

# The Law of the Land and Alien Law – a summary of CIB's meeting, 15th March

On March 15th, the Campaign for an Independent Britain organised a meeting in the House of Lords to discuss the issue of alien legal systems in the UK.

We would like to thank Lord Pearson of Rannoch for arranging the venue and also our two visiting speakers, Anne Marie Waters of Sharia Watch and Torquil Dick-Erikson of Save British Justice.

Our Chairman, Edward Spalton, opened the meeting, introducing the speakers and the subject in question. What bound together the two subjects of Sharia law and the European Arrest Warrant was their insistence *"on imposing alien law and making it superior to our own law of the land. For some reason, which I cannot fathom, there are presently and have been for two generations now, many of our leading fellow countrymen and women who think so little of their own people, land and culture that they are willing to submit it to one or other or both of these projects."*

Anne Marie explained that the problem with Sharia Law was that, because the state does not enforce it and it thus has no legal validity in official UK Law, in reality, for many Muslims, particularly women, the situation is very different. *"Most Muslims do not make an active choice to be Muslims, they are born in to their religion. Their family life, community life, is inextricably bound up in the religion."* Islamic law – i.e., Sharia – is therefore the code by which they are bound and unofficially, in spite of its lack of formal legal status. This is a particular concern when it comes to family law.

*"In Sharia family law, a wife is worth less than her husband."*

*She cannot divorce of her volition, even if she subject to violence and abuse. Her testimony in a family law dispute is worth only half of her husband's. This is intended to make it as difficult as possible for women to 'win' in any family law dispute. The reason for this is simply because the Koran deems women to be worth less than men. Furthermore, in Sharia law, the best interests of the child do not come first – again in defiance of the standards, principles, and spirit of British law. The best interests of the child do not come first in sharia because Islam deems that children are the property of their fathers, who has sole power over their lives. Mothers have no input and no rights.” To put it simply. these Sharia courts, for all their lack of official status, are still making decisions which have a huge impact on the lives of women and children in particular.*

*She concluded “We must stop pretending that there is nothing specific to Sharia that should worry us. There is. It is a system predicated on male dominance, on violent punishment, on arbitrary whims of clerics, and on complete disregard for the humanity and rights of children. Sharia is not compatible with Britain; it's not compatible with our social values, our legal principles, or who we are as a nation. Its practice should therefore not be permitted. The fundamental principles of British law should instead be upheld as supreme.”*

Torquil began by warning us that it still appears to be the Government's intention to keep us involved with the EU's justice system on Brexit. *“Britain will try to remain in European Union security organisations and systems such as Europol – the EU's law enforcement agency – and the European Arrest Warrant (EAW) after Brexit”*. These are the words of Amber Rudd, the current Home Secretary.

He went on to explain the fundamental differences between UK law and that of the EU. In your humble scribe's opinion, this was one of the clearest explanations of the incompatibilities of the two systems that he has ever heard. At the heart of

Magna Carta was its commitment to individual freedom – a determination to limit the power of the king and to avoid the concentration of power into too few hands. Almost at the same time, on the Continent, Pope Innocent III was setting up the Inquisition, which sought to “unify the functions of accusation and judgement, into the same hands, those of the Inquisitor. The function of defender was kept quite separate. With the Inquisition the dice were loaded in favour of the accuser.”

Although ironically it was Napoleon’s armies which finally destroyed the power of the Inquisition in Spain, *“Napoleon was a law-giver. His codes underlie many of Europe’s laws to this day. Unfortunately he did not adopt the English system, derived from Magna Carta, which aimed to limit the power of the State over the individual. Instead he adopted and adapted the essential methods of the inquisition. Continental European criminal-law systems are called ‘inquisitorial’ to this day. He adapted the system by re-orienting it, from the service of the Church to the service of the State.”*

Of particular interest was Torquil’s debunking of the myth that Continental law must be OK because all EU member states have signed the European Convention on Human Rights. The ECHR *“does not contemplate what we in Britain would consider a right of Habeas Corpus. All it says, in article 6 is that a prisoner has a right to a public hearing before an impartial tribunal in a ‘reasonable’ time. But nowhere does it define what is ‘reasonable’.”*

In the UK, a prisoner must appear in a public court within hours, or at most, a few days (with the exception of certain terrorist offences, but on much of the Continent, *“for many EU states, under their Napoleonic-inquisitorial jurisdictions, it is considered ‘reasonable’ to keep a prisoner under lock and key with no public hearing for six months, extensible by three months at a time. These are the terms of the Commission’s Corpus Juris proposal for an embryo single uniform criminal*

code to cover the whole of Europe, including the British Isles." Torquil mentioned Andrew Symeou, who spent nearly a year in a Greek prison on trumped-up charges as a result of being served with a European Arrest Warrant. Torquil went on to ask "why do the European courts need to be able to keep a prisoner in prison for so long before formally charging him? There is a simple reason. In Britain, the Habeas Corpus right to a speedy public hearing after arrest ensures that the investigators have to find some pretty solid EVIDENCE of a prima facie case to answer BEFORE they arrest someone. This is based on Magna Carta's article 38. It seems to us to be mere common sense.

On the continent, in contrast, they only need a suspicion, based on mere clues or what we would consider to be very flimsy and insufficient evidence, in order to arrest and imprison a person. They can then seek EVIDENCE AFTER they have arrested him. And of course it is quite "reasonable" for them to say that this can take months. This is the official reason. Of course there may also be other reasons, derived from the historic roots of their system in the Inquisition. In the bad old days they used the rack and thumbscrews, but nowadays they may be hoping that the harshness of unpredictably lengthy prison conditions will induce the prisoner to CONFESS."

He proposed withdrawing from the ECHR as well as from participation in the EAW. We were able to cooperate with police forces within the EU before the EAW came into being and he urged that the UK should withdraw at once from the EAW, and replace it with an arrangement similar to that which prevailed before the EAW was brought in."

Although criminal law may seem an esoteric issue, given how few of us are likely to find ourselves being charged with an offence, it is actually very important. "Criminal law is the basis of State power, and seizing control of the criminal law is essential if one is to take over an existing State, or to build a new State, as the EU seeks to do. Why? Because the

*essential distinguishing feature of any State is the ability to use violent coercion on the bodies of the citizens – **legally**...Different peoples with different value-systems have different ideas of Right and Wrong, what is Justice and what is Injustice. We see this with crystal clarity when we consider Sharia law. But in any case, the criminal laws are the handle for regulating State power over the individual. It is therefore in the criminal laws that the safeguards of our FREEDOM are to be found."*

So Brexit will not truly be Brexit unless we are free of the power of an alien legal system. **"The two systems cannot co-exist in the same state. One must prevail."** These same comments could equally apply to Sharia Law as well.

The talks were followed by a lively question-and-answer session.

Edward's introduction can be downloaded [here](#)

Anne Marie's speech can be downloaded [here](#)

and Torquil's speech can be downloaded [here](#).