

Justice à l'Étranger

Al servicio de los ciudadanos de la Unión Europea que sufren errores judiciales en el extranjero

Nuestro propósito

Conseguir que todos los ciudadanos de la Unión Europea tengan acceso a la justicia, según lo previsto por la legislación nacional e internacional.

Nuestros objetivos

Ayudar al individuo mediante asistencia jurídica y promover una correcta administración de la justicia, acorde con el derecho nacional e internacional.

El método

Una vez convencidos de que de acuerdo con la legislación nacional e internacional se han producido irregularidades, FTA dispondrá que un abogado local asesore al cliente en una lengua que éste entienda y se asegure de que reciba el mismo trato que los ciudadanos del Estado de detención. Cuando sea necesario, FTA puede asistir a los procedimientos judiciales como observador internacional.

Muchos casos atraen la atención del público, en cuyo caso FTA responderá a las preguntas de los medios de comunicación y les mantendrá informados sobre su desarrollo. Asimismo, FTA colabora con personal consular y representantes políticos para contribuir al correcto progreso de un caso.

Con el fin de promover la aplicación de la legislación sobre derechos humanos, FTA asesora a autoridades públicas y legisladores en las instituciones de la Unión Europea y en los Estados miembros. FTA también lleva a cabo programas de investigación sobre los aspectos del derecho y de la administración de justicia que a través del trabajo sobre casos concretos se evidencian como relevantes para nuestra organización.

Los medios

Nuestros equipos de profesionales trabajan sobre cada caso hasta lograr su resolución. Si se presentan dificultades debidas a una legislación arcaica que permita poco margen para la defensa de los inocentes, éstas se abordan a nivel político e institucional. Nuestro trabajo incluye la organización y participación en conferencias, seminarios y debates sobre política pública en la Unión Europea y fuera de ella. También publicamos artículos científicos sobre cuestiones jurídicas y de política pública que surgen de nuestro trabajo.

Nos apoyan

El Consejo Consultivo de Abogados Penalistas Europeos (European Criminal Lawyers' Advisory Panel).
Administraciones públicas
La Comisión Europea y varias entidades benéficas británicas

Im Dienst der Bürger der Europäischen Union, die ausserhalb ihres Heimatlandes mit Rechtsverletzungen im Strafverfahren konfrontiert werden

Unser Ziel

Wir wollen sicherstellen, dass alle Bürger der Europäischen Union gleichen Zugang zur Rechtsstaatlichkeit im Einklang mit nationalem und Internationalem Recht haben.

Unser Grundsatz

Wir helfen dem individuellen Bürger durch Fallarbeit, und setzen uns die dafür ein, dass der Ablauf von Strafgerichtsverfahren den Rechtsgarantien im nationalen und Internationalen Recht entspricht.

Unsere Vorgehensweise

Sobald wir uns davon überzeugt haben, dass ein Rechtsverstoß nach Nationalem und Internationalem Recht vorliegt, bemühen wir uns darum, dass der individuelle Bürger von einem lokalen Anwalt in einer ihm verständlichen Sprache beraten und dass er wie ein einheimischer Bürger des Mitgliedsstaats behandelt wird. Falls dies angemessen erscheint, wird FTA als unabhängiger Beobachter an Gerichtsverfahren teilnehmen.

Viele Fälle erreichen das Licht der Öffentlichkeit – und wenn dies der Fall ist, wird FTA Medienanfragen beantworten und die Medien informieren. FTA arbeitet mit konsularischen Vertretungen und Politikern zusammen, um ein Verfahren in dem jeweiligen Rechtssystem voranzubringen.

Um die Einhaltung von Menschenrechten im Bezug auf Strafverfahren zu fördern, berät FTA Politiker in den Europäischen Institutionen und auf nationaler Ebene. Problemgebiete, die sich aus der Fallarbeit ergeben, werden durch Forschungsprojekte näher untersucht.

Dies bedeutet

Juristische Sachbearbeiter verfolgen einen Fall bis zum Abschluss. Schwierigkeiten mit Gesetzgebung, die veraltet ist und wenig Raum zur Verteidigung von unschuldigen Bürgern bietet, werden auf institutionellem und politischen Ebenen angesprochen. Unsere Arbeit beinhaltet ausserdem die aktive und passive Teilnahme bei Vorlesungen, Seminaren und Verfahrensdiskussionen innerhalb der Europäischen Union und darüber hinaus.

