

Edmond Arapi Awarded \$27,878 For Wrongful Imprisonment After False Murder Conviction

Castillo Marcello was stabbed to death in Genoa, Italy on October 26, 2004. Twenty-eight-year-old Edmond Arapi was implicated in the crime by a distant relative. In 2006 an Italian court relied on that evidence to convict Arapi *in absentia* of murder and sentenced him to 16 years in prison.

Arapi was arrested in June 2009 on a European Arrest Warrant as he passed through customs at Gatwick Airport in London. Arapi and his family lived in Leek, England, and they were returning from a vacation in his native Albania.

When informed he had been arrested for his 2006 conviction of a murder committed in Genoa in 2004, Arapi insisted on his innocence and told the authorities he hadn't traveled outside the United Kingdom in 2004 and that he had never been in Genoa.

Unbeknownst to Arapi he had not only been convicted during a trial during which he was represented by an Italian public defender, but his conviction had been upheld on appeal.

Five weeks after Arapi's arrest a judge ordering his release on electronic monitoring pending resolution of Italy's extradition request.

Fair Trials International (FTI) is an international human rights organization based in London. While Arapi was awaiting extradition to Italy to begin serving his sentence, FTI began investigating his case. FTI discovered that in October 2004 Arapi worked at the Cafe Davide in Leek, England and he wasn't allowed to travel outside the country because of his immigration status. Arapi was 19 when he immigrated to the United Kingdom in 2000, and FTI discovered he had not traveled outside the United Kingdom between 2000 and 2006. When arrested in 2009 it was only the second time he had traveled outside the U.K. since 2000. FTI also discovered documents proving that on the day of the murder Arapi was more than 1,000 miles from Genoa: he was working at his job in Leek and attending classes to gain a chef's qualification.¹ Leek is about 160 miles northeast of London.

After a hearing during which a judge heard Arapi's exculpatory evidence and expert



Edmond Arapi in June 2010 (Dominic Lipinski / Press Association)

testimony about the Italian procedures he would have to pursue to obtain a new trial, Arapi's extradition was ordered on April 9, 2010. Arapi appealed to England's High Court. While that appeal was pending the FTI attempted to persuade Italian authorities to withdraw their arrest warrant, it worked with lawyers in Albania to learn the identity of the actual perpetrator, and it contacted the media and politicians in England to make the public aware of Arapi's plight.

The FTI's coordinated campaign worked. During the appeal hearing on June 15, 2010, a year after Arapi's arrest, Italian authorities formally requested that the British High Court withdraw the arrest warrant supporting their extradition request. The withdrawal was based on the exclusion of Arapi's fingerprints as matching the assailant's fingerprints recovered from the crime scene, and another man with a similar name and from the same region in Albania as Arapi was suspected of being the actual murderer. [During the hearing](#) the representative of the Italian prosecutor's Office answered "Yes," when asked by Lord Justice Pitchford: "Got the wrong man?"

The European arrest warrant (EAW) system has been heavily criticized, and Lord Pitchford didn't spare his dissatisfaction with its use in Arapi's case when [he stated](#) during the hearing:

"However one looks at it, the EAW was followed by a letter from the Office of Public Prosecutions of the court in Genoa saying in effect Mr Arapi's DNA was, so to speak, 'all over the crime scene'. That was subsequently withdrawn, but not in time to save Mr Arapi five weeks in custody followed by release on stringent bail terms, including the wearing of an electronic tag he has on him at this moment."

After the hearing Arapi was still wearing his electronic monitor when he [told reporters](#), "I am so happy now but this has been a nightmare for me that words cannot describe."

Fair Trials International's chief executive, Jago Russell, told reporters that the year of facing extradition [had been a](#) "nightmare"

for Arapi. He also said, "His case is clear evidence that countries requesting extradition sometimes get it wrong. Italian and British authorities have taken a common sense approach to this case. We hope European countries will now work together to reform the EU's fast-track extradition system to prevent similar cases of injustice in future."

Arapi's conviction was subsequently overturned by a court in Genoa.

With the assistance of FTI Arapi filed a compensation claim in Italy for the five weeks he was jailed after his arrest and the eleven months he spent on electronic monitoring after his release. [His case was](#) considered to be precedent setting in that it would determine if an innocent person jailed and released on stringent bail conditions while another country sought their extradition, was entitled to compensation the same as if that person had been wrongly convicted and imprisoned in the country that sought extradition.

A hearing was held in Genoa in March 2012. On July 9, 2012 it was announced that Arapi, 31, had been awarded \$27,878 (£18,000) to compensate him for the five weeks he was jailed and the distress caused to him and his family.²

[After the award](#) was announced Russell told reporters: "No amount of money can really compensate Edmond, his wife and three children for their year-long ordeal and its long-term financial and emotional impact. This decision, should, though, act as a warning to judges and prosecutors across Europe who have been using Europe's tick-box extradition regime without thinking and in completely inappropriate cases."

Fair Trials International's website is at, www.fairtrials.net.

Endnotes:

1. Google maps show the driving distance is 1,661 kilometers from Leek, UK to Genoa, Italy, which is the equivalent of 1,032 miles.
2. Arapi was awarded £18,000, and the exchange rate on July 9, 2012 was £1.5488 to the U.S. dollar. So Arapi's compensation was \$27,878.

Sources:

[Edmond Arapi wins payout](#) from Italian court for wrongful murder conviction, *Guardian* (London), July 9, 2012

[Italian court to decide whether to compensate](#) wrongly imprisoned man, *Guardian* (London), March 28, 2012

[Italy abandons extradition bid](#) after admitting it had got the wrong man, *Guardian* (London), June 15, 2010

Fair Trials International, Edmond Arapi — Italy at, www.fairtrials.net

