UKIP UK INDEPENDENCE PARTY

Freedom, Security & Justice?

or

The Creation of a European Union Police State

By
Gerard Batten MEP

Cover picture courtesy of Torquil Dick-Erickson. timesofthesigns.wordpress.com

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"Habeas Corpus and trial by jury are the supreme protection of ordinary people from the state. The power of the executive to cast a man in prison without formulating a charge, or deny him the judgement by his peers, is the odious foundation of totalitarian governments"

Winston Churchill

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Introduction: The Creation of an EU Police State

Exactly twenty years ago I read the Maastricht Treaty (Treaty on European Union). It read like the surrender document of a defeated nation. I was so appalled it inspired me to go into active politics and help form the UK Independence Party. At the time I, and my UKIP colleagues, were regarded as 'alarmists' at the very least when we warned where the great European project was heading. The things we warned against have come to pass and worse is yet to come.

Now almost every major area of public policy is either already under the control of the European Union or soon to be so: from Agriculture and Fishing; Health and Safety; Environment; Transport; Immigration and Asylum; Energy; Tourism; to Space and Sport; to name just a few. Under the Lisbon Treaty there is a common Foreign Policy leading to a common Security and Defence policy - Britain's armed forces are being systematically run down in order to absorb them into a 'common European defence identity'. One of the first actions of the Coalition Government was to sign a treaty with the French to share an aircraft carrier.

Membership of the European Union costs Britain billions of pounds every year in direct contributions to the EU Budget and in indirect and unnecessary costs on the economy. In return we have lost control of our own democracy. A report by the German parliament in 2006 calculated that about 84% of new laws now originate in the EU. We are no longer a free or independent country in any meaningful sense. And now we see undemocratic economic and financial Government being imposed on countries like Greece in order to shore up the euro at any cost. Anyone who believes that the European Union is anything other than a political project to create a centralised undemocratic European state is either lying to themselves or to others.

Many of those still aware of our constitutional history, and of *Magna Carta*, the Bill of Rights and *Habeas Corpus*, may think that their basic freedoms are still protected under the law. Well they are wrong. Our most basic freedoms are being undermined and destroyed by the creation of an EU system of criminal law. This is being done by stealth, introduced gradually piece by piece until the intended jig-saw fits together as a whole.

The scale of what I describe in this short booklet is truly frightening. We are told that we must be protected against terrorism and crime. As indeed we must be: but terrorism has always been with us, and the rise in organised crime in Britain and Europe has been fuelled by the EU borderless state that has created untold opportunities for criminals to prey on new victims.

The EU's response is to create programmes, legal institutions and legal instruments that create an EU system of criminal law and eventually an EU

police state. Just as people like me were called 'alarmists' in 1992, no doubt we will be called the same or worse again. Look at what is being created: the European Public Prosecutor to pursue and prosecute those who offend against the EU's interests; Europol and the European Police College to create and train a pan-European police force; databases to enable them to track and control EU citizens; and the legal instruments that enable the EU to fine, arrest and transport EU citizens anywhere within its boundaries.

Most insidious so far is the detestable European Arrest Warrant that enables British citizens to be arrested and transported to any corner of the EU on the basis of ill-defined accusations on the strength of a piece of paper to languish for months or years in foreign prisons, without an English or Scottish court having the power to prevent it. If you don't believe me, spend some time in the Westminster Magistrates Court and witness the stunned reactions of EAW victims, their friends and families, as they find that the court cannot protect them – even when it knows that a grave injustice is being done.

I do not want to be soft on criminals, quite the opposite in fact. If there is a genuine case against a suspect to face extradition and trial in a foreign land, let it happen - provided there are adequate safeguards and a proper case to answer as recognized by a British court. But surrendering one of our own to a foreign judicial and penal system is a grave responsibility for a British court; and that has been reduced to a mere bureaucratic formality.

The EU is destroying our democracy and it is destroying the most precious things we have and take for granted - our freedom from arbitrary arrest and imprisonment. There is one message that the reader should take away from this little booklet – if you don't like what is happening then do something about it. The UK Independence Party is the only political party that opposes this wholesale surrender of our country and our liberties. Join us and help us in the fight to restore our national independence and freedoms.

At the time of going to print there is an European Commission Proposal for a Regulation about to go before the Civil Liberties Justice & Home Affairs Committee in the European Parliament that proposes to spend **€472 million** to implement the 'Justice Programme' between 2014 to 2020. We can expect this to come to the Parliament for a vote by this summer or autumn. We are not only having our justice system superseded by a harmonised and inferior EU system but we are having to pay millions of pounds for the privilege.

Gerard Batten MEP

1. The Programmes

The EU's single system of criminal law is being developed under the five-year programmes adopted by the European Council:

1.1 Tampere 1999

The phrase *'Common Area of Freedom, Security and Justice'* was coined at the Tampere European Council in 1999. The Tampere Programme laid the foundations of the EU's system of criminal law, including the so-called principle of ***'mutual recognition'***, which became the basis for the European Arrest Warrant and other EU legal instruments (see section 2). Indeed, the replacement of proper extradition with a new 'fast-track' system is directly envisaged in the programme.

Greater powers were given to **Europol. Eurojust** and the **European Police College (CEPOL)** were established.

1.2 Hague 2004

The 2004 Hague Programme focused mainly on a common EU immigration and asylum system.

In terms of the criminal law system, it is dominated by the theme of the *'prevention of terrorism'*. Like all other programmes, it envisaged significant increases of power for **Europol** and **Eurojust**.

1.3 Stockholm 2009

The 2009 Stockholm Programme openly sets the objective of constructing a single EU system of criminal law. It was there that the blueprints were made for the **European Investigation Order** and the **European Public Prosecutor**.

It was also the Stockholm Programme which envisaged the EU joining the European Convention of Human Rights, opening the way for a merger of two different Euro-federalist legal projects: the EU and the Council of Europe system centred at the Strasbourg court.

2. The Legal Instruments

The basic principle underpinning the system of legal instruments described below is that of **mutual recognition** of judgements and various court orders across the EU. All kinds of judicial decisions issued in any member-state – from arrest warrants to sentences and from search warrants to confiscation orders – should, the EU demands, be enforced automatically in any other member-state.

The same applies to the official decisions of public prosecutors, who have much greater powers in many continental legal systems than in the UK or Ireland. In many EU member-states, prosecutors are considered to be 'judicial authorities' alongside courts.

Mutual recognition effectively means that any ex-communist judge in any EU member-state run by a local mafia is given an equal standing to the judges in the Old Bailey.

2.1. European Arrest Warrant

Since 2004, the traditional extradition arrangements between member-states of the EU have been replaced with the system based on 'execution' of European Arrest Warrants (EAWs).

Any person in any EU member-state, unless protected by immunity, may be arrested on an EAW and surrendered to the EU member-state where the warrant has been issued.

In theory, EAWs may only be issued by designated 'judicial authorities', but in many EU member-states, they are normally issued by public prosecutors or even by the Ministries of Justice. In Britain, an EAW can be issued by any magistrate.

Each member-state is required to inform the General Secretariat of the EU Council who exactly is authorised to issue EAWs under its national law. One would expect there to be a clear list of designated judicial authorities across the EU. Surprisingly, such a list is not publicly available, and my attempts to obtain it have met with great difficulty.

Once an EAW is issued, it must be executed "as a matter of urgency" (time limits vary from 20 days to 100 days in different circumstances) by the courts in any EU member-state where the suspect happens to be.

Unlike an extradition request, the warrant does not have to provide *prima facie* evidence of the alleged crime or to detail the substance of the case against the accused. It is sufficient merely to outline the allegation in two or three brief sentences. The English and Scottish courts have no right to look into the substance of the case.

In practice, the role of our courts has been reduced to checking that the form has been completed correctly. If it is, they are obliged to send the requested person to a foreign prison without asking any further questions. Under the doctrine of mutual recognition, extradition is now replaced with *'judicial surrender'* and effectively reduced to a mere bureaucratic formality.

European Arrest Warrants may be issued not only against suspects, but also against someone convicted by a foreign court. In many cases, it may be issued following a conviction *in absentia*.

An EAW may be accompanied by a requirement to "seize and hand over property which (a) may be required as evidence, or (b) has been acquired by the requested person as a result of the offence".

2.2. Fines, confiscation orders, freezing of assets

Similar rules apply to recognition of foreign fines, penalties[1], confiscation orders[2] and orders to freeze assets.

All such orders by designated authorities of any EU member-state have to be enforced across the EU.

This includes administrative fines and penalties as well as those imposed by courts, even parking tickets – so long as the sum is above 70 Euros.

The order to freeze assets may be issued even at a very early stage of the investigation, just because the investigators believe it is necessary to preserve evidence for a case which may or may not be eventually prosecuted.

In the future, freezing orders will be included in the European Investigation Order scheme (see below).

1 Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

2 Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders.

2.3. 'European Probation Order' [3]

Likewise, mutual recognition means that EU member-states must enforce foreign courts' orders imposing non-custodial sentences and 'probation measures', such as:

- mandatory therapeutic treatment
- curfew
- electronic tagging (if permitted by the national law in similar circumstances)
- obligation to live at a certain address, or not to leave the country
- regular reporting to the police
- community service
- banning the person from entering certain places
- obligation to avoid contact with certain people or 'specific objects'
- broadly defined *'instructions relating to behaviour, residence, education and training, leisure activities, or containing limitations on or modalities of carrying out a professional activity*'.

Any of this, as well as a prison term, may now be imposed by a foreign designated authority and enforced in any EU member-state.

