

JUSTICE PRESS RELEASE

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JUSTICE calls for new impetus for the creation of a genuine area of freedom and justice throughout the EU

JUSTICE has called on EU justice and interior ministers meeting in Tampere from tomorrow until the 22 September to re-balance EU justice and home affairs policies, ensuring that prosecutorial measures adopted so far are accompanied by instruments that lay down specific guarantees for EU citizens' fundamental rights in the course of criminal proceedings or police investigations.

In an open letter to the ministers, JUSTICE condemned the lack of progress at EU level towards what citizens had been promised by Member States at Tampere and in the 2004 Hague Programme's multi-annual roadmap for justice and home affairs.

Maik Martin, JUSTICE's EU Legal Officer, said

Europe must not only be perceived as an area of security, it has to be seen as a true area of freedom and justice. An express guarantee for defence rights, a strong data protection regime for the exchange of information between police and judicial authorities and adequate procedural safeguards for those seeking refuge and protection in the EU lie at the heart of this endeavour.

Recapturing the Tampere spirit is not just about decision-making procedures and the potential abolition of Member States' veto powers in EU criminal justice matters. We need an open debate about the future of EU justice co-operation, so that the balance between the promises of security on the one hand and freedom and justice on the other in the Hague Programme can be kept.

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Notes to editors:

1. Please find attached to this press release JUSTICE's open letter to the JHA ministers.
2. Building on what EU Member States had agreed on in 1999 in Tampere, the European Council in 2004 adopted the Hague Programme which envisages the adoption of measures that would both improve member states' co-operation in areas

such as civil and criminal justice, policing and asylum and immigration, and complement this increased co-operation by guarantees of fundamental rights and procedural minimum guarantees in these areas. Yet, Member States find it increasingly difficult to reach agreement on these catalogues of procedural standards in different policy areas of justice and home affairs. A self-imposed deadline of the end of 2005 has already lapsed for a Framework Decision on minimum safeguards for suspects and defendants in criminal proceedings throughout the EU. In June 2006, the European Commission identified the need for unanimity for the adoption of measures in the area of police and judicial co-operation as the major stumbling block for improved EU law-making in this field. It suggested the use of a clause in the EU Treaty to introduce qualified majority voting in this area of EU law, thus limiting, or even completely abolishing the veto powers of Member States in the Council. This proposal has met with both support and criticism by Member States.

3. On the issue of the rights of those caught up in criminal investigations in the EU, JUSTICE believes that simple reliance on the Strasbourg-based European Court of Human Rights is not enough. In a time where that court is overburdened by individual applications, the EU must adopt instruments that make the rights enshrined in the European Convention on Human Rights more visible and thus allow everyone in the EU to vindicate their rights in EU Member States' courts more effectively.
4. On Thursday, 28 September 2006, JUSTICE, in collaboration with Outer Temple Chambers, will be holding an Experts' Seminar on Fundamental rights in EU Justice & Home Affairs at Middle Temple. Leading academics and EU law practitioners from Belgium, France, Germany, Italy, the Netherlands and the UK are expected to critically assess the promises of the current state of fundamental rights after the first year of the Hague Programme. The conclusions ministers in Tampere will adopt in the coming days will provide the backdrop for an in-depth analysis of the Amsterdam promise of an EU as a genuine area of liberty and justice.