

FAIR TRIALS INTERNATIONAL



Our vision is a world where every person's right to a fair trial is respected, whatever their nationality, wherever they are accused.

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“Our programme of reform is guided by a single clear priority: to rebalance the criminal justice system in favour of the victim and the community so as to reduce crime and bring more offenders to justice.”

(2002, ‘Justice for All’ White Paper)



“ Being a victim of crime by the age of 12 is one of the strongest indicators that a child will offend by 15, likewise those who offend at 12 are likely to become victims of crime by 15.”

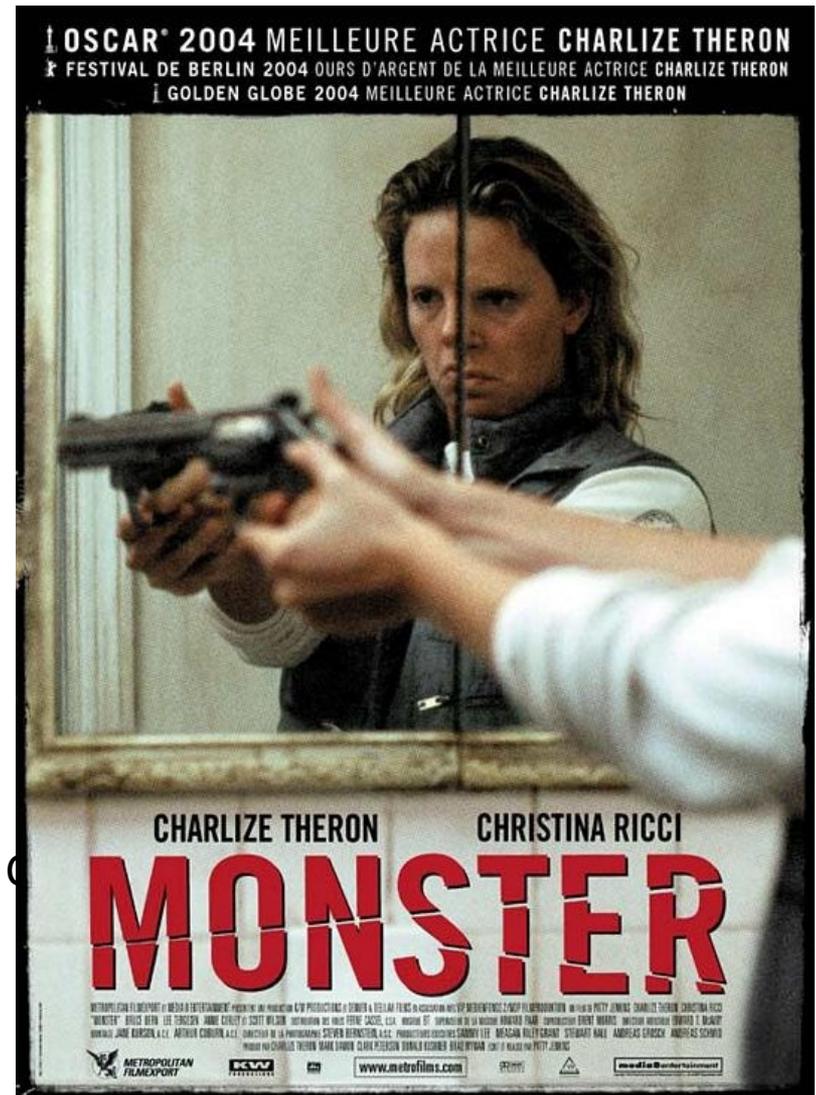
Smith & McAra, Young offenders and victims of crime are often the same people, 2003

“Abused or neglected girls are 73% more likely than other girls and women to be arrested for property, drug, and alcohol crimes, and also at increased risk of arrest for violent crimes as juveniles and adults.”

Widom & Maxfield. National Institute of Justice, An Update on the Cycle of Violence

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- ***“Aileen Wuornos was both victim and perpetrator. She is not unique in this dual identity: many girls and women-and boys and men-are first victims and then become perpetrators.”***
 - Abbe Smith, The "Monster" in All of Us: When Victims Become Perpetrators



The Telegraph

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'Battered' wife wins murder case plea

By David Graves

12:01AM GMT 08 Jan 2002

A WOMAN claiming to have suffered from battered wife syndrome has won a plea in a murder case.

Josephine of murder suffered y recommen

She failed year but h for Women syndrome

The comm suspected and said y Court.