This instrument would apply to UK citizens convicted in another EU member-state and given a non-custodial sentence, or released on parole.

2.4. European Supervision Order [4]

The ESO is the EU-wide version of bail, designed for those awaiting trial in a different member-state. A European Supervision Order obliges the UK courts and police to enforce its conditions on the subject, such as:

- living at a certain address
- observing a curfew
- electronic tagging (if permitted by the national law in similar circumstances)
- regular reporting to the police
- limitations on entering certain places
- obligation to avoid contacts with certain people.

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3 Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. The legislation does not use the phrase **'European Probation Order'**, but shorthand references of this kind are now traditional for any 'mutual recognition' instrument.

4 Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention.

A European Supervision Order may be issued by courts, prosecutors, or whoever else normally decides such matters in the issuing member-state. It is for that country to designate the competent authority.

The EU legislation on ESO has been in force since October 2009 and has been transposed into UK law.

2.5. The failed European Evidence Warrant

The European Evidence Warrant was introduced in 2009. It was thought that, like the EAW has replaced extradition, the EEW would replace what is known as **mutual legal assistance**.

Traditionally, cross-border investigations are organised through co-operation on the case-by-case basis. There are bilateral and multilateral treaties which lay down a fairly broad legal framework for such co-operation.

Once the request for legal assistance is received, the competent national authorities see whether they can and should assist their foreign colleagues. There is a wide range of situations where this may be necessary – from arranging an interview with a witness living abroad to researching a police database, to obtaining a court order to monitor a bank account. This is why mutual legal assistance treaties have very general terms. It would be difficult and unnecessary to work out strict and specific rules.

With the **European Evidence Warrant**, however, the EU attempted to do just that. Very soon, the draftsmen discovered that replacing the old-style mutual legal assistance with an automatic 'mutual recognition' would gravely undermine civil liberties. After long and difficult negotiations, the EEW was limited to demands for pre-existing, clearly identified objects or documents, and subjected to various and complex legal safeguards.

So, instead of the flexible and efficient mutual assistance, the EU introduced a cumbersome, rigid legal procedure. In real life the investigators completely ignored the innovation and continued to request the old-style assistance instead. Not a single EEW was ever issued. **That was an absolute, spectacular failure.**

But unfortunately the story does not end there.

One could hope the EU would abandon attempts to impose the ideologically-motivated 'mutual recognition' and let the investigators co-operate in the normal way. Essentially, the only alternative was simply to drop most safeguards of liberty, taking 'mutual recognition' to the extreme. The EU chose the latter; and thus the project of **European Investigation Order** was born.

2.6. European Investigation Order

One of the first actions of the present Coalition government was to **voluntarily** 'opt in' to the future European Investigation Order in 2010. The EIO legislation is still being negotiated, but the UK government has already committed itself, effectively signing a blank cheque.

When the Home Secretary, the Rt. Hon. Theresa May MP, told the House of Commons about that decision, she claimed: *"the EIO is not some new arrangement that will suddenly require extra police resources. Rather, it simplifies and codifies the processes that already exist"*. She further claimed that *'the EIO will simply put* [mutual legal assistance] *on the timetable and simplify the processes.'* This was echoed by Baroness Neville-Jones in the Lords, who claimed that apart from setting clear deadlines, *'in other respects, the EIO does not change the present regime'*. She then claimed that, under the EIO, *"Foreign police may request the assistance of British police. They may not instruct"* and that the EIO was not more than *'mutual legal assistance between national legal regimes'*.

These are lies. In fact, the EIO proposal itself makes it clear that the instrument is radically new, and the legal opinion unanimously agrees about this. While mutual legal assistance is voluntary and can be refused, any European Investigation Order is a binding demand and has to be executed without question.

A European Investigation Order (EIO) issued in any EU member-state will oblige the UK police to obtain items of evidence or conduct investigations. This may include:

- searches of premises or persons
- interrogation of witnesses or suspects
- DNA samples or any other biometric data
- covert surveillance
- intercept evidence (e.g. recordings of phone calls)
- real-time monitoring of bank accounts.

It may also require that foreign officers take part in the investigation together with UK police.

There will be practically no grounds on which the UK can refuse to execute an EIO. The investigation can be used for very broad 'fishing expeditions' and does not have to relate to any particular criminal offence. If it does, there is no requirement of 'dual criminality' – if the allegation does not amount to a crime under UK law, the Order still must be executed. There is no rule against double jeopardy.

Many eminent lawyers see the EIO as a greater threat to civil liberties than even the European Arrest Warrant.

The 2010 initiative of Belgium, Bulgaria, Estonia, Spain, Austria, Slovenia and Sweden argues it would be easier to push the EIO through than it had been with the EEW, since the Lisbon treaty has abolished the members' right of veto ***"****and, as a consequence,* ***it will be more difficult for one single Member State to impose exceptions"*** based on civil liberties concerns.[5]

The European Investigation Order 'opt in' ruined the twin myths of the 'Eurosceptic' Tory party, and of the Tory-Lib-Dem Coalition as destroyers of New Labour police state; and the significance of Mrs. May's statement was duly appreciated in certain quarters:

'Chris Bryant (Rhondda, Lab): *May I warmly thank the Home Secretary for adapting this sensible, pragmatic and pro-European policy? I look forward to sending her a membership form for the European Movement.'*

2.7. European Criminal Code

The EU has been playing with the idea of a 'European Criminal Code' for decades, but it has never materialised into a formal document. Instead, the EU has developed a *de facto* criminal code of the worse kind, based not on clear legal definitions of offences, but on vague labels.

A list of 32 'offences' was annexed to the legislation on the **European Arrest Warrant** and subsequently copied in the legislation on nearly every EU instrument. Some of these 'offences' are notoriously ill-defined, like '*racism and xenophobia', 'computer-related crime', 'corruption'* or *'swindling'*. Some might take the view that many members of both Houses of Parliament are corrupt swindlers; but the English criminal law would not have touched them until they could be charged with a specific crime. Not so with the EAW and other EU instruments.

Once the foreign authority has ticked the box against one of these 'offences', the so-called principle of *dual criminality* no longer applies: the allegation against the suspect no longer has to amount to an offence under the English law. Effectively, any EU member-state can now criminalise a wide variety of conduct which is perfectly legal under our law, class it as 'fraud', 'rape', or 'racism and xenophobia', and get anybody extradited, fined, deprived of his property, etc. – with no questions allowed.

5 P. 34.

The full list of 'offences' is as follows:

1. *Participating in a criminal organisation*
2. *Terrorism.*
3. *Trafficking in human beings.*
4. *The sexual exploitation of children and child pornography.*
5. *Illicit trafficking in narcotic drugs and psychotropic substances.*
6. *Illicit trafficking in weapons, munitions and explosives.*
7. *Corruption.*
8. *Fraud (including against the European Union's financial interests).*
9. *Laundering of the proceeds of crime.*
10. *Counterfeiting currency, including the euro.*
11. *Computer related crime.*
12. *Environmental crime.*
13. *Facilitation of unauthorised entry and residence.*
14. *Murder, grievous bodily harm.*
15. *Illicit trade in human organs and tissue.*
16. *Kidnapping, illegal restraint and hostage taking.*
17. *Racism and xenophobia.*
18. *Organised armed robbery.*
19. *Illicit trafficking in cultural goods, including antiques and works of art.*
20. *Swindling.*
21. *Racketeering and extortion.*
22. *Counterfeiting and piracy of products.*
23. *Forgery of administrative documents and trafficking therein.*
24. *Forgery of means of payment.*
25. *Illicit trafficking in hormonal substances and other growth promoters.*
26. *Illicit trafficking of nuclear or radioactive materials.*
27. *Trafficking in stolen vehicles.*
28. *Rape.*
29. *Arson.*
30. *Crimes within the jurisdiction of the International Criminal Tribunal.*
31. *Unlawful seizure of aircraft/ships.*
32. *Sabotage.*

It is assumed that each EU member-state should have in its law an offence corresponding to each item on the list. This is, of course, not the case. For example, the English law includes no such offence as 'corruption'; yet, if box 7 is ticked on a European Arrest Warrant, people can be arrested in this country and shipped abroad for that ill-defined crime.

Optimists believe this list should develop into a proper criminal code in due course. But in the absence of clear definitions, these catch-all labels are alien and contrary to all traditions of the English criminal law, which is only concerned with prosecution for specific crimes.

3. The Legal Institutions

3.1. Europol

Europol is the EU's criminal intelligence agency, which may be cheerfully compared with the American FBI or, gloomily, with the Soviet Union's KGB.

Europol employs over 700 staff, ***who enjoy immunity from prosecution or civil lawsuits*** in relation to everything they do or say as Europol officers, with just one technical exception (if a Europol officer takes part in a Joint Investigative Team between member-states, his actions as a member of JIT are not covered).

Europol headquarters in the Hague *(Europol.europa.eu)*

The names of Europol staff are kept secret, with the exception of its Director – **Rob Wainwright**, a former UK civil servant – and his three Deputies. (In 2006, I wrote to the then Director of Europol, Max-Peter Ratzel, requesting the names and brief CVs of other Europol employees, but Mr. Ratzel declined to provide them.)

