

WRITTEN QUESTION P-1121/04
by Mario Mastella (PPE-DE)
to the Council

Subject: Italy's request for extradition of the terrorist, Cesare Battisti

Cesare Battisti, the Italian former leader of the Proletari Armati per il Comunismo (Armed Proletarians for Communism) group, who fled to France several years ago after having been sentenced in Italy to two terms of life imprisonment for murder and robbery, was released from prison in Paris a few weeks ago. He had been arrested on 10 February 2004 at the request of the Italian judiciary, which subsequently requested his extradition. A decision is to be taken on the matter on 17 April at a hearing to be held within the investigation division of the Paris Court of Appeal.

At the recent Brussels European Council meeting, in connection with joint action to combat terrorism the EU Member States undertook once again to improve judicial cooperation arrangements by promoting closer and more effective cooperation between police and security services, appointing a European Counter-Terrorism Coordinator and calling on all Member States to ratify and fully to implement the measures provided for after 11 September 2001, such as the conferral of powers on Eurojust (office for cooperation between European magistrates and prosecutors) and the adoption of the European arrest warrant.

Given the recent decisions, would the Council state whether:

1. it would not agree that the 'Mitterand doctrine', under which anyone seeking refuge in France after having been sentenced for political reasons should be given protection and on the basis of which France may once again reject the Italian extradition request, is now incompatible with the principles underpinning the establishment of a 'European judicial area' and mutual recognition of sentences?
2. it would consider it appropriate for some pressure to be exerted on the French Government with a view to ensuring effective judicial cooperation in joint action to combat terrorism and organised crime, and if so, in what way?