

# My contribution to the Debate on the Extradition (Provisional Arrest) Bill (Lords) – Schedule – Power of arrest for extradition purposes, 8 September

We had a good debate earlier today, but I hope the Minister will come back to this House ere long on a couple of important issues explored in the earlier debate. The first is the protection of British citizens who are the object of one of these extradition requirements once we have entered into these agreements. My right hon. Friend for Haltemprice and Howden (Mr David Davis) made a powerful speech about how we need to look carefully at the conditions offered to people when they are taken abroad on charges, particularly as they may be innocent and particularly when the most serious offences that most of us had in mind when these extradition regimes were drawn up may not be involved. We all wish to keep our country safe and we all understand that we need reciprocal agreements to do that. We wish such agreements to be used to pursue those who are violent and commit the most serious crimes, but we need to think about how this can be extended and how in certain jurisdictions where we have extradition agreements people may not be accorded the same decent treatment we would want to accord somebody who has been charged with a crime but who may, in the end, prove to be innocent.

We also need to come back to how we are going to handle our extradition arrangements with other European countries. We are still not sure how that might work out, and we fully understand that it is still the subject of various discussions and negotiations. It is entirely prudent to make some provision today. However, some of us think that if there is to be no European arrest warrant when we have completed our so-called “implementation period”, that could be an opportunity for us to have a better and more suitable system, because the European arrest warrant had features that were not to this country’s liking and there was an element of compromise in it, as there has to be. I hope that we will therefore have some greater guidance on what might materialise.

As two other speakers in this Third Reading debate have referred to a topical issue that goes a bit wider than this Bill, perhaps I may also be permitted briefly to do that.

I have not heard or seen anything that implies that this Government wish to break the law or the international treaty. I have seen everything to say that this Government take very seriously section 38 of the European (Withdrawal Agreement) Act 2020, which was the assertion of sovereignty, and it was a fundamental proposition of the political agreement and the withdrawal agreement, which the EU willingly entered into, that British sovereignty was going to be assured and central, just as it was central to that agreement that there would be a free trade agreement. If there can be a free trade agreement, the other legal issues fall away.

One did need to correct that wider point, but, in conclusion, this Bill is a necessary one. There are issues arising from it that could warrant further thought and treatment. I hope this Government will take the advantage of that thought which our leaving the EU can provide to look again at how in the longer term we have a good judicial relationship—a co-operative relationship—with the EU that is fair to both sides and to any innocent people in Britain who may have to stand trial abroad.