Europol has existed since 1992 – first as the Europol Drugs Unit investigating organised drug trafficking, then as a criminal intelligence agency dealing with any form of organised crime involving two or more EU member-states, and now any 'serious international crime' (organised or not). Since 2010, Europol competences have been extended to cover organised crime, terrorism, and a further list of 24 broadly defined categories:

1. *unlawful drug trafficking*
2. *illegal money-laundering activities*
3. *crime connected with nuclear and radioactive substances*
4. *illegal immigrant smuggling*
5. *trafficking in human beings*
6. *motor vehicle crime*

7. *murder, grievous bodily injury*
8. *illicit trade in human organs and tissue*
9. *kidnapping, illegal restraint and hostage taking*
10. ***racism and xenophobia***
11. organized robbery
12. *illicit trafficking in cultural goods, including antiquities and works of art*
13. ***swindling and fraud***
14. *racketeering and extortion*
15. ***counterfeiting and product piracy***
16. *forgery of administrative documents and trafficking therein*
17. *forgery of money and means of payment*
18. ***computer crime***
19. ***corruption***
20. *illicit trafficking in arms, ammunition and explosives*
21. *illicit trafficking in endangered animal species*
22. *illicit trafficking in endangered plant species and varieties*
23. ***environmental crime***
24. *illicit trafficking in hormonal substances and other growth promoters.*

(Emphasis added)

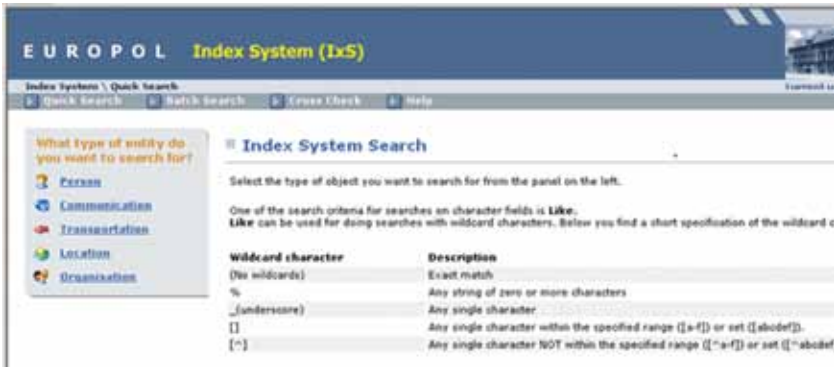
The list has interesting similarities with the European Arrest Warrant list of 32 offences (see above).

There are no reliable safeguards to ensure that the Europol does not gather intelligence on lawful political or other activities under such ill-defined headings. Given Europol's secretiveness and lack of accountability, one would not be surprised if 'racism' was extended to include opposition to uncontrolled immigration, 'xenophobia' – opposition to the EU, or 'computer crime' – such web-sites as Wikileaks. It is worth noting that the 2010 EU legislation explicitly authorised Europol to investigate such activities outside its *'organised crime'* remit, i.e. **without any evidence of organised crime involvement**.

An EU Council document dated 16 April 2010 instructs Europol to build a database on ***'the processes of radicalisation in the EU'*** in order to ***'generate lists of those involved in radicalising/recruiting or transmitting radicalising messages and to take appropriate steps'***.[6] Well-founded concerns have been voiced that this project is effectively aimed at political persecution, and amounts to spying on political activists whom Europol arbitrarily deems to be too 'radical'.

In substance, the work of Europol is organised around so-called ***Analysis Work Files***. Each AWF is a massive project with a big database and a team of officers

6 http://register.consilium.europa.eu/pdf/en/10/st08/st08570.en10.pdf.



Europol database

working on it full-time. The author has in his possession a list of 21 ***Analysis Work Files*** active in Europol in 2011. The list appears to be exhaustive. Some of them (such as **DOLPHIN – *'Non-Islamist extremist terrorist organisations threatening the EU***) might cause obvious civil liberties concerns (although there is no hard evidence of any specific impropriety in Europol's work on those files at the moment).

The priorities for Europol's work are set by the political leadership of the EU in documents called **Council Conclusions**. Up to a dozen of such 'conclusions' are issued monthly at the meetings of EU 'Justice and Home Affairs' ministers.

There is a **Europol National Unit** in each member-state. In the UK, Europol officers work within the international department of the Serious Organised Crime Agency (SOCA). Each national unit seconds a liaison officer to the central Europol in The Hague.

At least one Europol officer was involved in the infamous killing of Jean Charles de Menezes following the 7 July 2005 terrorist attacks in London. In connection with that, I wrote to the Europol, Home Office, Metropolitan Police and SOCA, expressing concern over the immunity enjoyed by Europol officers. All my correspondents defended the present position. However, **Brian Minihane**, then head of **Europol National Unit UK**, confirmed to me that a Europol officer was involved in the incident, although his role was limited to 'facilitation of enquiries with other member-states' and he was 'desk bound'.

3.2. SIRENE and SIS (common police database)

The Schengen Information System (SIS) is an international police database created under the Schengen Agreement. SIRENE is an EU police organisation

managing it. SIRENE has a central office and national bureaus, i.e. a number of officers attached to a respective national authority – the equivalent of the UK's Serious Organised Crime Agency.

SIRENE (**S**upplementary **I**nformation **R**equest at the **N**ational **E**ntry) is a little-known organization which apparently does not even have its own web-site (www.sirene.europa.eu redirects to a very brief entry about SIRENE on the web-site of the EU Council). One Czech SIRENE officer jokingly told my researcher that his organisation is "top secret". In reality, he added, about 30 per cent of the staff at the International Department of the Czech Republic's Criminal Police Investigation Service are SIRENE officers, the others working for Interpol or Europol; however, the SIRENE bureau does about 60 per cent of all work. He believed the situation was similar in analogous agencies in other EU member-states.

Unlike other EU police organisations, **SIRENE has actual executive powers in some countries**. For example, SIRENE officers can escort prisoners who are being surrendered under a European Arrest Warrant. In some other member-states, SIRENE officers help to organize **'execution'** of EAWs without being directly involved.

The UK is expected to join the SIS/SIRENE system in 2013. However, I can now reveal that there is already a German SIRENE officer working in the UK's Serious Organised Crime Agency, Jan-Per Ruehmann, apparently in an advisory role.

Jan-Per Ruehmann, German SIRENE officer working at SOCA

Under the Schengen Agreement, an alert placed on SIS database should be treated as a European Arrest Warrant. So, within the Schengen Zone (the free travel agreement completely abolishing 'internal borders' between most EU states), people are being extradited simply on the basis of a hit in a database.

Because the UK is due to join SIS but not the Schengen Zone, it is not clear whether the same will happen in the UK after 2013. However, the infamous Scott Baker Report (see section 5.2) states that the number of EAWs received in the UK is expected to rise sharply after we join SIS.

A Form
001. 20111111130919
002. VNS 123456789/2011
003. D
004. A.B.C.E.F.G.H.I.K.L.N.O.P.S.U.Z.2.3.4.5.6.7.8.9
005. DP123456789876000001
006. MUSTERMANN
007. MARTINA
009. 19001224
010. BERLIN
012. M
013. DE
030. ATTENTION: THIS FORM RELATES TO A EUROPEAN ARREST WARRANT/EXTRADITION REQUEST FROM NORWAY, ICELAND AND FOR THOSE MEMBER STATES THAT HAVE MADE DECLARATIONS ACCORDING TO ART.32 OF THE FD
031. PUBLIC PROSECUTOR'S OFFICE MUNICH, FILE NO. 123 JS 4567/2011
032. 20110230
034. 1 JAHR FREIHEITSSTRAFE / 1 YEAR IMPRISONMENT
040. ART. 323C GERMAN PENAL CODE
041. UNTERLASSENE HILFELEISTUNG / NEGLECT TO PROVIDE ASSISTANCE
042. 20091224
043. FUERSTENFELDBRUCK / GERMANY
044. MUSTERMANN STEPPED ON THE TAIL OF HER DOG WHICH JUMPED AWAY IN PAIN AND HIT THE KITCHEN TABLE. THE SHARP KITCHEN KNIFE WHICH LAY ON TOP OF IT FLEW THROUGH THE AIR AND FURTHER THROUGH THE OPENED KITCHEN WINDOW. EVENTUALLY IT HIT HER HUSBAND KLAUS, WHO WAS OUTSIDE GARDENING. WHEN MUSTERMANN HEARD HER HUSBAND SCREAMING AND SAW THE BLOOD, SHE CALMLY CLOSED THE WINDOW AND PATCHED UP THE INJURED DOG.
045. PERPETRATOR
061. PERSON SHOULD STAY IN SWITZERLAND, ZÜRICH

An electronic European Arrest Warrant on the SIS database

3.3. ENFAST (European Network of Fugitive Active Search Teams)

ENFAST was founded by the European Council in 2010 as an informal network between all member-states' own Fugitive Active Search Teams (FAST). Its main purpose is co-ordination of the search for fugitives wanted on European Arrest Warrants by the national FAST teams. Each EU member-state has at least one FAST - normally a small but well-armed and well-equipped police unit. For example, each FAST officer in Czech Republic is armed with a 9mm Luger gun and a Taser X26, as well as "means for handcuffing and masking", "means of forced entry etc." Their instructions for arrest are summarised as follows:

- *not to underestimate the possibility that the wanted person could escape, particularly if threatened by a longer term of imprisonment*
- *make a thorough search of the person, and never leave the fugitive alone*
- *on arresting/detaining a person always put on handcuffs, do not rely on the fugitive´s promise of cooperation*
- *if it is suitable apply a means to restrict space orientation.*

ENFAST operates in close collaboration with Europol and SIRENE.

3.4. Euro Gendarmerie

The European Gendarmerie Force is a common militarised police force of a few thousand troops, established by an agreement between France, Italy, Netherlands, Portugal, Spain and Romania. In the fullness of time, other EU member-states may join the scheme, too.

