

Michael Lynn should be back by year-end to face charges – lawyer

Lynn fled Ireland in 2007 with debts of €80m and is attempting to overturn extradition bid



Mr Lynn was arrested in Brazil almost two years ago – on August 29th – and has been held since in a prison in the city of Recife while fighting efforts to return him to Ireland. Photograph: Federal Police of Brazil

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Fugitive lawyer [Michael Lynn](#) should be back in Ireland before the end of the year to face charges relating to the collapse of his property empire, according to the Brazilian lawyer representing the State in the extradition case.

Last December Brazil's supreme court voted to allow the extradition but Mr Lynn's return was delayed after his defence exercised his right to seek clarification on the ruling in a bid to have it overturned.

Marco Aurélio, the supreme court judge assigned to the case, must now provide the clarification requested before the extradition can be executed.

Mr Lynn was arrested in [Brazil](#) almost two years ago – on August 29th – and has been held since in a prison in the city of Recife while fighting efforts to return him to Ireland. “This process is taking longer than normal,” said [Antenor Pereira Madruga Filho](#), the lawyer hired by the [Irish Government](#) to represent it. “But I do not believe it will go on beyond the current court semester [which ends in mid-December].”

Mr Lynn’s defence has petitioned the court for clarification on several points, including the validity of the translation of the original arrest warrant and the question of reciprocity in the absence of an extradition treaty between Ireland and Brazil.

But Mr Madruga dismissed the chances that these petitions would expose grounds for overruling the original ruling to extradite.

“The strategy of Mr Lynn’s defence is apparently to try and expose an omission or contradiction in the court’s ruling or a material error and this very rarely occurs. These points were all debated in the December hearing. Because of this I don’t believe they will be of any consequence except to delay the handover,” he said.

Original ruling

In all 76 extradition cases dating back to 1975 in which the defence sought clarification of a decision to extradite not once was the original ruling overturned, according to a search of the court’s website.

Mr Lynn’s defence team did not respond to requests for an interview. The Irish embassy in Brasília said it does not comment on extradition cases.

An official in Brazil’s prosecutor general’s office who is familiar with the case, but not authorised to speak publicly on it, said he also expected the court to confirm its original ruling, perhaps as early as next month, clearing the way for Mr Lynn’s extradition before the end of the year.

If the court confirms its original ruling then it is up to the prosecutor general’s office to coordinate a handover with Irish authorities.

The official blamed the delay in responding to Mr Lynn's request for clarification in part on the extraordinary burden placed on Brazil's supreme court, considered along with India's the most overworked in the world.

Despite a 2005 reform that has cut the amount of cases that reach the court in half it still receives about 50,000 each year. It is one of the only supreme courts in the world that must hear every individual extradition case and is swamped by appeals against lower court rulings on matters of no constitutional import such as *habeas corpus* cases. The court is also heavily involved in the investigation into political corruption in Brazil's state-controlled oil giant Petrobras, as well as debating whether possession of small amounts of illegal drugs should be decriminalised.

Mr Lynn, from [Crossmolina](#), Co [Mayo](#), fled Ireland in October 2007 with debts of €80 million and faces 33 charges prepared by the [Director of Public Prosecutions](#) related to the collapse of his property business.

For the extradition to proceed many of these will be dropped to focus just on those relating to alleged theft, a condition set by the Brazilian court.

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