Unsere Unterstützer

Eine wachsende Anzahl von Freunden

Regierungsabteilungen

Geldgeber in der Europäischen Kommission und im Vereinigten Königreich

Chairman's Introduction



FTA Patrons, Josef Rammelt (NL) and Paolo Iorio (IT) at work in Cambridge, September 2005.

Another busy year has been completed and the work of FTA has continued to receive substantial news coverage in the international media. In fact, so much has this been in evidence that few who read about us realize that we are a small charity with very limited funding and a tiny budget. To use the words of our Founding Director, Stephen Jakobi, "We continue to punch much above our weight."

The year has not been easy. The mood of governments in the European Union and elsewhere has been driven by terrorist awareness and the need to give confidence to their constituents by countering terrorist threats robustly. This has made our work of ensuring fair trials all the more difficult in a climate which often includes discrimination against defendants pleading their innocence. However we have had notable successes in securing release of innocent defendants many of whom have been held for many months, even years, in foreign jails. Details of a few individual cases appear elsewhere in this report.

Having run the charity since its inception 14 years ago, Stephen Jakobi announced his intention to retire. A sub-committee of Trustees was formed and Trustees were delighted to appoint Catherine Wolthuizen. With a degree focussing on EU law and policy-making, Catherine was the Executive Director of the Consumer Law Centre in Victoria, Australia, where she won the 2005 commendation for outstanding advocacy.

I remain extremely indebted to my Board of Trustees and to the FTA paid staff. I would also like to single out this year our many volunteers who work for no financial reward and whose names are mentioned on page 14 of this report. Their expertise and enthusiasm make a huge contribution to our work.

Finally, having been Chairman of FTA since the charity secured charitable status in 2000, I will be standing down during the course of next year. However I am supremely confident that a new director and new chairman will be able to carry FTA forward in the next exciting stage of its development.

Christopher Bayne
Chairman of Trustees

Review of Objectives ...

FTA continues to scrutinise proposals and initiatives drawn up by national and European legislators. Key amongst them is the much heralded principle of Mutual Recognition of Judicial Decisions and Judgments which was very much under the spotlight.

Mutual Recognition between Member States

This was the year in which the much heralded principle of Mutual Recognition of Judicial Decisions and Judgments was under the spotlight. Originally conceived as a way to avoid the impossible and unpopular task of harmonising criminal justice across the EU, Mutual Recognition is seen as the cornerstone of Union judicial cooperation in criminal matters becoming prominent in the minds of most legal practitioners and scholars with the advent of the first EU mechanism in criminal justice, the European Arrest Warrant. For the EAW to be successful and survive the many constitutional setbacks it has suffered, mutual trust must be its beating heart. Yet this year saw much mistrust between states. The Italian government originally refused to adopt the EAW stating that it would be in conflict with constitutional law and jeopardise national sovereignty. The then President Berlusconi reserved the right to stay outside the system if necessary 'just as England and others have remained outside the euro'. The Czech Republic declared the EAW unconstitutional, Germany, Poland and Cyprus all objected to the national implementing acts.

The common issue was the unwillingness to extradite own nationals for questioning or to stand trial. Not only is this discriminatory, but it seems a clear signal of distrust. The fear is that their fundamental rights will not be observed, the assumption being that the European Convention on Human Rights is not detailed enough and that the Court in Strasbourg is too overburdened and too slow in its judgments to protect the individual citizen.

A further problem seems to lie in the principle of dual criminality, that is, that the act should be deemed an offence in the country of the requested person as well as in the country trying the case. The lifting of the requirement also signals distrust: why would one member state seek to prosecute someone from another country in which the act committed is not deemed to be an offence?

The debate has been engaged at many levels throughout the year. As Belgium appeals to the European Court of Justice to decide on whether the deletion of double criminality for EAW-specified 32 criminal acts is in conformity with the Treaty of the European Union (Art.6[ii]) and more specifically with the principles of equality, legality and non-discrimination, the debate is likely to carry on well into the coming year.

In the meantime, we continue to receive cases of EU citizens struggling to access justice in an EU member state and beyond. We set out some of the reasons for this below.