Euro-Gendarmerie exercise *(Torquil Dick-Erickson. 1984 to come true soon? timesofthesigns.wordpress.com)*

It is envisaged that the well-armed Euro-Gendarmerie may be used in various 'trouble spots' and 'post-conflict' zones all over the world. The Gendarmerie may also be used to suppress civil disorder in EU member-states in the future.

3.5. European Public Prosecutor

The Lisbon Treaty provides for the establishment of a European Public Prosecutor's office *"responsible for investigating, prosecuting and bringing to judgement, where appropriate in liaison with Europol, the perpetrators of, and accomplices in, offences against the Union's financial interests"*. Initially, the phrase was widely understood as referring to things like subsidy fraud and corruption in the Eurocracy.

Because the Lisbon Treaty is self-amending, it includes a provision authorising the EU Council to extend the powers of the Prosecutor to other *'serious crimes having a cross-border dimension'*.

In March 2010, the then Spanish Presidency of the EU, backed by France and Germany, announced the specific proposals on the establishment of the office. As reported by Reuters:

'Spanish officials said the Greek debt crisis had highlighted the need for the EU to have a coordinated legal response against speculators attacking the euro, which has slumped to nine-month lows against the dollar.

'"The existence of an area with a single currency requires a single institution to implement laws to protect its economic interests," [Spanish Attorney-General] *Conde-Pumpido told a news briefing in Brussels.*

'"Doubtless if there were a public prosecutor and there was a combined attack against the single currency, the prosecutor could coordinate the legal response vis-a-vis that attack."…

'Conde-Pumpido did not elaborate on what legal tools the prosecutor's office might use to prevent financial markets from selling the euro in response to concern about economic strains in the euro zone.' [7]

Astonishingly, this suggests the European Public Prosecutor would use his formidable powers to regulate the economy by means of criminal law.

Of course, the proposal also includes the amendment extending those powers to non-financial *'serious crimes having a cross-border dimension'*.

Justice Commissioner Reding then announced she was determined to put the scheme into practice before the end of her term.

The UK has 'opted out' of the scheme, which means the Prosecutor will not be able to prosecute people directly in UK courts. **However, he will be able to issue European Arrest Warrants to prosecute us in foreign courts.** He may also be able to issue European Investigation Orders and other EU legal instruments to freeze assets, monitor bank accounts, confiscate property, impose fines, etc.

3.6. Eurojust and its web of 'networks'

Eurojust is an EU agency based in Hague with a vaguely defined mission *"to stimulate and to improve coordination and cooperation between competent judicial authorities of the Member States"*.

Eurojust is headed by the College of 27 National Members appointed by the EU member-states. Each such member is a judge, a prosecutor, or a police officer "of equivalent competence" in his own country. **Each member has the legal powers to order arrests, searches, seizures, interrogations, surveillance, freezing or monitoring of bank accounts, confiscations, electronic tagging, etc., etc.** in his own country – on an EU instrument such as a European Arrest Warrant or European Investigation Order, **or even without such an instrument**.[8] These powers, however, must be exercised within the constraints of the national law.[9]

7 http://in.reuters.com/article/2010/03/03/eu-euro-prosecutor-idINLDE6222G620100303?pageNumber=1&virtualBrandChannel=0.

8 Council Decision 2002/187/JHA of 28 February 2002 setting up Eurojust with a view to reinforcing the fight against serious crime (as amended by Council Decision 2003/659/JHA and by Council Decision 2009/426/JHA of 16 December 2008 on the strengthening of Eurojust) - Articles 9c and 9d.

9 Article 9e.

In 2010, Eurojust was involved in 280 EAW cases.

Each member has access to his country's databases of
(a) criminal records
(b) registers of arrested persons
(c) investigation registers
(d) DNA registers
(e) other registers of his Member State where he deems this information necessary for him to be able to fulfil his tasks.[10]

Eurojust represents an unprecedented concentration of judicial and police power in Europe. At this level, there is no mutual independence, no separation of powers, no checks and balances between judges, prosecutors and the police. Between themselves, members of Eurojust can exercise those enormous powers all over the European Union. Safeguards are few and weak, and the citizen is left almost entirely defenceless to a potential abuse of that power.

Eurojust headquarters in the Hague *(courtesy of CEPOL)*

Each National Member normally has a few Deputies and Assistants with the same powers. Members, Deputies and Assistants have a legal obligation to work permanently in the Hague. At least one of them for each member-state is legally obliged to be 'on call' 24 hours a day, 7 days a week.

Apart from that, there are Seconded National Experts appointed to assist them in the Hague. Eurojust is supposed to be a relatively small organisation with a 'light' structure, but the sheer size of its headquarters hardly supports this.

10 Article 9(3).

Furthermore, the Hague headquarters are merely a tip of the iceberg. Eurojust also has a network of **'National Coordination Systems'** in each EU member state, led by the **'National Correspondent for Eurojust'**. Each NCS also includes a National Correspondent for **terrorism matters** and a National Correspondent for **European Judicial Network**. In addition, the National Coordination Systems link Eurojust with all sorts of other EU police and judicial networks by incorporating their respective members or 'contact points':[11]

- **European Judicial Network** (each NCS includes one National Correspondent and up to three 'contact points')
- **Network for Joint Investigation Teams**
- **European network of contact points in respect of persons responsible for genocide, crimes against humanity and war crimes**
- Network of **Asset Recovery Offices** (investigating money-laundering)
- **Contact-Point Network Against Corruption**.

Eurojust has existed, in different forms, since 2000. The semi-legal 'pro-Eurojust' was established in December 2000 soon after the Tampere European Council decisions. Eurojust proper was formally established by an EU Council Decision in 2002. Its powers were dramatically increased by the 2009 Decision on the Strengthening of Eurojust. In the future, the organisation might be absorbed into the European Public Prosecutor's Office.

The current president of Eurojust is **Aled Williams**, National Member for the UK and former liaison magistrate to Spain. In that role, he worked in the Ministry of Justice in Madrid in 2002-2006 and was involved in the introduction of the European Arrest Warrant regime.

His predecessor as President of Eurojust, top-ranking Portuguese prosecutor **José Luís Lopes da Mota**, had to resign in December 2009 over allegations of complicity in the **'Freeport case'**, a major corruption scandal in Portugal. Freeport, a British company, allegedly bribed Portuguese politicians to obtain planning permission to construct a shopping mall in Portugal. Some of the political friends of Mr. Lopes da Mota were allegedly complicit on the Portuguese side. The co-operation between British and Portuguese investigators went on through Eurojust. Two Portuguese prosecutors investigating the case publicly claimed that Mr. Lopes da Mota abused his position as Eurojust President to sabotage the investigation, and pressured them to shelve the case altogether.

The Portuguese Prosecutor-General had to direct that all contacts with British investigators should take place by-passing Eurojust, which was apparently doing more harm than good for the investigation. Mr. da Mota had to resign from

11 Article 12.

Eurojust after the Portuguese authorities suspended him from his position of public prosecutor.

One of the lessons which should have been learnt from this scandal is that in Southern Europe, a prosecutor or even a judge is often a much more political figure than any of their colleagues in the UK. Appointing such prosecutors to Eurojust may open the door to all kinds of abuses. Indeed, some other members of Eurojust, although never accused of corruption, are nevertheless well known in their countries precisely as political figures. For example, the current Spanish member, **Juan Antonio García Jabaloy,** is a former spokesman of Spain's **Progressive Union of Prosecutors**, closely linked with the Spanish Socialist Party.

3.7. European Judicial Network

EJN prides itself on being the oldest EU 'mechanism of judicial co-operation'; it is also one of the most secretive ones.

It is **financed from the Eurojust budget**. It has a **Secretariat** in The Hague, which is officially a part of Eurojust. It has **27 National Correspondents for Eurojust for European Judicial Network**, one in each EU member-state. And it has over 300 'contact points' all over the EU.

'Contact points' regularly communicate with each other through a '*secure telecommunications connection*'.

Yet, it is not very clear who exactly the 'contact points' are. The EU Council Decision, which is the legal basis of the EJN, only provides that the EJN shall consist *'of the central authorities responsible for international judicial cooperation and the judicial or other competent authorities with specific responsibilities within the context of international cooperation'* and that

An EJN meeting – a photograph from an EJN brochure. *www.ejn-crimjust.europa.eu*

'one or more contact points of each Member State shall be established in accordance with its internal rules and internal division of responsibilities, care being taken to ensure effective coverage of the whole of its territory'.

It is only from putting together and analysing tiny bits of intelligence that we can figure out that 'contact points' are not, say, Ministries of Justice, but individual judges, magistrates and prosecutors. Here we read that a 'contact point' must understand at least one foreign EU language; there – that a 'contact point' may need to travel abroad to meet another 'contact point'. 'Contact points' also hold regular plenary meetings.

The stated purposes of EJN are *'direct contacts between competent judicial authorities' and 'decentralisation of mutual legal assistance'*. In practice, it can be described as a 'Greater Eurojust', or a hidden part of Eurojust which is much bigger than the visible tip of the iceberg in the Hague. It brings together judges, magistrates and prosecutors from across Europe to pursue a political objective of creating a ***'common area of freedom, security and justice'***, in close co-operation with Eurojust. Their combined powers are formidable, and the potential conflicts of interests are obvious.

3.8. CEPOL - European Police College

The European Police College (CEPOL) is an EU agency training senior police officers from across Europe to operate in the framework of the emerging EU legal system. To this end, CEPOL organises seminars, conferences and training courses on various subjects. CEPOL is based in Bramshill, Hampshire.

