



Soteria International Contribution to Working Session 16

HUMANITARIAN ISSUES AND OTHER COMMITMENTS

Asylum rights are at the core of human rights. The right to be protected from persecutions in your homecountry, in accordance with the Geneva Convention of 1951 is the last hope of the persecuted fellow human.

Western European countries and Sweden especially have shouldered the responsibility, during the last half century protecting the human rights by offering a safe haven for those persecuted.

Due to European directives Europe today face a unique and decisive situation with a Romanian refugee i Sweden who is asked to be handed over to Romanian imprisonment. Mr.Bivolaru is a well known writer, yogateacher and dissident who has been persecuted since the Ceausescu times. The political nature of the persecutions, with false accusations and fabricated evidences have been affirmed by court in 2011.

Europe and EU are full of refugees from previously totalitarian regimes, such as Spain or Greece, that today are not in need of protection, as the persecutions have stopped with the transition to democracy. All EU member states are considered "safe countries" and the justice system can not be questioned from one member state to another. But what if that is not true and a country continues the persecutions? Who will ultimately defend the right to asylum within EU?

Since 2005 Romania has already asked the extradition of Mr. Bivolaru three times, and three times the Swedish authorities have rejected the request, judging that his fundamental rights would not be secured in the Romanian justice system.

In june 2013 they again ask for the refugee to be handed over, but this time using the position of a EU member state to request through a European warrant of arrest.

The Swedish international prosecutor in Malmö responds that his work descriptions do not give room to question the warrant, so today Swedish police search to apprehend the refugee. The same person at the same time Sweden still protects in accordance with the Geneva Convention.

The Swedish Foreign Minister says it is not at her table, as the European Warrant of Arrest does not concern an extradition. The Minister of Migration says it is not at his table as Mr Bivolaru is already given protection as a refugee.

The UN office for refugees says that they can only support through Mr Bivolaru's lawyer, but he will only have a lawyer after being apprehended, which he naturally avoids. The Red Cross in Sweden refuse to take the case as they do not consider they have expertise enough to help.

Commissioner Malmström has not yet commented on the case. State Watch and other Human Rights organisations follow the case closely, but who is ultimately responsible to protect the refugee's rights? Are we building a judiciary collaboration where the protection of the individual fundamental rights are sacrificed to protect political directives?

Mr Bivolaru face the same Romanian persecution today as when the asylum was given in 2007. The famous Romanian historian, dissident and founder of the Romanian Helsinki Committee APADOR-CH, Gabriel Andreescu wrote two books about the case and its roots deep within the Securitate files from the 70's.

The only thing that has changed since 2007 is the formal relation between Sweden and Romania. A change that is without relevance to the case and can not change the position of asylum.

Soteria International recommends OSCE/ODIHR and the OSCE participating states to work for the protection of refugees to make sure that they are not threatened by EU directives.

Soteria International recommends to OSCE/ODIR and Sweden to take full protection of the refugee's rights, and not disregard or annul the asylum in order to fit political directives.