



Open letter regarding pre-trial detention

Viviane Reding, European Commission Vice-President in charge of Justice

Dear Vice-President Reding

We are writing to you to express our concern about the lack of concrete action towards reform of Europe's pre-trial detention regime since the November 2011 consultation deadline to the European Commission's Green Paper on Detention. We urge the European Commission to take action, publish its analysis of the consultation's findings and announce the next steps, which should include a timeframe for tabling a legislative proposal setting common minimum standards for the use of pretrial detention.

As you are aware, this consultation was requested by the European Council, in recognition that "excessively long periods of pre-trial detention are detrimental to the individual, can prejudice cooperation between the Member States, and do not represent the values for which the European Union stands".

The pre-trial detention regime in EU member states needs urgent reform, to ensure an end to the unnecessary and often arbitrary recourse to pre-trial detention and the severe rights violations that it causes, especially when it affects juveniles, non-nationals and vulnerable groups.

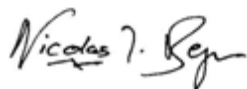
The Commission's consultation has attracted widespread support for change. Over fifty non-governmental organizations and six member states agree that new EU laws are needed to end the excessive and unjustified use of pre-trial detention in the EU. Several other member states accept there are severe problems with pre-trial detention and see its misuse as a threat to mutual trust and continued judicial cooperation across EU borders.

In December 2011, Members of the European Parliament overwhelmingly supported a resolution on detention conditions in the European Union, which called for a legislative proposal on the rights of persons deprived of their liberty. The resolution called on Member States to ensure that pre-trial detention remains an exceptional measure, to be used only under strict conditions of necessity and proportionality and for a limited period of time, in compliance with the presumption of innocence and the right to liberty. It recalled that pre-trial detention must be reviewed periodically by a judicial authority and that alternatives must be used in transnational cases. This letter is copied to the MEPs who proposed the resolution, which carried cross-party support.

The case for reform is clear and the political mandate exists. In addition, Commission figures indicate that pre-trial detention costs EU countries around €5 billion each year, not including the wider costs to welfare systems when individuals cannot work or support their families due to lengthy periods in custody awaiting trial.

The outcome of the Commission's consultation shows that there is a pressing need for reform and there is a clear call on the Commission to come forward with a legislative proposal setting common minimum standards for the use of pre-trial detention. As a year has now passed since the Green Paper was published in June 2011 we await a prompt announcement of the next steps.

Yours sincerely



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Professor Holger Matt
Chairman
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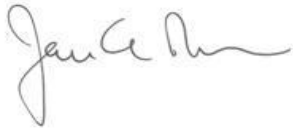
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