

The draft Withdrawal Agreement threatens our civil liberties

*Torquil Dick-Erikson explains the threats to civil liberties in the draft Withdrawal Agreement. This article draws on a report that Mr Dick-Erikson has recently authored for our affiliate member **The Bruges Group**, which can be viewed on their website [here](#).*

On 29th March next year, the good ship HMS United Kingdom should be set to sail the seven seas with the British people at the helm, a free, self-governing country once again.

But under the terms of May's deal, our ship will be under the exclusive command of Brussels bureaucrats whom we did not elect and cannot dismiss. Just consider Article 95.1 of the Agreement:

*ARTICLE 95 Binding force and enforceability of decisions
Paragraph 1. Decisions adopted by institutions, bodies, offices and agencies of the Union before the end of the transition period, or adopted in the procedures referred to in Articles 92 and 93 after the end of the transition period, and addressed to the United Kingdom or to natural and legal persons residing or established in the United Kingdom, shall be binding on and in the United Kingdom.*

Paragraph 3: The legality of a decision referred to in paragraph 1 of this Article shall be reviewed exclusively by the Court of Justice of the European Union in accordance with Article 263 TFEU.

It has been said that without this Agreement, we will “fall off a cliff edge” and face great uncertainty. But what can be more uncertain than leaving one's destiny in the hands of

others, of forces who do not have our best interests at heart? Indeed, in the hands of those who have said they wish to punish us?

It is not only our national independence and security that will be at risk with this Agreement. So too will our civil liberties and our safeguards against arbitrary arrest and wrongful imprisonment.

The Outline Political Declaration prefacing this “deal” says that we share basic values with other EU nations, and reaffirms our commitment to the ECHR. True, but there are certain essential values that we *do not* share.

Our personal freedom from arbitrary arrest and wrongful imprisonment is safeguarded by our Habeas Corpus laws. These are not shared by our EU partners and are not protected by the ECHR. My research gives a detailed explanation with reference to the articles of the ECHR and citing cases.

Our system of criminal justice derives from Magna Carta. Theirs derives from the Inquisition as adopted and adapted by Napoleon, whose codes still hold sway on the continent. The two are totally different – chalk and cheese.

The extension of the “transition” period from 2020 until 2022 is up to a Joint Committee (art. 132) which must decide by “mutual consent”. If no such consent is reached, it must defer to arbitration. The Arbitration Panel is subject to the ECJ, where the UK has no representation. During this time – 4 years from now – the EU can pass regulations to cripple us, especially our businesses that compete with theirs.

Mrs May has said she wants to keep indefinitely our membership of Europol, and the European Arrest Warrant, which enables arrest and transportation to lengthy imprisonment in Europe on no evidence. And in a reckless statement to Parliament in 2012, in Hansard, but which passed completely under the radar of the media, she said, “Of course” she would welcome

lethally-armed, paramilitary Eurogendarmerie units “onto British soil”.

The EU army, now being set up, can also be used as an enforcement agent. This agreement obliges us to source our military materiel in the EU, so we shall have no control over our military supplies or suppliers.

Mrs May’s Agreement contravenes the Trades Description Act. This is not a Withdrawal Agreement. It is an abject Act of Surrender.