International Observers

Last year we drew attention to an initiative we had launched to serve our clients by sitting at their trial as International Observer. This has been an undoubted success. Whilst observing a court is an old practice, particularly in cases relating to alleged gross human rights violations, we believe that the presence of FTA underscores the fact that the court is under scrutiny from the international community (see Javier Villaneuva, a Spanish citizen arrested and tortured in Bolivia and held for 18 months before trial, p10).

The more progress that is made on developing the mutual recognition programme, the greater the need will be for some sort of minimum standard across the EU of procedures in the legal processes for which mutual recognition will be claimed.

House of Lords Select Committee on European Union Tenth Report Chapt.8; 2005

... Review of Services

During the year FTA exposed evidence of corrupt practice and successfully challenged powerful police and prosecution positions, their arguments rejected by courts of law. FTA is the only EU legal rights organisation that undertakes casework on behalf of the individual and studies the findings arising from such casework to identify patterns of violations and irregularities.

"I just wanted to say a massive massive thank you for coming over, words cannot explain how much it means to me, that you took your time to come out and help. I really do not know how we would have coped without you! You were FAB!!"
July 2005

Poor criminal Investigation

An 18-year-old English citizen, Liam Darley, was arrested on 14th August 2004 on the island of Mallorca where he and his family were having a holiday. He and some younger friends had climbed a mountain to inspect the damage of a forest fire but were called in by local police as they came down the lower slopes. He was kept in custody for 2 days upon which he appeared before a judge on charges of causing a forest fire. He was given bail on payment of £4200. Several months later Liam received a summons to appear before the court at which the prosecution would present its case to the court and the accused would have the opportunity to ratify his statement. FTA was asked to intervene as Liam had no lawyer and he was concerned that the smudges of cinders on the T-shirt he wore that day would be used as evidence against him. FTA sought out, and liaised with, a good criminal defence lawyer on the island. FTA also travelled out to Mallorca to observe pre-trial procedures. On the 7th March 2006 the court threw out the case. The Fire Brigade had stated that there had been no fires on the 14th of August, but several earlier in the season. Pre-trial procedures were unduly ponderous, but it was the investigative authorities who, for want of a basic inquiry, caused 19 months of stress-induced ill health for an innocent youngster and deep concern for all his family.

Lack of co-ordination in trans-national cases and failure to protect the fundamental rights of the suspect

An English lorry driver was arrested in Spain on his way back to the U.K. He was charged with carrying illegal goods and sentenced to 3 years. However, it soon appeared that it was widely known to British authorities that he was innocent of any crime and that he had unknowingly been used by major drug traffickers. The Crown Prosecutor on the case in the UK confirmed that there was no evidential basis for prosecuting the driver as a party to the conspiracy to import drugs. However this information never reached the driver's Spanish criminal defence lawyer who had little grasp of the case and was seeking a futile appeal on erroneous grounds. Nor did the information reach the courts. There was no option of an appeal. Justice was defeated through poor liaison between investigative and prosecuting authorities working on a trans-national case between two Member States. FTA lobbied at the highest level to bring this case to the attention of the authorities in both countries. The lorry-driver served over 50% of his sentence and was finally released on pardon of the King of Spain.

Another lorry driver, James Sheridan, who had been in the transport business for 30 years, was arrested in January 2005 at a Toll near Lyon on his way back to the UK from Spain. Over 600 kg of cannabis resin were discovered

in his truck inside two of four pallets of paving stones. The pallets had been loaded within a groupage consignment. He was held on remand for 4 months before being released on bail subject to payment of £50,000. He was summonsed to appear in court for trial in February 2006. After making some enquiries it emerged that little investigation by French authorities had taken place, but this had been exacerbated by the British police who had not responded to a *Commission Rogatoire*, a request for assistance and cooperation in a criminal investigation, but did relay a previous conviction from as long ago as 1962 to French authorities, a totally unrelated conviction with a fine of £10.

The court accepted the arguments of defence counsel regarding dereliction of duty and the lorry driver was acquitted in March. Under French law the prosecutor may appeal.

Abuse of power

Andrew Mallard, was arrested in Perth, Australia, in 1994 and sentenced to life imprisonment for murder in 1995. His conviction was based on alleged confessions, which were not signed. When FTA was asked to intervene, our specific concerns included unwarranted brutal police treatment, a legal aid lawyer at the trial who was neither competent nor effective, and the failure to adhere to the principle of equality of arms.