The current director of CEPOL is **Ferenc Banfi**, an ex-communist who made a brilliant career as a police officer in communist Hungary. As Ted Jeory revealed in *The Sunday Express* (29 August 2010), Mr. Banfi now advocates a drastic centralisation of policing in the EU. The *Sunday Express* quotes him as saying: "*I am 100 per cent sure it is just a question of time when Europol will have executive powers in the future. It may be five years or 10, but it will happen*". Mr. Banfi was reportedly discussing that idea with the director of Europol, Rob Wainwright.

Ferenc Banfi, the ex-communist Director of CEPOL
www.cepol.europa.eu

3.9. Frontex

Frontex is the Warsaw-based EU's agency for 'external border security', created in 2005. It has about 20 of its own airplanes, about 30 helicopters, well over 100 sea vessels, and its own network of border patrols at sea. Since 2007, Frontex includes a rapidly deployable border-guard force – ***rapid border intervention teams (Rabit-s)*** – which can be used to protect the EU from any threat of large-scale illegal migration. In 2010, the first Rabit-s force was deployed on the Greek-Turkish border.

FRONTEX Rabit-s officers deployed near Greek-Turkish border
(acus.org)

4. From Extradition to 'Execution'

'I hope nobody here has any language difficulties about this. We do not execute people. We only execute European Arrest Warrants.'

(Nick Saunders, International Liaison Officer of Hampshire Constabulary, to a conference of his EU colleagues)

4.1 A Brief History of UK Extradition Law

In a better age of its legal history than the one we are living through, Britain developed a uniquely fair system of criminal justice. Our achievements on this field have excelled those of Ancient Rome and remain unparalleled in the history of civilisation. Throughout the world, our common law system became an ideal which other nations strove to copy.

Yet, the very excellence of British justice produced some new dilemmas – such as the extradition of suspects to other countries. We do not want to become safe havens for foreign fugitive criminals; on the other hand, how can we hand over suspects to the countries where the system of criminal justice is so different from – and inferior to – our own?

This has been resolved by a number of safeguards which evolved over centuries to protect the liberties of the suspects whilst enabling extradition of genuine fugitives. Thus, we would not extradite people to countries where they could be tortured of subjected to unfair trial. The so-called '***dual criminality***' requirement barred extradition where a person is wanted for actions which would not be considered a crime in this country.

Above all, a country requesting extradition had to prove to a British judge that they had a ***prima facie* case** for the suspect to answer. This is to say, they had to present such evidence against the suspect which would justify his committal for trial had the offence taken place in the United Kingdom; or, to put it another way, satisfy the court that the prosecution case 'taken at its highest' could merit a conviction of the suspect by a 'reasonable jury, properly directed'. In practice, the *prima facie* evidence normally consisted of a set of written statements by prosecution witnesses.

The modern history of the UK extradition law begins with the 1842 treaty with the US and the 1843 treaty with France. Both treaties, of course, included a *prima facie* case requirement. This presented no problem to the American common law system, but the French repeatedly failed to provide evidence which would be admissible under the English law.

Between 1843 and 1852, France requested extradition of fourteen people, but succeeded only once. Following a stream of diplomatic protests from Paris, in 1852 the then Tory government negotiated a new Anglo-French treaty without

a *prima facie* case requirement. Another innovation was the provision for extradition of convicts as well as suspects – including those convicted in France *in absentia*. For these two reasons, the bill to give effect to that treaty met overwhelming opposition in the House of Lords and had to be withdrawn.

The French protests continued and culminated in the denunciation of the treaty in 1866. Shortly before that, the English ambassador, Earl Cowley, explained to French Foreign Minister Drouyn de Lhuys: *'Criminals condemned after trial seldom find means of escaping punishment awarded them, but condemnation* par costumace*, or without trial in the presence of the accused, is at such variance with the whole legislation of Great Britain, that it would seem hopeless to expect the sanction of Parliament to such a measure. On the other hand, it is to be observed that persons in this position might always be proceeded against in the category of accused persons'* – i.e. by presenting *prima facie* evidence against them to a British court.[12]

Around the same time, in 1862, Parliament ratified the new Anglo-Danish extradition treaty, including provisions for extradition of both suspects and convicts. Since Denmark had no trials in abstentia, this created no problem.

The *Extradition Act 1870* established a general system of extradition from the UK. As new treaties were made, the government could now apply the Act to its new extradition partners, by a simple Order in Council (by 1903, Britain already had extradition treaties with 34 foreign states). With a few amendments, the 1870 Act remained in force until 1989.

Of course, the *prima facie* case requirement and other safeguards were firmly enshrined in the Extradition Act 1870. In spite of the recent difficulties with France, the select committee which drafted the Bill viewed that requirement as axiomatic. There could be no question of abolition or a relaxation.

A decade later, the Royal Commission on Extradition proposed a controversial reform (eventually rejected), whereby the government could extradite people under the 1870 Act even to countries which had no extradition treaty with the UK. In spite of this bold internationalist approach, the Royal Commission endorsed the *prima facie* case safeguard without hesitation or debate.

It was only a century later that the requirement was first questioned in the UK, when a government working party was set up to review the extradition arrangements. Its 1974 report argued strongly for retaining the safeguard: *"the requirement of prima facie evidence remains the only real safeguard against the*

12 Edward Clarke. A Treatise Upon The Law of Extradition. London, Stevens and Haynes, 1867. P.p. 67-87.

trumped up case, and we venture to think that it must serve to deter some applications for extradition where a warrant of arrest has been issued in a foreign State on largely unsupported suspicion of guilt." The report further pointed out that the requirement of a *prima facie* case was also the only effective guarantee that judges have enough information to establish dual criminality and that the suspect is not wanted for political reasons. Without the *prima facie* case safeguard, the other safeguards would also effectively go by the board.

So, in spite of some foreign criticisms, the Extradition Act 1870 had impressively passed the test of time, with only a few minor changes introduced over 119 years of its operation. Of course, the fundamental principles of the 1870 Act are even older.

Yet, starting from 1989, the successive Tory and Labour governments have gradually but surely dismantled that system, and destroyed the essential safeguards of liberty. The Tory government replaced the old Extradition Act with a new one in 1989, and ratified the **European Convention on Extradition** in 1990. The Convention includes no requirement of *prima facie* case, but allows the signatory to make a reservation retaining it. Andorra, Denmark, Iceland, Israel, Malta and Norway have done so; **the UK government chose not to**.

The Extradition Act 1989 had been sold to Parliament and the public as a *'consolidating act'* which would not change the substance of the law. The small print, however, enabled the government to ratify the European Convention on Extradition next year, and exempt its 19 participants from the *prima facie* case requirement. ECE is a Council of Europe instrument rather than an EU one, so the participants included countries like Turkey from the outset. In subsequent years, 29 other countries joined it, including such bastions of human rights as Russia (2001), Azerbaijan (2003), South Africa (2003) and Bosnia (2006). The year in brackets indicates when the *prima facie* case requirement was removed in the UK.

But it was the New Labour government who took advantage of the 9/11 terrorist attacks in the US to abandon any pretence of 'consolidation of existing law', repeal the Extradition Act 1989, and replace it with an entirely new system.

4.2. The revolutionary Extradition Act 2003

Extradition Act 2003 includes three different procedures for extradition to different countries. The countries are allocated to different tracks not in the Act itself, but by separate orders by the Home Secretary.

One **(general Part 2 procedure)** still resembles the traditional extradition, as it

includes a shadow of what used to be the *prima facie* case requirement. I say a shadow, because the safeguard has been seriously watered down by allowing the judge to admit hearsay evidence. Instead of presenting written statements of prosecution witnesses, the foreign prosecutor can simply give a summary of the case in his own statement. This procedure currently applies to most Third World countries, including much of the Commonwealth.

Another procedure **(Section 84(7) procedure)** does not require *prima facie* evidence at all. There is, however, an evidential test, although a much lower one – that of *reasonable suspicion*. The judge will not issue the arrest warrant without being given as much information as a British prosecutor would have to give to justify an arrest. In addition, the Home Secretary may still refuse extradition before or after the case goes to court; and the dual criminality requirement is still observed.

This procedure applies to signatories of the European Convention on Extradition such as Russia, Turkey, or Azerbaijan. It also applies to Australia, New Zealand, Canada and United States. And even in the case of the US – a common law system relatively similar to ours – it has led to notorious cases of injustice such as the ones of **Gary McKinnon** and **Richard O'Dwyer**. Critics have also pointed out the inequality between the evidential tests of *reasonable suspicion* and the one of *probable cause*, applied in the US to British extradition requests. Needless to say, applying the same procedure to countries like Russia and Azerbaijan is even more dangerous.

Finally, there is the so-called **'Part 1 procedure'**, which gives effect to the EU legislation on European Arrest Warrant and applies to all EU member-states. Although the 2003 Act still calls it extradition, it is not extradition at all – the EU uses the phrase *'judicial surrender'*. No evidence is required. No questions are asked. The requested person is arrested without any warrant issued by a British judge. The requirement of dual criminality is abolished in relation to the list of 32 'crimes', some of them manifestly ill-defined – such as 'racism and xenophobia', 'membership in a criminal organisation', 'computer-related crime', 'corruption', or 'swindling'.

Once the box is ticked against an item on that list, the judge need not check that the allegation would amount to a criminal offence in the UK. The Home Secretary – or, for this matter, anybody in the UK – has no discretion to refuse. If there is no technicality to cling to, the judge cannot help you. Nobody can. You must be surrendered.

