The European Arrest Warrant – further reasons for pulling out

My speech on the subject of "European Law – will it go away with Brexit?" was delivered at a CIB-organised meeting at the House of Lords on 15th March 2017. You can download the full text here.

For those who wish to know more, I made a submission to the House of Lords in 2013-4 as a contribution to the debate at that time on whether to opt back into the EAW or not. This was posted on the CIB website a while ago and can be downloaded here. However, there were three appendices to the submission which were not previously available. They now can also be downloaded.

Appendix A shows the article I published in the New Law Journal in 1990. Readers may recall the famous miscarriages of British justice – the Birmingham 6 and the Guildford 4 – some Irishmen wrongly convicted of placing bombs in pubs for the IRA. After 15 years while these innocents languished in prison, the British system did acknowledge that this had been due to the investigators (the police) beating confessions out of them and then lying on oath in court. As a result of this, a well-known campaigner called Ludovic Kennedy then campaigned, with the support of barrister Michael Mansfield, to introduce elements of the French inquisitorial system, where investigations are conducted by, or under strict supervision of, a judge, not the police. My article served to show that this solution would not give the desired results, on the contrary.

Appendix B reproduces two pages from the official programme distributed to the participants at the seminar I attended in

Spain in April 1997 where the Commission unveiled its *Corpus Juris* project for a single criminal code for all Europe. They serve to dispel and disprove the myth put about at the time by the Europhiles that was NOT anything out of the EU institutions, just a "thinkpiece" dreamed up by some unaffiliated academics (untrue – see page B1); and the other myth that its scope was limited only to the defence of the financial interests of the EU, with no intention to expand it later to cover all other forms of criminal law and justice (again, untrue, see page B2 – where they openly call it an "embryo criminal code for Europe").

Appendix C, taken from Hansard, gives the briefing paper I wrote which was read aloud in the Commons by Nick Hawkins MP in 2003. I think it is necessary to put this on the record because it shows that the government had done no research whatsoever into the continental criminal law system to which they were recklessly exposing British people in Britain; in fact, they did not bother to discuss and refute what I said, but simply disregarded my analysis completely. All that the government spokesman Bob Ainslie MP could say at the time was "Well, we see that the Italian justice system is very different from ours". My main point was to show that the Italian system makes no hard and fast distinction between an investigation phase and a prosecution phase – an investigation is always "against" a suspect – so the government's pretence that a case had to be "prosecution-ready" was meaningless.