Key findings about the possible murder weapon and the dealings of an undercover policeman were not given to the defence team.

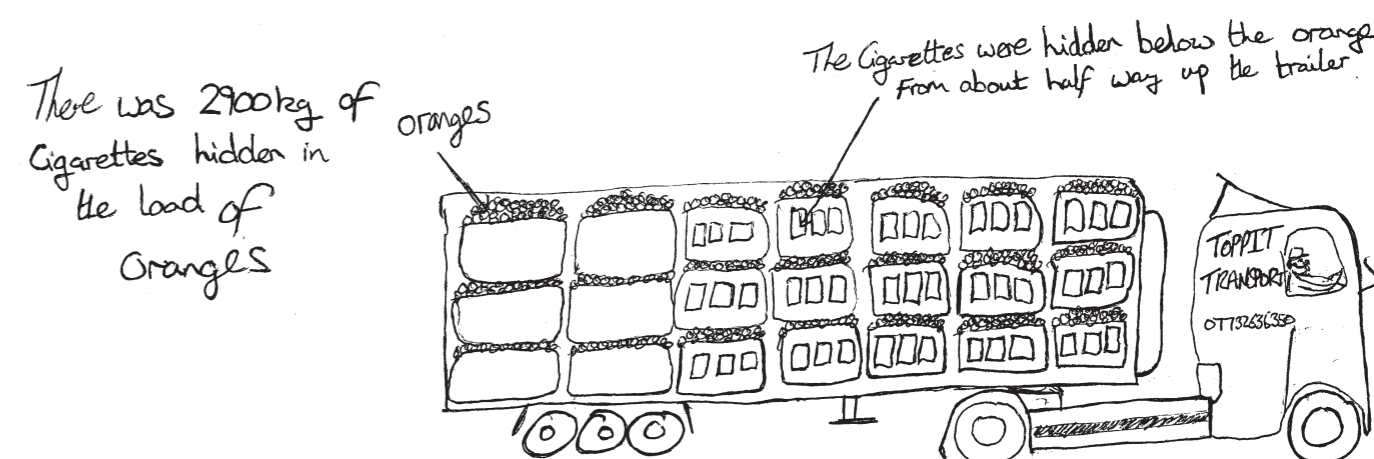
In October 2004 the Australian High Court granted special leave to appeal. In November 2005 the Court quashed the conviction against him and ordered a re-trial. In February 2006 the Court heard the prosecution drop all charges. Having spent 11 years in prison for a crime he did not and could not have committed, Andrew was released and returned to his community and family.

Poor interpretation

Nick Baker was arrested in Japan in April 2002 at the age of 32, for allegedly smuggling drugs which were found in false compartments of a suitcase upon his arrival at Narita Airport near Tokyo. The suitcase contained over 41,000 ecstasy tablets together with 992.5 grams of cocaine, the largest ever walk-through seizure of ecstasy at Narita Airport at that time.

Nick has consistently denied any knowledge of the drugs and insists that he was set up by his travelling companion, James Prunier. Immediately after Nick's arrest Prunier was placed under surveillance by the Japanese police, but freely allowed to leave the country two days later without questioning. He was subsequently arrested in Belgium for smuggling drugs; he later committed suicide.

QUOTE from Australian Documentary maker:
"In closing, I just want to say congratulations to you and your organization for shining a light on the Mallard case. I know your support and effort meant the world to Andrew and his family and kept them going during the dark days. Justice finally prevailed thanks to people like you."
February 2006



One lorry driver explains how illegal goods were skilfully hidden within his sealed load.

"It is deeply regrettable that everything we argued in court was dismissed. Being able to hear and speak English is completely different from having the knowledge to interpret accurately."

