general rule, requests ..... mutual assistance and communications are made directly ..... judicial authorities ..... territorial competence. However, some cases may be sent or returned via a central authority ..... a Member State. In certain cases it is actually compulsory to go ..... the central authorities (requests ..... temporary transfer or transit of persons ..... custody, sending of information from judicial records). Urgent requests may be made via Interpol or any competent body under the provisions introduced pursuant ..... the Treaty ..... European Union.
- 4) Stolen objects that are found ..... another Member State are to be placed ..... the disposal of the requesting Member State with a view ..... their return ..... their rightful owners.
- 5) A person held ..... the territory of a Member State which has requested an investigation may be temporarily transferred ..... the territory of the Member State in which the investigation is to take place.
- 6) Interception of communications may be done ..... the request of a competent authority from another Member State – a judicial authority or an administrative authority designated ..... the purpose by the Member State concerned. Member States are to consider such requests in accordance ..... their own national law and procedures.

IV Choose the right answer:

- 1) The ..... sentenced the accused to 15 years in prison.  
a) barrister      b) counsel      c) judge      d) solicitor
- 2) It is the responsibility of the police to ..... the law, not to take it into their own hands.  
a) compel      b) enforce      c) force      d) press
- 3) They all thought he was guilty, but no one could ..... anything against him.  
a) accuse      b) ensure      c) prove      d) point
- 4) The youth involved in the disturbance at the demonstration made a(n) ..... to the police.  
a) account      b) notice      c) statement      d) summary
- 5) I ..... to say anything unless I am allowed to speak to my solicitor.  
a) deny      b) neglect      c) refuse      d) resist

6) The new laws come into ..... on May 15.

- a) condition      b) date              c) force              d) power

7) The high court judge will pass ..... next week.

- a) justice              b) punishment      c) sentence          d) verdict

8) Peter gives one account of the accident and John another; it is difficult to ..... the two versions.

- a) adjust              b) coincide          c) identify              d) reconcile

9) At the end of the trial he was ..... of murder.

- a) condemned      b) convicted          c) convinced          d) penalized

10) The policemen who were ..... the crime could find no clues at all.

- a) enquiring          b) investigating      c) researching      d) seeking

VI Fill in the gaps, using the particles in the box.

|                                                       |
|-------------------------------------------------------|
| as, at, by, for, from, in, of, on, upon, with, within |
|-------------------------------------------------------|

1) The Tampere European Council of 15-16 October 1999 called ..... Member States to make the principle ..... mutual recognition the cornerstone of a true European law-enforcement area. The European Arrest Warrant proposed ..... the Commission is designed to replace the current extradition system by requiring each national judicial authority (the executing judicial authority) to recognize, ipso facto, and ..... a minimum of formalities, requests ..... the surrender of a person made ..... the judicial authority of another Member State (the issuing judicial authority).

2) The European Arrest Warrant is the first legal instrument based ..... mutual recognition of decisions ..... criminal matters. It implies a radical change ..... the old extradition system, which has been replaced ..... a system of surrender ..... an Area of Freedom, Security and Justice, with an impact, in particular, ..... procedures, time limits, and grounds ..... non-surrender of a person. The EAW is thus intimately linked ..... the Treaty objective laid down ..... Article 29 of the Treaty ..... European Union.

3) The EAW should be used ..... an efficient, effective and proportionate manner ..... a tool for the prevention and repression ..... crime, while safeguarding the human rights of suspects and convicted persons. The instrument, which is based ..... the deprivation ..... personal liberty, is ..... principle designed to further the prosecution of more serious or more damaging crime which may substantially justify its use, or ..... purposes of enforcement of convictions. It is only intended to be used if an arrest warrant or any other enforceable judicial decision having the same effect has been issued ..... national level.