

My contribution to the Debate on the Extradition (Provisional Arrest) Bill (Lords) – Clause 1, Power of Arrest for Extradition Purposes, 8 September

Sir John Redwood MP (Wokingham) (Con): Two very important principles should be in all our thoughts when framing extradition legislation. First, there is the imperative to make sure that where someone has committed a serious and violent crime, such as a terrorist offence or murder or some other such crime, in the United Kingdom and has escaped abroad, we have arrangements so that we can pursue justice against them through co-operation with countries around the world. We should also have very much in our mind the issues that my right hon. Friend for Haltemprice and Howden (Mr David Davis) drew to the attention of the House. We should be very concerned about innocent people in our country who may be the object of extradition requests or demands from countries abroad to take them into justice systems that are not up to the standards of our own, or not the kind of thing we would want an innocent person, particularly, to have to approach, only to see justice not done in those countries if we have undertaken such extradition matters. I echo my right hon. Friend's request that we need to look again at how the US relationship is working. This was sold to the House some years ago on the basis that it would be targeted on those criminals we could all agree about—the terrorists, rapists and murderers who were committing violent crime—and it is of concern for us to discover that that has not been its main use at all.

I hope the Minister will share with the House his thoughts on what arrangements we will move towards with the other European countries now we have left the European Union. There may be a move to put all European Union, or European economic area, countries under these provisions, but we should definitely look at the different standards of justice system in those countries. While many of our European friends have excellent justice systems that we would be very happy with, there are very variable standards throughout the European continent. Given that we are rethinking our foreign policy and our position in the world generally, this is a good opportunity to look at them one by one and to ask whether some of them are below the standards we would expect and whether they have not made good use in the past of the very widespread powers granted to them under the European arrest warrant.

When I was preparing for this debate, one set of figures I saw in a commentary was for the period from 2010 to 2018. It said that over that period, continental countries had used the European arrest warrant eight times as often as we had used it for criminals, or alleged criminals, that we needed to undertake it for in our courts, so it has been asymmetric. In part, that is because there are many more people on the continent than there are in

the United Kingdom, but it also tells us something about the seriousness of the offences that they are interested in for extradition.

I am pleased to see that there is some recognition in the legislation that extradition should be reserved for more serious offences. One does not want a complex and expensive system such as this to be used for a lot of minor offences. The Government have chosen to define it as something that is an offence in the United Kingdom and which would command a prison sentence of three years or more in the event of somebody being found guilty. I think that is a good start, because one of the features of the European arrest warrant that many people did not like was that somebody could be extradited under it from the United Kingdom for something that was not actually an offence in the United Kingdom. That did not seem a very fair system or proposal.

I hope the Minister will share with us some of his thoughts on what would be an appropriate list of European countries and whether they should just slot into the proposals that we are debating today. I think I am happy with the list of countries that we are being asked to endorse, with the caveat that we need to look at the American relationship in the way that my right hon. Friend the Member for Haltemprice and Howden suggested. I fully understand that now is not the afternoon to try to make dramatic changes to that and why he has tabled only a probing amendment. We are asking the Government about that, but there are big issues here that we would like them to review.