In theory, there are still a few surviving safeguards to the rights of the suspect. In practice, only one of them sometimes works. If (as is not infrequent) the issuer of the warrant is too incompetent even to fill a simple form correctly,

he may be asked to try again. Once he succeeds, the suspect is defeated.

As for all the other safeguards, they turned out to be completely spurious.

For example, the Extradition Act includes a so-called ***human rights bar***: the judge must refuse extradition if it is shown that it would be incompatible with the suspect's human rights. A lot of suspects sought to rely on that clause and provided evidence of widespread police mistreatment, poor prison conditions, corruption, or lack of fair trial in the country where they were wanted. The courts always held that, under the EU doctrines of *'mutual trust'* and *'mutual recognition'*, they had to assume that all signatories to the European Convention of Human Rights would comply with its provisions.

Fortunately, the same logic has never been applied to such countries as Russia and Ukraine, who are also ECHR signatories. But in EAW cases, the 'human rights bar' turned out to be illusory. Not a single case is known where the extradition was refused on these grounds; and quite a number of cases are known where the suspects' rights were severely violated after the extradition. So much for the present cult of human rights among the legal and political establishments.

4.3. EAW case histories

4.3.1. Michael Turner and Jason McGoldrick: surrendered and imprisoned without charge

In 2008, Michael Turner and Jason McGoldrick were arrested on a Hungarian EAW citing 'fraud', over a collapse of their small marketing business in Budapest three years earlier. No charges had been laid against them – they were only wanted for a preliminary investigation. Had this occurred in the UK it would have

Michael Turner, Jason McGoldrick, the author and Mr. Turner's father Mark, at a UKIP meeting *www.ukip.org*

been a purely civil matter; however they were 'judicially surrendered' under an EAW in 2009.

They spent several months in a former KGB prison in Hungary. They were kept in cells with violent murderers, and treated like dogs by the guards and cell-mates alike. After a long delay and a personal intervention of my colleague **William Earl of Dartmouth MEP** (who travelled to Hungary to secure his constituents' release), they were finally interviewed by the authorities and freed. They returned to the UK. In April 2010 they voluntarily returned to Budapest at their own expense to answer further questions from the police.

It is only now, over three years after the arrest, that the charges against Mr. Turner and Mr. McGoldrick have been brought in Hungary. The trial is due to begin on 29th February. As this work goes to the print three weeks earlier, the prosecution case has still not been disclosed to their defence lawyers.

4.3.2. The Crete Five: presumed guilty

The 2010 extradition of Daniel Bell, Sean Branton, Benjamin Herdman, George Hollands and Curtis Taylor, also known as the 'Crete Five', is another notorious case. The five UK citizens, all in their early 20s, are accused of seriously injuring another British holidaymaker in a drunken brawl on Crete. All the suspects maintain their innocence, and the evidence implicating them appears to be very weak. Indeed, it is known that the Greek prosecutorial authorities have been quite reluctant to go ahead with the prosecution.

If a similar situation occurred in Britain, our prosecution authorities can be trusted to take a proper prosecutorial decision. In Greece, the position is not necessarily similar. In an interview with my researcher, a respected Greek lawyer involved in the case defended the decision to prosecute Mr. Bell and others in the following terms: *'In theory, one is supposed to be innocent until proven guilty. This may well be true in Britain, but we in Greece follow a different principle in practice:* ***there is no smoke without a fire****'*.

The Crete Five were released on a European Supervision Order and allowed to go back to Britain, the Greek criminal case hanging over their heads for a year like a sword of Damocles. As this work is being completed, they are about to go to Greece again for their trial, where they will face its ***'no smoke without a fire'*** kind of justice.

4.3.3. Edmond Arapi: wanted on an absurd conviction *in absentia*

On 26th October 2004, a man called Marcello Miguel Espana Castillo was murdered in Genoa. On that day, Edmond Arapi worked at a café in Staffordshire. However, he was soon charged, tried, and convicted in Italy for that murder – all without his knowledge. He first learnt about the charges and his conviction five

years later, when he was arrested on an Italian EAW in 2009. He presented solid evidence of his *alibi* and that the Italian law did not even guarantee a re-trial after a conviction *in absentia*; nevertheless, the English magistrate ordered his extradition. It was only thanks to the efforts of the Fair Trials International, who persuaded the Italians to withdraw the warrant at the last moment, that he narrowly avoided serving 16 years in jail for a crime he evidently did not commit.

4.3.4. Garry Mann: surrendered to serve an unfair sentence

'Garry Mann, a 51-year-old former fireman from Kent, went to Portugal during the Euro 2004 football tournament,' reports the Fair Trials International[13]. *'On 15 June 2004, while Garry was with friends in a bar in Albufeira, a riot took place in a nearby street. Garry was arrested along with other suspects some 4 hours after the alleged offences. He was tried and convicted, less than 48 hours after his arrest. He had no time to prepare his defence and standards of interpretation at the trial were grossly inadequate. The proceedings were interpreted by a hair-dresser who was an acquaintance of the judge's wife.'*

He was sentenced to two years' imprisonment, but the Portuguese authorities offered him the opportunity to be deported back to Britain instead. He agreed. Back in Britain, the police applied for a worldwide football banning order against Mr. Mann on the basis of his Portuguese conviction, but the English court refused to make the order on the grounds that he had not been given a fair trial in Portugal.

Five years later, in 2009, Mr. Mann was arrested on an EAW – wanted in Portugal to serve his outstanding sentence. Lord Justice Moses called the case a 'serious injustice' and an 'embarrassment', but found his hands were tied by the Extradition Act and he had no grounds to refuse extradition. So he sent Mr. Mann to a Portuguese prison, fully aware that the decision was unjust.

4.3.5. Deborah Dark: acquittal secretly reversed *in absentia*

In 1989, Deborah Dark stood trial in France on drug-related charges, was acquitted, and returned home to the UK. She did not know that the French prosecutor appealed her acquittal, that the appeal was heard *in absentia* without anybody representing her, and that the appeal court then found her guilty and sentenced her to 6 years' imprisonment. Nor did she know that a French EAW was issued 17 years later, in 2007, for her to serve that sentence in France.

In 2007 Mrs. Dark was arrested while on holiday in Turkey, and then released without any explanation. In 2008, she was arrested in Spain while visiting her father and spent a month in a Spanish prison. The Spanish court refused

13 The European Arrest Warrant seven years on – the case for reform. FTI report. May 2011. Paras 52-57.

extradition for the passage of time. She returned to the UK – only to be arrested again on arrival at Gatwick. It was only in 2009 that the British court refused extradition for the passage of time, and the French EAW was finally withdrawn.

4.3.6. Andrew Symeou: innocent student sent to a Greek hell hole

Greece issued an EAW against my constituent Andrew Symeou, a 19-year-old British citizen, on the charge of manslaughter of another British holidaymaker in a night-club.

Mr. Symeou proved in an English court that the Greek police had fabricated the evidence against him by mistreatment and intimidation of witnesses. The court accepted that as a matter of fact – but found it had no legal power to assess the evidence. Even though the EAW system could 'be a matter for legitimate debate or concern', the court felt obliged to order extradition.

Similarly, the court rejected Mr. Symeou's evidence about the prison conditions in Greece and that he risked torture and mistreatment. Because Greece was a member of the European Convention of Human Rights, the court had to assume that it would comply with its obligations.

Mr. Symeou then spent almost a year in Greek prisons, including Korydallos, which is one of the most notorious prisons in the world with conditions practically tantamount to torture. Eventually, he was put on trial and acquitted for all the reasons he had raised in the British court in the first place. By that time, Mr. Symeou and his family had suffered enormous emotional and financial damage. None of that would have happened if only the British court still had the power to examine *prima facie* evidence in extradition cases.

4.3.7. 'Patrick Connor': a false guilty plea extorted by pressure

'*Patrick Connor (not his real name) was just 18 when he went on holiday to Spain with two friends,*' reports Fair Trials International[14]. *'While there, all three were arrested in connection with counterfeit euros. Patrick himself had no counterfeit currency on him or in his belongings when arrested and has no idea how the notes came to be on his two friends and in their rented apartment – in total, the police found 100 euros in two notes of 50. The boys were held in a cell for three nights. On the fourth day they appeared in court and had a hearing lasting less than an hour, at the end of which they were told they were free to leave but might receive a letter from the authorities later.*

'They returned to the UK and heard no more about it until four years later when, as Patrick was studying in his room at university, officers from the

14 The European Arrest Warrant seven years on – the case for reform. FTI report. May 2011. Paras 43-45.

Serious Organised Crime Agency arrested him on an EAW.

'Patrick was extradited to Spain and held on remand in a maximum security prison in Madrid. Other inmates told him he might be in prison for up to two years waiting for a trial. Under immense pressure and fearing for his future, he decided to plead guilty, even though several grounds of defence were available and he would have preferred to fight the case on home ground, on bail, and with a good lawyer he could communicate with in English. None of this was possible, and he ended up spending 9 weeks in prison before coming home to recommence his university career, his future blighted by a criminal record.'

4.3.8. Dr. Meizoso: a "criminal" yet to commit his impossible crime

My constituent Dr. Miguel-Angel Meizoso is wanted in Spain on a *private complaint* for a fraud he has not yet committed – but allegedly that he wants to commit in the future.

In Spain, Dr. Meizoso is the president of a government-backed foundation taking care of a valuable historic estate in Majorca. It is alleged that while setting up the foundation, he deceived the previous owner of the estate about its purpose: he claimed it was a public service, while his real plan was to sell the property and run away with the money. Under the Spanish law, such a plan would be utterly unrealistic: a president of a 'public interest' foundation cannot just sell its objects! Of course, Dr. Meizoso has not taken or contemplated any steps in that direction.

