



MINISTRY OF PUBLIC ADMINISTRATION
AND JUSTICE

TIBOR NAVRACSICS
Minister

H.E. Mr. Alan Shatter
Minister
Department of Justice and Equality

Dublin

Budapest, 26 June 2012

Your Excellency,

As Head of Hungary's Ministry of Public Administration and Justice, the designated central authority for European arrest warrant-based surrender procedures, I have with great regret taken note of the Irish Supreme Court's decision of 19 June 2012 refusing the surrender to Hungary and discontinuing the detention in Ireland of Francis Ciaran Tobin, who on 9 April 2000 in Leányfalu, Hungary, caused an accident having resulted in the deaths of two small siblings, aged 2 and 5.

The Irish central authority, the Department for Justice and Equality headed by Your Excellency, Mr. Minister, has provided the information that under Irish law no further legal action can be taken against Tobin: though in the surrender proceedings conducted on the basis of the European arrest warrant issued by the Hungarian court the Hungarian judgment was recognised by the Irish judicial authorities, the sentence of imprisonment inflicted in Hungary can, nevertheless, not be executed in Ireland.

I wish to remind your Excellency of the provision under Article 4.6 of Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, according to which "*the executing judicial authority may refuse to execute the European arrest warrant if the European arrest warrant has been issued for the purposes of execution of a custodial sentence or detention order, where the requested person is staying in, or is a national or a resident of the executing Member State and that State undertakes to execute the sentence or detention order in accordance with its domestic law.*"

Where a Member State fails to surrender a national of her own for the purpose of executing a sentence of imprisonment or fails to execute the sentence herself, and her domestic laws do not allow for instituting criminal proceedings for the offence committed by the national abroad, the result will be that the convicted person will evade all the criminal consequences of the serious offence that he committed.

The case still stirs emotions and receives great public attention in Hungary. It is more than regrettable that the surrender proceedings which lasted between Hungary and Ireland from 2004 became terminated without forcing Francis Ciaran Tobin to face the criminal consequences of his act which caused a tragedy in a family and brought never-ending grief and sorrow to them over the loss of the young, innocent lives.



Yours sincerely,

Tibor Navracsics
Deputy Prime Minister
Minister of Public Administration and Justice