

## **European Arrest Warrants (EAWs)**

### **What is this?**

The European Arrest Warrant is the mechanism by which wanted individuals are extradited from one EU member state to another. This can be to face prosecution or to serve a term of imprisonment following an earlier conviction.

The UK's membership of and policy on the EAW system is overseen by the Home Office. The Home Secretary announced a review of five key areas of extradition, including the operation of the European Arrest Warrant, on 7 September 2010. An independent panel is expected to report in late summer 2011. For more information see the Home Office website.

[www.homeoffice.gov.uk/media-centre/news/extradition-review](http://www.homeoffice.gov.uk/media-centre/news/extradition-review)).

The procedures below apply to England and Wales. In Scotland and Northern Ireland procedures are broadly similar, using their own equivalent bodies. SOCA is the Central Authority for Northern Ireland.

### **What does SOCA do?**

SOCA is one of two Central Authorities in the UK (the other being the Crown Office in Scotland) which manage the receipt of European Arrest Warrants, acting effectively as a gateway between requesting and arresting authorities. Within SOCA the work is led by the Fugitives Unit in the International Department.

When SOCA receives an EAW request it will assess its legal validity against the relevant criteria before passing it for action to the appropriate arresting authority – in the UK this is usually the police force in the region where the subject is believed to be.

SOCA is not required to assess the evidence on which a warrant is based but must be sure the request meets the criteria set in the Extradition Act 2003. In the UK, the decision on whether an extradition is to be ordered is a judicial one.

### **How does the process work?**

Subjects wanted by the UK

When an individual in another member state is wanted by the UK, a law enforcement agency will ask the Crown Prosecution Service (CPS) to prepare an EAW for that individual. The warrant must be signed and issued by a designated judge, and reviewed by SOCA to ensure it contains all required information. SOCA will then distribute the warrant to authorities in the country or countries where the subject may be.

If the subject is subsequently apprehended and extradition is ordered, SOCA acts as the conduit for information between the arresting authority and the authority which made the request. The individual's extradition and surrender to the UK is then arranged via this process.

## Subjects in the UK

When an individual wanted by another member state is believed to be in the UK, an EAW will be submitted to SOCA for it to start the extradition process. SOCA will issue a certificate validating the warrant provided it contains the information required under Section 2 of the Extradition Act 2003.

A copy of the warrant, the certificate and any intelligence concerning the person's location is forwarded to the appropriate organisation, usually a police force, in order that an arrest can be made.

Following arrest, the subject must be taken for a hearing before a designated extradition Judge at City of Westminster Magistrates Court as soon as practicable. The subject will be given the option to consent to his / her extradition. If consent is not given, an extradition hearing will be set. At the extradition hearing the presiding Judge will hear evidence from the issuing judicial authority (represented by CPS) and from the requested person, after which the Judge will decide if extradition should be ordered or the individual should be discharged. If the ruling is to extradite, SOCA will liaise with the arresting police force and the issuing authority to arrange surrender.

The subject may appeal an extradition order within 7 days, but if there is no appeal handover must take place within 10 days after the appeal period.

### **Who else is involved?**

- UK law enforcement (UK police forces, HMRC, UKBA, SOCA, SFO, etc): UK police forces and agencies make the initial EAW request for subjects thought to be in another EU country. Typically, police forces will arrest subjects wanted by EU member states who are located in the UK.
- The Crown Prosecution Service, which raises EAWs on behalf of the UK and represents member states seeking extradition of subjects from the UK.
- City of Westminster Magistrates Court: where EAW subjects apprehended in the UK appear for extradition hearings. The Appeal Court and Supreme Court may also become involved if appeals are lodged.
- Requesting countries: prosecutors will issue the EAWs and the subjects being extradited from the UK will be surrendered to the requesting police force.