He believes the absurd EAW against him results from a corrupt scheme devised in the local government for the benefit of property developers, who want to lay their hands on the estate. They have taken advantage of the antiquated Spanish system of criminal procedure, where a single Investigative Magistrate may issue an arrest warrant on a private complaint, without any scrutiny or examination of evidence. If surrendered, Dr. Meizoso may spend up to two years in prison without charge or trial.

The English court has now ordered his extradition. In this desperate situation, my constituent appealed to me, and we have helped him to continue resistance in a very unorthodox way. The Extradition Act includes a special privilege against extradition of ***asylum-seekers***; so he applied for political asylum, and I wrote to the Home Secretary supporting this.

It is obviously unusual to ask for asylum having lived in Britain for over 20 years; and **this is probably the first time that a EU citizen asks asylum from the EU just like from any other foreign dictatorship**. Yet, we have now reached an insane situation where he can only protect his liberty by becoming an asylum-seeker in his own country. He is, I fear, not the last one who will have to

do that. Even so, his future still hangs in the balance, as his asylum case is about to be considered by the High Court.

4.3.9 *Hilali* case and the abolition of *Habeas Corpus*

Farid Hilali was probably not a man deserving much sympathy, but that is not the point. What is important is that the House of Lords used his case to abolish the right to *habeas corpus* in EAW cases.

Hilali's EAW was an unusual one. Instead of putting the allegation against him in a couple of vague sentences, the Spanish court gave an 8-page summary of evidence. It alleged that Hilali was a friend of one Barakat Yarkas. The German police had found the Spanish phone number of Yarkas in the flat of one Said Bahaji. And the wedding photograph of Bahaji, in turn, showed that two of his guests looked very similar to two of the future 9/11 suicide pilots. Furthermore, intercepted phone calls between Hilali and his friend Yarkas were suspicious: thus, on 6 August 2001 Hilali allegedly said he was going to do something important within a month.

This, of course, was a perfectly fine allegation for the British courts to rubber-stamp the order to surrender Hilali to Spain. However, while Hilali was fighting a hopeless battle of legal technicalities in the UK, Yarkas and 23 others were put on trial in Madrid. The Spanish Supreme Court eventually cleared Yarkas of a 'conspiracy to commit terrorist killing': even the prosecution agreed the evidence against him was too vague, and in any event, the unlawful intercepts of phone calls were not admissible.

This, it seemed, would also ruin the case against Hilali (if there ever was one). The European Arrest Warrant made only one allegation against him: that his phone calls showed he was an 'associate' of Yarkas the terrorist. Now that Yarkas was cleared of terrorism, it became clear Hilali was not in any sense *'accused of an extradition offence'*. By that time, however, he had exhausted all appeals in the UK and was about to be extradited.

However, he took advantage of our ancient common law remedy: any unlawful imprisonment, including one for extradition, can be challenged by applying for a writ of ***habeas corpus***. The High Court found that the Spanish trial had destroyed any grounds for the accusation against Hilali, and granted the writ.

The Spanish court appealed to the House of Lords, where it was held that the words of Extradition Act deprived the suspect of his right to ***habeas corpus***, and he therefore had to be extradited even in these circumstances. The appeal procedure spelt out in the act was held to be a sufficient substitute. This judgement ended a thousand years of history when the right to ***habeas corpus*** had been held absolute and sacred.

4.3.10 *Assange* case: the moment of choice

The European Arrest Warrant against Julian Assange has become the best known of all – not because it is more unjust than any of the above, but because of Mr. Assange's Wikileaks fame.

I had anticipated something like this happening sooner or later. With such an oppressive instrument as the EAW, so much open to all sorts of abuse, it was only a matter of time before it became a tool of political persecution. Wherever the truth really lies in this case, the issue of an EAW for Mr. Assange just after his sensational revelations and at the height of a global campaign against Wikileaks looked just too suspicious. And of course, whatever you think of Wikileaks, having a political prisoner in the middle of the Western world in the 21st century is intolerable.

There is more specific evidence that the prosecution of Mr. Assange is politically motivated, that his future trial in Sweden may become subject to political influences, and that, as likely as not, Sweden may eventually send him to America.

Furthermore, a considerable body of legal opinion firmly asserts that the allegations against Mr. Assange do not amount to an offence under UK law. This, of course, is no longer relevant, because it is an EAW with the box 'rape' duly ticked on the list.

All these points were not at issue before our top courts; like any EAW, Mr. Assange's one can only be resisted on legal technicalities. Yet, in this case, his lawyers were very successful in pushing one peculiar technicality: the fact that the warrant was issued by a Swedish prosecutor, while the Extradition Act only authorises a surrender on a warrant issued by a 'judicial authority'. It was on this point that the case went to the Supreme Court.

The continental view of prosecutors as *'judicial authorities'* had long been accepted by our courts as a part of *'mutual recognition'*. The powerful challenge mounted by Mr. Assange's lawyers re-opened that issue in the Supreme Court – and gave our top judges an opportunity to turn this case into a landmark precedent, putting a stop to the terrible antics of the EAW regime.

Together with Vladimir Bukovsky, a heroic veteran of Soviet human rights movement, we successfully applied to the Supreme Court for permission to make a 'public interest' submission, proposing to use the *Assange* case for a major law reform. Although 'public interest' interventions by individuals are very unusual (they are normally made by government ministers or top NGOs), the permission was granted.

Vladimir and I argued that the EU view of prosecutors as *'judicial authorities'* may not overturn the ancient and fundamental common law principle that ***nobody can be a judge in his own case***. Of course, we admit, that principle is not very convenient for the EU political agenda of *'common area of freedom, security and justice'*. Yet, we have asked the Supreme Court to reassert this fundamental principle: ***we cannot allow the politics of the EU to overturn the rule of law in the UK***.

'A court of law,' we submitted, *'may not answer a legal question by first enquiring what kind of answer would bring us closer to the 'European dream', 'ever closer union', or 'a common area of freedom, security and justice'. All those may be very sound political ideas, or just utopian claptrap. Many would passionately advocate one or the other view of them. This debate may go on forever or may be resolved tomorrow – but whatever happens, this debate belongs outside the courtroom. The courts should be concerned with the law alone.'*

We explained that, in the past EAW cases, our courts often misinterpreted the law to suit the EU political goals; and respectfully invited their Lordships to put a stop to this, and to reassert the supremacy of English constitutional liberties.

As this work goes to print, the Supreme Court still has not released its judgement. It remains to be seen whether our top judges will use this case to honour the centuries-old common law tradition of defending the liberty of the subject against the oppressive innovations of the government – or sweep them away.

5. Conclusions

5.1 'Reforms at the EU level'?

So the first major product of the emerging EU legal system – the European Arrest Warrant – has proven to be fundamentally flawed. It is obvious that similar flaws are inherent in other EU legal instruments and institutions, and even in the core ideas of the entire ***'common area of freedom, security and justice'*** project. So the debate over the future of the EAW is of crucial significance to the entire EU legal system.

Even the European Commission has admitted, in last year's report, that the EAW in its present form is a threat to liberty. A different matter is that Brussels denies the system itself is fundamentally flawed, and instead blames the *"imperfections"* on the Poles who 'simply issue too many EAWs'. The proposed solution is to issue a special handbook, where the wise European Commission would explain to reverent Poles how to use the EAWs "proportionally".

The absurdity of all this is striking. The greatest problem with the EAW is not that it is used 'disproportionally' against petty criminals, but that it is used against innocent people; not disproportionate EAWs, but those issued on poor evidence or on no evidence at all.

It is true that Poland issues a record number of EAWs. This is **not** because Poles do not know how to use them, but because the Polish law obliges courts **to do everything in their power** to have a suspect arrested. This means, obviously, that whenever there is evidence that the suspect is in another EU member-state, the Poles will **always** issue an EAW. **They are obliged to do so by law, whatever the European Commission may write it its handbooks.**

This, in my view, gives a conclusive answer to those who place their hopes in ***"reforms at the EU level"***. The EU is clearly unwilling or unable even to understand the flaws of the EAW system, let alone to find solutions. In reality, those flaws are so fundamental that no 'reform' can cure them; what is required is an outright replacement of the EAW regime with an entirely different system of extradition.

5.2. The Scott Baker Review

It is now universally recognised that this country's extradition arrangements must be urgently reformed. Both government parties have solemnly promised to do that when they come to power. To review the existing system and make recommendations, the government appointed an 'independent panel' led by Lord Scott Baker - a retired top judge best known for his inquest into the death of Princess Diana.

Having spent over a year on this work, having travelled extensively to Brussels, The Hague, and Washington, the panel has produced its 488-pages long report -

only to endorse the present system and to recommend no change.

This review is remarkable in many respects. To begin with, the panel simply ignores all the notorious cases which have led to this review in the first place. They were obviously too busy travelling to Brussels and The Hague even to take evidence from any of the victims, or their families, or their lawyers. Such cases as *Assange* or *Meizoso* are not mentioned at all in the report. The *Crete Five* is mentioned in two footnotes – as a positive example (because the suspects in that case were luckier than Symeou in that they were not locked in a Greek hell-hole, but released on a European Supervision Order). *Garry Mann* is only mentioned once as an example of injustice which the panel proposes to cure by extending the time limit for appeal from 7 days to 14 days. *Symeou* is mentioned once; *Turner and McGoldrick* are mentioned briefly in one footnote – and the panel had no meaningful comment to make on any of these blood-chilling cases.