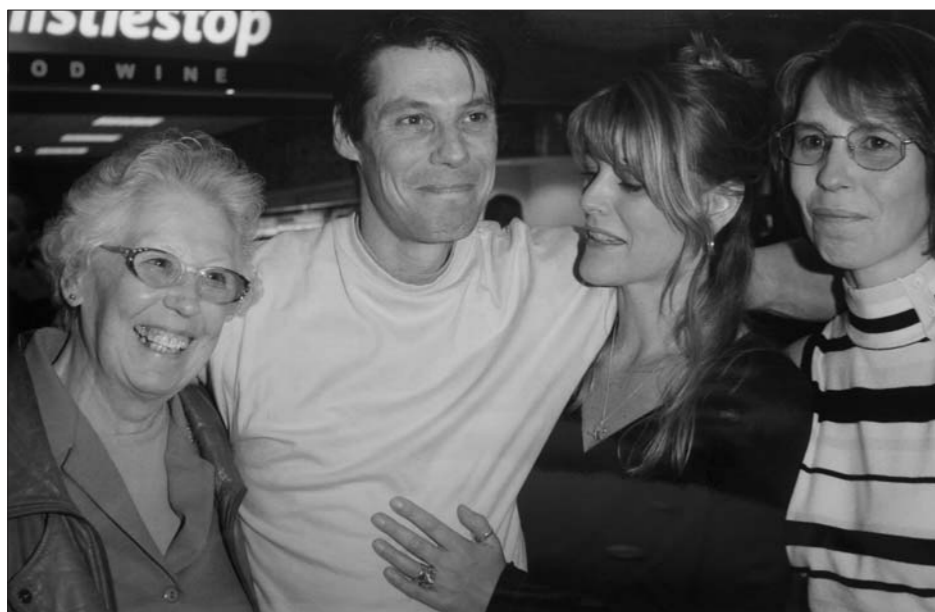
Shunji Miyake, Nick's defence counsel, November 2005

Professor Makiko Mizuno, linguist expert at the University of Senrikinran in Osaka, who was involved with the case of Nick Baker in Japan stated:

"I am very disappointed with the judgment. I am surprised that those involved in trials still don't seem to understand the role of language in judicial proceedings and the possible effects of successful or unsuccessful communication on the judicial procedures. Even if individual instances of misinterpretation are corrected in the end, it is obvious that if the interpreter does not have the ability to sufficiently and smoothly aid communication, the consistency and integrity of the statements made by the suspect/defendant will be undermined. It is similarly obvious that this will have some

influence over the way an opinion is shaped in the investigators' and judges' minds. It is also common knowledge among interpreters that one can't accurately interpret even if one speaks English unless one goes through formal training. It seems that in the judiciary, STEP(Eiken) grades, TOIEC scores and Tour-Guide Certification are seen as sufficient benchmarks for the accuracy of interpretation. If those in the judiciary truly believe this, their understanding needs to change immediately.

Simply assigning an interpreter does not mean that you have respected the human rights of the suspect/defendant. Respecting human rights is only possible when assigning an interpreter that can properly communicate."



John Packwood comes home

On 17 November 2005 the King of Morocco pardoned or reduced the sentence of 10,000 prisoners to celebrate the 50th anniversary of independence amongst which were 336 foreigners. John Packwood is the only one who had not stood trial.

"HE IS HOME, it was incredible to see him. I can not begin to thank you enough for all your support and hard work, with out which I know we would not be in this happy position that we are."

November 2005

Bulletin

Establishing a fair International Criminal Court

FTA joined the Coalition for the International Criminal Court in order to keep abreast of developments and offer advice if and when necessary. Non-governmental organisations have been involved at every stage in all aspects of the international effort to ensure the establishment of a fair, effective and independent court. The coalition involves raising awareness of the ICC and the Rome Statute at the national, regional and global level, promoting the universal acceptance and ratification of the Rome Statute. The coalition may also provide legal advice and research to the ICC, facilitate meetings between the Coalition and representatives of governments, ICC officials, UN officials academics and others involved in the ICC process. George Gebbie, Advocate from Scotland and member of FTA's European Criminal Lawyers' Advisory Panel (ECLAP) is on the list of Defence Counsel.

Tales from the wild east: answers from clients' questionnaire:

"I was released from hospital after 5 days - I was still unable to move. I was released on 15,000 Bulgarian lev bail - but this sum has never been asked for. I am unsure if I am supposed to pay it or not as my lawyer was shot dead shortly afterwards."

FTA intervention reaps rewards

"You will be very happy and surprised to know that our man has been acquitted. In addition, another inmate in similar circumstances has also been acquitted. This is largely due to FTA's input and assistance."

Musing on life out there...

Standing and looking out of these bars
Through a slit at faraway stars
Missing my Mum who is so far away
I know I will come back to you one fine day.