A hearing husband a Norfolk, or

The New York Times

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Youth Who Won Abuse Suit Is Held in Daughter's Killing

By ABBY GOODNOUGH; Terry Aguayo contributed reporting from Miami for this article, and Yudi Pineiro from North Miami. Published: May 19, 2004

At 16, Yusimil Herrera won a suit against Florida's child welfare agency for churning her through foster homes where she said she was beaten, slapped, kicked and sexually abused from the time she was 2. At 19, Ms. Herrera, a plucky young woman with dark, thick curls, had not seen any of the \$2.2 million jury award and had drifted in and out of homelessness.

On Sunday, Ms. Herrera, now 20, was arrested on charges of severely beating her own young daughter in their North Miami apartment. Eight months pregnant with her second baby, she stands accused of the same cruelty that plagued her own childhood and made her a compelling symbol of the system's deepest failings.

The police found Ms. Herrera's daughter, Angel Hope Herrera, 3, lying unresponsive in the hallway outside her mother's apartment Sunday afternoon, with black and blue marks on her stomach, chest, arms and legs, according to the police report. She was airlifted to Jackson Memorial Hospital, where she was pronounced dead Tuesday afternoon, a hospital spokeswoman said.

Ms. Herrera, now charged with first-degree murder, was being held without bail at the Miami-Dade Women's Detention Center.

The Telegraph

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Rape victims let down by CPS, says watchdog

Rape victims' human rights are being infringed by the Crown Prosecution Service handing defence lawyers too much information about their injuries and treatment, a watchdog has said.



15 May 2014

THE HUFFINGTON POST

UNITED KINGDOM

Domestic Violence Victims Are 'Let Down' By Police, Report Shows

The Huffington Post UK | Posted: 27/03/2014 06:58 GMT | Updated: 27/03/2014 08:59 GMT

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Thousands of domestic violence victims are being failed by police forces across England and Wales due to "alarming and unacceptable weaknesses" in the way cases are investigated, inspectors have found.

In a damning report, Her Majesty's Inspectorate of Constabulary (HMIC) said only eight out of the 43 forces responded well to domestic abuse and the most vulnerable victims faced a "lottery" in the way their complaints were handled.

Poor attitudes, ineffective training and inadequate evidence-gathering were all heavily criticised by the watchdog, which has called for an urgent overhaul of the response to domestic abuse - from frontline officers up to police chiefs.

“ *Being a victim of crime by the age of 12 is one of the strongest indicators that a child will offend by 15, likewise those who offend at 12 are likely to become victims of crime by 15.*”

Smith & McAra, *Young offenders and victims of crime are often the same people*, 2003



“ ***My head was wrapped with plastic bags, my hands still cuffed, my neck still compressed as they rained down blows on my head and stomach. For the first three days in detention, I was interrogated and tortured for refusing to sign the police investigation report.***”

– Syamsu Arifin, Torture victim, Indonesia.

DW

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HUMAN RIGHTS

'Russian prisons are essentially torture chambers'

Pussy Riot's Nadezhda Tolokonnikova, who recently turned up after being missing for nearly a month, was protesting Russian prison conditions. A former prisoner talked to DW about life in such prisons.

Ending Torture in U.S. Prisons

NRCAT's work to end torture in U.S. prisons is focused on the use of **solitary confinement**. **Isolation fundamentally alters the brain**, denies opportunity for community, and violates inherent human dignity. It creates toxic environments for incarcerated people, correctional staff and administrators.

On any given day, roughly **80,000 incarcerated adults and youth are held in solitary confinement**. Isolated confinement has a variety of names: segregation ("seg"), "the hole." Prisoners are confined to a cell (alone, or with one other person) for 23 hours per day, with an hour alone in an exercise cage. Food is pushed through a small slot in the door. Those who have survived it describe the experience as being "buried alive."

UN Special Rapporteur on Torture, Juan Méndez, stated in his 2011 report that solitary confinement in excess of 15 days should "be subject to an absolute prohibition" based on scientific evidence of its psychological damage. Half

Meet the 5 CORE DEMANDS

END SOLITARY CONFINEMENT

BREAK THE SILENCE! MASS INCARCERATION SILENCE = GENOCIDE!

Is your state involved?



UNODC - Working Group on Trafficking of Persons

“Trafficked persons are currently prosecuted for crimes committed during their period of victimization.”

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Norwegian woman: I was raped in Dubai, now I face prison sentence

By Nicola Goulding and Phil O'Sullivan, CNN
July 21, 2013 -- Updated 2041 GMT (0441 HKT)



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20 July 2013 Last updated at 10:03

Dubai sentences Norwegian woman who reported rape



Marte Deborah Dalelv says she is "very nervous and tense" but remains hopeful she can overturn the sentence on appeal

A Norwegian woman has spoken out about the 16-month prison sentence she received in Dubai after reporting a rape incident to police.

