



**SOTERIA INTERNATIONAL intervention on Monday 28th September during**

**WORKING SESSION 11: Humanitarian issues and other commitments**

**- Refugees and displaced persons**

Ladies and gentlemen,

We bring to your attention a situation regarding the refugee status which raises a question of legislation, where EU judicial collaboration today violates human rights.

Mr. Bivolaru is a Romanian refugee in Sweden, having been persecuted in his home country since the Ceausescu times. Mr. Bivolaru fled to Sweden in 2005. His case was tried in the Swedish Supreme Court 2005, and he was found to be a religious refugee, whose human rights could not be secured if handed over to Romanian authorities.

In 2013 Romania convicted Mr. Bivolaru in absentia to 6 years imprisonment. The Romanian conviction is based on the same allegation as was investigated by the Swedish Supreme Court, leading to the asylum. Now being part of the EU, Romania issues a European Arrest Warrant, obliging Swedish prosecutor and police to apprehend the refugee.

The situation is full of paradoxes, that question the EU judiciary collaboration.

Swedish authorities today take part of the same persecution, as they simultaneously protect him from.

Sweden can refuse to hand over the refugee, as it would violate the human rights, but the Swedish prosecutor does not have any mandate to refuse the EAW. Thus, the refugee's only chance to be free, is to be apprehended. When brought to trial the judge would ask the Swedish authorities to clarify the situation with the asylum, and he would hopefully be released.

***As it stands, Sweden must violate the human right of not being tried twice for the same allegations, in order to protect the human rights of asylum.***

***When it comes to refugees, it seems obvious that when a EAW is issued on the same allegations, that have previously been tried by the country asked to hand over the refugee, the EAW should be dismissed, by the proper authorities.***

The situation must be looked into by both Swedish and EU institutions. It is a question of legislation, where the EU judicial collaboration today violates human rights. Swedish

authorities must take immediate action in this case, as today the refugee's fundamental rights are not protected in Sweden.

**Recommendations:**

We recommend Swedish authorities to take immediate actions to stop the persecution of the refugee in Sweden, by Swedish authorities.

We recommend Sweden and other EU member states to work for a legislative solution, so that political or religious persecution cannot be continued with a European Arrest Warrant.