I'm paying for something that I have not done
And let me tell you paying is not fun
Well, my chin is up and I will not cry
I'll just keep looking to the stars in the sky

So when I walk free and get out of here
I will take time to shed a tear
For you'll get loads of kisses and big hugs too
And I'll tell you over and over
How I love you.

Teresa Daniels

Salamanca Prison, November 2005

Victim's Day

Two more annual events bring the total number of 'Victim's Day' held by FTA to seven. These have always been held in London on behalf of British citizens although in some cases, such as the plight of lorry drivers who are automatically assumed to be guilty if illegal goods are found in their load, we point out that the problem is universal and affects all individuals, regardless of nationality. The objective of the day is, as always, twofold:

(a) To afford the relatives and friends of the prisoner an opportunity to draw national and regional public attention to their plight, and

(b) to raise public awareness of the risks we all face in travelling or working in other countries unless and until all signatories to the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR) can be persuaded to abide by international law on fair trials. Being a foreigner almost always results in discriminatory application of fundamental rights.

It is hoped that we may in the future hold a victim's day in the Netherlands and in Spain on behalf of Dutch and Spanish citizens facing a miscarriage of justice abroad.

Corrupción e Injusticia

Francisco Javier Villanueva de Martino, ciudadano español de 28 años de edad, fué brutalmente detenido en Bolivia el 28 de abril del 2004 por orden del Juez Juan Iquise Seca, orden ilícita ya que éste no aportó el motivo justificador del arresto. Durante varias horas Javier estuvo en paradero desconocido. Existían pruebas contundentes de tortura. Un video filmado mostraba al detenido auto-inculpándose de los hechos investigados, a saber, el asesinato de la Dra Mónica Von Borries, Fiscal de Materia. Javier posteriormente manifestó que fue forzado a punta de pistola a confesar lo indicado.

Habiendo tales irregularidades y violaciones en las gestiones previo al juicio, era de sumo importancia que el juicio se llevara a cabo en un tribunal competente, independiente e imparcial. Esto no se consiguió, y el juicio de Javier se llevó a cabo en el mismo Palacio de Justicia donde había ejercido la víctima del asesinato y donde el padre de la víctima es uno de los Vocales de la Corte Superior. El juicio duró 4 días, comenzando el día 10 de marzo, 2005. Hubo enorme interés por parte de la prensa boliviana y española.

FTA se había dirigido a las autoridades europeas, españolas y bolivianas para presentar su preocupación por lo siguiente:

- ◆ El hecho que se ignorara la Constitución Boliviana, Artículo 12º. – Prohibición de torturas donde dice:
Queda prohibida toda especie de torturas, coacciones, exacciones o cualquier forma de violencia física o moral, bajo pena de destitución inmediata y sin perjuicio de las sanciones a que se harán pasibles quienes las aplicaren, ordenaren, instigaren o consintieren.
- ◆ Que se ignoraba toda ley internacional por ejemplo:
En el Preámbulo de la Convención Americana para Prevenir y Sancionar la Tortura, se lee:
"Reafirmando que todo acto de tortura u otros tratos o penas crueles, inhumanos o degradantes constituyen una ofensa a la dignidad humana y una negación de los

principios consagrados en la Carta de la Organización de los Estados Americanos y en la Carta de las Naciones Unidas y son violatorios de los derechos humanos y libertades fundamentales proclamados en la Declaración Americana de los Derechos y Deberes del Hombre y en la Declaración Universal de los Derechos Humanos."

En primeras instancias FTA solicitó, fundamentado con argumentos legales, que en vista de los graves indicios de tortura, se escogiera la opción de anular el proceso y dejar a Javier en libertad inmediata. Las autoridades bolivianas se rehusaron a investigar las alegaciones de violaciones e irregularidades, e ignoraron la súplica.

Pedimos, por tanto, que se otorgara a Javier por interés de la justicia, el derecho de ser oído públicamente con las debidas garantías establecidas por ley en la substanciación de cualquier acusación de carácter penal formulada contra él; que se presumara su inocencia mientras no se probara su culpabilidad conforme a la ley y tras un escrutinio abierto y transparente de todo argumento y prueba de cargo.