Interior designer Marte Deborah Dalelv was on a business trip in Dubai when she says she was raped.

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THEWORLDPOST

A PARTNERSHIP OF THE HUFFINGTON POST AND BERGGRUEN INSTITUTE ON GOVERNANCE

Marte Deborah Dalelv, Alleged Norwegian Rape Victim, Pardoned After Being Sentenced To Jail For Sex Outside Marriage

By BRIAN MURPHY 07/22/13 04:40 PM ET EDT **AP**



HUFF POST LIVE

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VICTIM SUPPORT EUROPE CALLS FOR

A. RIGHT TO INFORMATION

In order to participate in the criminal justice process and make informed decisions about their engagement with the system, victims need information on what their rights are and what services they can access. Right to information is therefore one of the most important rights in the aftermath of crime.

As a minimum, victims should be informed of all activities and decisions made in their case. They

justice*in*
EUROPE

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Improving defence rights in Europe: the right to information in criminal proceedings

The Roadmap's second law safeguards the right to information in criminal proceedings (**Directive 2012/13/EU**). Adopted in May 2012, it comes into force in June 2014, so every EU country must put it into national law by that time.

Unfortunately, protection for basic defence rights varies greatly across the EU, and the basis for this trust is lacking. The Directive is a huge step forward in ensuring that people arrested in the EU are provided with key information about basic legal rights and the charges against them, without which they cannot prepare effectively for trial.

Fair Trials International's casework shows the importance of giving suspects information about their legal and procedural rights and about the case against them. This is an essential element of a fair trial.

"There are no winners or losers, only pursuit of the truth. Today's verdict has only stopped further injustice and a possible gross miscarriage of justice... I can finally return home and begin building my life again."

Andrew Symeou



“For someone arrested thousands of miles from home, the obstacles to a fair trial are enormous: you do not speak the local language, are ignorant of your rights and have no local contacts to support you.”

“Fair Trials International helps defend the fair trial rights of people in this terrifying predicament. We provide referrals, assistance and information to people arrested outside their own country and do not charge for any of the support we provide.”

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“Victims of crime are entitled to support, protection and compensation irrespective of where in the EU they live or where the crime was committed. However, many victims are still left to fend for themselves in the aftermath of crime. Victims in cross-border cases face additional challenges based on language barriers, lack of supporting social networks and unfamiliarity with the applicable criminal justice system”



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Priorities for Justice in Europe

Legal Experts Advisory Panel

1. MAKE EXISTING LAWS WORK IN PRACTICE



Interpretation and translation
(Passed October 2010)



Right to information
(Passed April 2012)



Right to legal advice
(Passed October 2013)

2. FOLLOW UP ON PROMISED NEW LAWS



Protection for children



Right to legal aid



Presumption of innocence

PUT FAIR TRIALS AT THE HEART OF EU JUSTICE

3. END EXCESSIVE AND UNJUSTIFIED PRE-TRIAL DETENTION



20% of prisoners in EU still awaiting trial

4. FAIR COOPERATION ACROSS BORDERS



15,000 fast-track extraditions without human rights safeguards due to European Arrest Warrant

www.fairtrials.org

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“Following the adoption of the European legislation, it is now time to ensure that rights are accessible in practice for victims across Europe”



EU Standards – From Law to Reality: Same Journey, Same Challenges

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**1) Persuade states to implement
Directives effectively**

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1) Persuade states to implement Directives effectively

2) **Get the laws used in practice at domestic level**

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EU Standards – From Law to Reality: Same Journey, Same Challenges

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1) Persuade states to implement Directives effectively

2) Get the laws used in practice at domestic level

3) Sharing examples of good and bad practice

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EU Standards – From Law to Reality: Same Journey, Same Challenges

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Effective EU-
Wide
Minimum
Standards

- 1) Persuade states to implement Directives effectively
- 2) Get the laws used in practice at domestic level
- 3) Sharing examples of good and bad practice
- 4) **Commission enforcement action?**

THERE

Rights
Respected in
Practice



EU Standards – From Law to Reality: Same Journey, Same Challenges

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Effective EU-
Wide
Minimum
Standards

- 1) Persuade states to implement Directives effectively
- 2) Get the laws used in practice at domestic level
- 3) Sharing examples of good and bad practice
- 4) Commission enforcement action?
- 5) **EU Court to interpret laws progressively**

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