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The Rt. Hon. Theresa May MP
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Dear Home Secretary,

We are writing to reassert our concerns over the proposed changes to the law on universal jurisdiction contained in the Police Reform and Social Responsibility bill.

The bill contains provisions on “amending the process for issuing private arrest warrants for universal jurisdiction offences to ensure that they are issued only where there is a reasonable prospect of successful prosecution.”

We have written in the past to the former Foreign Secretary, David Miliband, on the previous government’s stated intent to amend the legislation instigated by the arrest warrant issued by a Westminster Magistrate against Tzipi Livni for suspected war crimes committed during the Israeli invasion of Gaza in Dec 2008 - Jan 2009. This letter is attached as it contains many of the arguments which we continue to propound in the face of fresh efforts to change this legislation.

Our concerns centre upon the politicisation of the judiciary that a move to defer the power of veto to the Director of Public Prosecutions would entail, and the perception of our capitulating to pressure exerted by pro-Israeli groups and the Israeli government to liberate Israeli politicians suspected of war crimes from facing arrest and prosecution.

Home Secretary, you are no doubt aware of the narrative of justification employed by those that use our betrayal of liberal democratic principles as reasons to engage in acts of political violence and extremism. Fundamental pillars of a democratic society are the independence of the judiciary and the rule of law. In moving to change the law on universal jurisdiction we not only undermine the defining characteristics of our democracy. We also give succour to those that would portray us as selectively observing the very values we proudly espouse and exhort upon others. We stand to be accused of hypocrisy and of putting political expediency above law and justice, should the amendment be adopted.

In the Conservative Party election manifesto 2010, the party’s approach to foreign affairs was described as being “...based on a belief in freedom, human rights and democracy. ...We will always support liberal values because they provide the foundations for stability and prosperity.”

And in the Conservative Party Green paper, A Resilient Nation, the challenges we will face in our pursuit of national interests and national security through our bilateral and multilateral diplomacy is underscored by a firm commitment to standing upon a foundation of liberal democratic values. The Green paper states:

“In the battle of competing ‘narratives’ that will characterise the future strategic context, maintaining influence and public support in the UK and abroad will be important. An important component of this will be explaining how UK actions at home and abroad help promote liberal democratic values.”

It seems to us very strange and deeply troubling that the coalition should be attempting to undermine key, defining features of a liberal democracy – that no individual stands above the law and the judiciary is independent of the legislative and executive arms of the state – with the proposed amendment sought on universal jurisdiction.

This move will do little to “explain how UK actions at home and abroad help promote liberal democratic values” any more than it is likely to “maintain influence and public support in the UK and abroad” for our position. Not least since passing the amendment on universal jurisdiction provisions will be viewed as nothing short of a wilful deviation from our liberal democratic values for the purposes of appeasing those that seek to escape justice.

Home Secretary, we stand in full support of the Early Day Motion sponsored by Jeremy Corbyn MP (EDM 502, 15 December 2009) and signed by 145 Members of Parliament to date.

“Universal jurisdiction for human rights abuses is essential as part of the cause of bringing to justice those who commit crimes against humanity...”

Restricting the power of UK courts to act in support of the rights of victims of those perpetrators of egregious crimes will further besmirch our reputation for fairness on the Israeli-Palestinian conflict and will undermine our moral claims to upholding international law and justice.

Universal jurisdiction exists to support the rights of victims against aggressors and those that abuse international law in committing crimes against humanity. We must not hand them a victory by passing legislative amendments that champion aggressors and suspected war criminals over their victims. And we must not allow the UK to set a dangerous example or to suggest that our commitment to justice is half-hearted and expendable.

We add our voice to those of many who counsel against a change to the law and urge that you consider, beyond the power exerted by political lobbies, the full ramifications of the change proposed.

Yours sincerely,

Mohammed Asif
CEO