Mientras el gobierno de España buscaba solución y justicia, Fair Trials Abroad instó a la comunidad europea que tratara de desenmarañar la red de corrupción, engaño y manipulación política que enredaba al caso. Con el apoyo energético de Josep Borrell, Presidente del Parlamento Europeo quien escribió al Fiscal General de Bolivia FTA también encontró gran apoyo de parte de los representantes de la presidencia de la union europea (Holanda y Gran Bretaña) y del delegado en Bolivia de la Comisión Europea. Las múltiples ramificaciones del caso de Javier involucrando hasta el gobierno estadounidense, llegaron a ser muy conocidas por la comunidad internacional.

Siendo uno de los casos mas complejos y complicados que FTA había recibido, estaba bien claro de que a nadie le interesaba iniciar una debida investigación del asesinato de la fiscal. La Drugs Enforcement Agency de la EEUU (DEA) bloqueaba los procesos judiciales

y era claro que Javier era un chivo expiatorio para cubrir una multitud de pecados involucrando drogas y tratos políticos.

Sarah de Mas se presentó en Marzo 2006 por segunda vez en Sta Cruz, ésta vez como Observadora Internacional en el juicio de Javier tras la cual entregó un informe a las autoridades bolivianas, con copia a las partes interesadas de la comunidad internacional. Un extracto de su informe sigue:

Tropelías y violaciones de derechos fundamentales incluyen:

- ◆ Pruebas testificales y documentales de que Javier Villanueva fue víctima de un arresto violento sin autoridad judicial
- ◆ Resolución judicial firmado por el fiscal Hugo Juan Iquise ordenando la captura de un transeúnte, el brasileño Ricardo Borba, sin aporte incriminatoria. Posteriormente Borba alega que ha visto al Sr. Villanueva en el sitio y a la hora del crimen
- ◆ La falta de atención médica al acusado
- ◆ Tratado inhumano y degradante antes y durante la primera audiencia con el juez en el Palacio de Justicia (*Pasan dos días entre arresto y apariencia judicial; durante este tiempo Javier no es permitido comer, lavarse o cambiar de ropa a pesar del destrozo y mugre de su ropa tras haber sido torturado.*)
- ◆ Una lista de pruebas sin fundamento presentadas por la policia y fiscalía
- ◆ La violación continua de la presunción de inocencia.

Abuso de poderes estatales incluyendo:

- ◆ Las condiciones de la Libertad Condicional de Javier Villanueva son inhumanas y degradantes (Art.7 y 10 PIDCP) (*Hasta 4 guardias armadas le vigilan en su cocina, un espacio de unos 2 1/2 m². Le despiertan a Javier al menos 3 veces en la noche para asegurarse de que no ha escapado de su cuarto en el 6º piso; en cualquier momento hay hasta 25 guardias armadas mas guardias de la DEA alrededor de la puerta de entrada al piso y abajo en la entrada al*



edificio; los esfuerzos por parte de la policia y la Fiscalia de revocar la Libertad Condicional y devolverlo a la prisión de Palmasola son continuas e infundadas; registros indignos y humillantes de visitas al Sr. Villanueva por orden de la Fiscalía.)

- ◆ Intimidación continua e innecesaria.
- ◆ Falta de investigación de las graves alegaciones de tortura.
- ◆ Los Fiscales faltaron a su responsabilidad de imparcialidad al tomar en cuenta las circunstancias para eximir de responsabilidad al imputado a la vez que tratan de comprobar la acusación.

Independencia y Parcialidad

- ◆ Los medios de comunicación están llevando a cabo un juicio paralelo vulnerando los derechos del Sr. Villanueva a un juicio justo. No ha habido ninguna protesta por parte de la corte (Art.14 PIDCP: Art.3 Garantías Constitucionales, Código de Procedimiento Penal)

La conclusión inevitable fué que haber llevado el caso a juicio "era una violación de los derechos de Javier y un abuso del código penal ya que la acusación carecía de todo fundamento. El juicio debería concluir con sentencia absolutoria." Así fué. Javier fue puesto en libertad el 13 de marzo del 2006.

Javier Villanueva rodeado por guardia armada

Accounts

Summarised Statement of Financial Activities For the year ended 31 March 2006

INCOME RESOURCES	Unrestricted Funds	Restricted Funds	2006 Total	2005 Total
from generated funds				
Voluntary income: grants and donations	90,223	67,542	157,765	153,328
Bank deposit interest	457	-	457	1,126
Total income resources	90,680	67,542	158,222	154,454
RESOURCES EXPENDED				
Charitable activities: Protecting the individual's right to a fair trial	(56,370)	(90,975)	(147,345)	(129,425)
Governance costs	(4,430)	-	(4,430)	(4,642)
Total resources expended	(60,800)	(90,975)	(151,775)	(134,067)
NET INCOMING/(OUTGOING) RESOURCES				
before transfers	29,880	(23,433)	6,447	20,387
Gross transfers	(23,433)	23,433	-	-
Net movement of funds in the year	6,447	-	6,447	20,387
Total funds brought forward	52,641	-	52,641	32,254
Total funds carried forward	£ 59,088	-	£ 59,088	£ 52,641

Summarised Balance Sheet as at 31 March 2006

	2006	2005
TANGIBLE FIXED ASSETS	1,037	1,556
CURRENT ASSETS		
Debtors	25,959	24,397
Bank balances and deposits	292,400	34,809
	318,359	59,206
CREDITORS: Amounts falling due within one year	(60,308)	(8,121)
Net current assets	258,051	51,085
Total assets less current liabilities	259,088	52,641
CREDITORS: Amounts falling due after more than one year	(200,000)	-
Total net assets	59,088	52,641
FUNDS	£ 59,088	£ 52,641

Trustees Statement

This financial statement is a summary of information extracted from the full annual accounts approved by the Trustees on 16 August 2006.

The summary financial statement may not contain sufficient information to allow for a full understanding of the financial affairs of the charity. For further information the full annual accounts, the Independent Examiner's Report on those annual accounts and the Trustees' Annual Report should be consulted; copies of them can be obtained from The Treasurer, Fair Trials Abroad, 59 Carter Lane, London EC4V 5AQ.

Signed on behalf of the Trustees, Christopher Bayne, Chairman

Independent Examiners' Report to the Trustees of the Fair Trials Abroad Trust

We confirm that the summarised statement of financial activities and the summarised balance sheet are a fair extract from the full annual accounts of the Trust for the year ended 31 March 2006 on which we reported separately as Independent Examiners on 18 August 2006.

Mark Boydell Et Co, Chartered Accountants

Conclusion

The work of Fair Trials Abroad does not fit comfortably with the remit of most trusts and foundations in the European Union; the organisation works equally on behalf of all EU citizens, as opposed to those of a single Member State. Most of our clients are in trouble in countries not thought to be deserving of charitable help.

It is also commonly supposed that when an individual is charged with a crime it is because he or she is guilty; the justice system will automatically balance the interests of all parties and achieve a fair and truthful outcome. Unfortunately this is not always the case. Even within the EU there are systematic failings with justice systems leading to innocent people serving prison sentences for a crime they did not commit. The most common reasons for this are poor investigations and summary trials. Some member states fare worse than others.

There can be no doubt that our work is needed as the number of people

approaching us for help steadily increases. Whilst the majority of our cases represent British citizens, probably because the main office is in the UK, we have also worked on behalf of Austrian, Dutch, Irish, Italian and Spanish citizens this year.

It is widely held that legal developments over the last few decades have been remarkable with one of their main thrusts to protect human rights. Human rights protections are present in international declarations and conventions. The benefits, it must be said, are largely on the development of rights and law enforcement beyond the nation state. State parties and aggressors can now be tried for crimes against humanity, and offensive wars may, on occasion, be criminalised. This is a significant step in the right direction.

However, when looking closer at the development of human rights, there is little to see in the way of development of the fundamental right to a fair trial and parity of arms.

The European Court of Human Rights in Strasbourg is ill-equipped to deal with the demands placed upon it by the number of complaints of miscarriage of justice. These complaints arise only after exhaustion of all domestic remedy so the court is not in a position to address problems arising at the beginning of legal proceedings. Even if they pronounce in favour of the defendant, many years after his initial conviction, the Court's decisions are not enforceable and therefore do not automatically act as a corrective to prevent repeated miscarriages of justice.

The Treaty of Amsterdam, drawn up to create an area of freedom, security and justice completely overlooks the interests of the suspect or defendant. This is a serious oversight. An individual may spend up to 4 years in pre-trial detention in some member states of the EU. This has nothing to do with the threat of terrorism.

Please support us to support those who are unjustly accused and sentenced for a crime they did not commit.

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Culture 2000

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