Putting this on one side, the report is manifestly not a result of any impartial review. It reads simply as a piece of polemics advocating the status quo. It is full of general rhetoric about the importance of extradition as such, the public interest in efficiency and speed, rights of the victims, about mutual trust being vital for legal co-operation, that extradition is a two-way street and the UK also benefits from it, and other suchlike platitudes. That, as well as general Europhile rhetoric, are particularly dense in Chapter 5 which deals specifically with EAW.

In nearly every chapter, the panel repeatedly resorts to the notoriously dishonest statistical pseudo-arguments like this one: *'we were struck by the fact that out of the hundreds of cases that are dealt with by the courts each year, only a handful is relied upon as support for the contention that the existing law is defective'* (para 3.1). It is clearly unacceptable to use numerical arguments or phrases like "vast majority of cases" when we are talking about justice. A vast majority of all defendants are guilty, but this does not mean we should abolish courts and just imprison them. Lord Baker's approach is essentially totalitarian: the law only needs to protect 'classes' and 'collectives' – the individuals are just statistical units.

There is only one plausible way to advocate the European Arrest Warrant – the classic propaganda technique of defending the indefensible. Like all great inventions, it is simple: keep a straight face and confidently utter a monstrous lie. The panel has succeeded in that, even if they failed everywhere else. The report keeps repeating in several places: ***'No evidence was presented to us to suggest that European arrest warrants are being issued in cases where there is insufficient evidence.'*** What about Symeou, the Crete Five, Meizoso, etc.? My own submission to the panel included the evidence of many such cases, and I am sure that the other critics of the EAW did not fail to mention them in their own submissions.

On human rights, the report gives an equally cavalier endorsement of the status quo. It is impossible to see how on earth a proper review could do so without giving a full justification of what happened in the Symeou case. Yet, the panel is doing exactly this. Their comments on this matter are simply outrageous: *'The cases in which this point has been raised have failed on their facts and it appears that the difficulty lies not with the application of the Article 3* [i.e. prohibition of torture and mistreatment] *threshold, but with the inability of defendants to demonstrate that they will in reality suffer a violation of their human rights.'*

To that, Lord Baker adds a charming footnote: ''*Nor do we accept that this inability to establish prospective violations has anything to do with the difficulties of obtaining evidence from overseas territories.'* All these things are precisely what happened to Andrew Symeou, including the difficulties of getting evidence from Greece - but Lord Baker does not mention him. Instead, he cites some Trinidad and Tobago extradition case as an example of how well the system works.

How on earth can such things be written after the scandal of our courts sending an innocent man to spend a year in a Greek hell-hole prison? How on earth can Lord Baker write this insulting nonsense?

Overall, the whole year while the government was waiting for the results of this review has been simply wasted. In the meantime, the EAW system has swallowed hundreds of new victims - many of them, no doubt, innocent. Having refused to treat this emergency as an emergency, the government decided to take the time for a full review. They have sacrificed the liberty of many our countrymen to have it - and got nothing in return. Without exaggeration, the report has been simply a waste of time, money and paper. It was supposed to be a review, but instead it is a whitewash.

5.3. What can we do now?

There is no doubt that a radical extradition reform is now a matter of national emergency – and it would have been treated as such if we had a government prepared to put liberty and the national interest before the utopian Euro-federalist agenda. Indeed, it is within the Home Secretary's power to abolish the EAW, as well as the 'fast-track' extradition to the United States and elsewhere, tomorrow.

This is because the Extradition Act 2003 is similar in structure to the older Extradition Acts. It outlines three different extradition procedures but does not allocate specific countries to one of the three 'tracks'. It is the Home Secretary who makes an Order designating all EU member-states to 'Category 1'. **She has the power to revoke the Order and move them to Category 2** – meaning their extradition requests would now have to be accompanied by *prima facie* evidence, satisfy the requirement of dual criminality, and could still be refused at the Home Secretary's discretion.

Last year, I repeatedly wrote to Mrs. May, the Home Secretary, and the responsible junior minister Damian Green, suggesting they suspend the execution of EAWs immediately – until such time when proper extradition procedures are worked out. Mr. Green wrote back that extradition reform was a complex matter requiring a careful consideration, and such a move would breach the UK's *'international obligations towards its extradition partners. These are obligations which the UK takes very seriously'*.

To that, I replied:

I understand your concern about your 'extradition partners'; however, the matter at issue is the rights and liberties of British citizens, who now stand in very real danger of being arbitrarily imprisoned, mistreated or tortured by your 'extradition partners' under the European Arrest Warrant. The Government's first duty is to protect the interests and liberties of British citizens; having done that, and not before, HM Government should worry about any diplomatic consequences.

…It is not a complex principle that the rights and liberties of UK citizens should be placed above the interests of the European Union. Applying this principle to extradition does not require careful consideration – it only requires political will and courage.

This is where our dialogue on this matter ended. I suspect – forever.

5.4. What can we do in 2014?

However, it would not be too difficult to take the UK out of the EU police state even within the constraints of a much more moderate ***'repatriation of powers' approach***.

The Lisbon Treaty has dramatically increased the EU powers precisely in the area of 'Justice and Home Affairs': the right of veto has been abolished, and the jurisdiction of the European Court of Justice over these matters was greatly extended. However, the UK and Ireland have secured a general 'opt out' of this whole part of the Treaty, and only 'opt in' individual pieces of legislation (e.g. European Investigation Order). As for the legislation which had been in place **before** the Lisbon Treaty, it has been agreed that it will continue to operate until 2014. Then we will have to choose whether to accept the new rules and the new Luxemburg jurisdiction, or to 'opt out' of that legislation. The European Arrest Warrant falls within that category.

In other words, the government is entirely free to abolish the EAW in 2014 without in any way jeopardising its relations with the European Union or breaching any EU obligations.

Alas, there is hardly much hope that the present government will do that, because it is in thrall to the continuous 'integration and harmonisation' within the EU, including that of the judicial systems. It is still faithful to the utopian 'European dream' – even though it is now well on the way to creating an EU police state.

5.5. A fair Extradition Act

It is commonplace to say that extradition and mutual legal assistance are important. Yet, nowadays any critic of the EAW, EIO, and other attributes of the EU police state, risks accusations from all sorts of demagogues that we are "on the side of the criminals"; that in blind hatred of all things European we are happy to sacrifice this country's ability to get fugitives from abroad. Nothing can be further from the truth.

Of course extradition is important; but it must be balanced against the proper safeguards to the rights of the suspects, and especially the innocent suspects. Indeed, all suspects are supposed to be innocent until proven guilty – the principle well forgotten in the EU legal system.

This aside, it is simply not true that the EAW is an improvement compared to the old-style extradition. In the words of two High Court judges, *"anyone who is familiar with the jurisprudence which has developed under Part 1 of the [Extradition] Act would be bound to observe that it has not succeeded in providing a simple and speedy process."* [15]

Whenever I point out the horrendous injustices of the EAW, my opponents (for want of a better argument) respond with what seems to be a commonplace: 'but the UK benefits from it too – EAW makes it easier for us to extradite criminals from abroad'. Lord Baker alone parrots this argument on hundreds of occasions throughout his report. Yet, I can state responsibly: the main feature of the EAW – abolition of the *prima facie* case requirement – does **not** help extradition of suspects **to** the UK **at all**. Simply because **our courts never issue an EAW unless the prosecutor shows he is ready for the tria**l, i.e. has gathered all the evidence. As far as extradition to the UK is concerned, the *prima facie* case requirement is effectively still there.

This is largely the reason why, for example, about 2,500 Polish EAWs were sent to the UK and about 19 British EAWs were sent to Poland in 2010. The UK simply does not need the EAW: we have a proper legal system which would have no difficulty in producing proper extradition requests. The only benefit the UK gets from this system is saving the cost of translating the file – hardly an adequate price for sacrificing our fundamental liberties.

15 Hilali, per Smith LJ and Irwin J, para 33.

It is now a matter of urgency to pass a new, fair Extradition Act which would include all the necessary safeguards of liberty, most importantly:

1. **The *prima facie* case requirement.** The requesting state must prove, by admissible evidence, that there is a case for the suspect to answer.
2. **Dual criminality.** The allegation against the suspect must amount to a specific offence under UK law.
3. **Home Secretary's discretion to refuse extradition** if it appears to be unfair, oppressive, unreasonable, or not in the national interest – for example, if the suspect may be denied a fair trial in the requesting country. (As explained above, the 'human rights bar' to extradition has proven to be a purely illusory substitute to that traditional safeguard).
4. **The right to be freed by a writ of habeas corpus** if the suspect can show that the extradition request is unlawful.

There may be other safeguards as well, but these four should be enshrined as immutable principles of any extradition, subject to no exceptions whatsoever.

Of course, extradition treaties with our foreign partners are necessary and important. **They should be based on mutual trust – but not on blind trust.** We should only have extradition treaties with countries having proper systems of criminal law, independent judiciary, and reliable guarantees of rights and liberties. And even then, **the terms of extradition treaties must be brought in line with our own extradition law - not the other way round**.

The mess which the EU innovations have made of our extradition system is the first sinister sign of the grave dangers stemming from the utopian idea of a single EU legal system. Our liberties are being steadily and systematically undermined, replaced with the Orwellian *'freedom, security and justice'* of the EU. It is high time to say a clear 'no' to this dangerous nonsense. It is time to return to the reliable guarantees of real freedom, real security and real justice. The ones we in this country enjoyed for centuries. The ones we so complacently have been taking for granted. Today, like so many times in the past, we have to stand up and fight for our freedom, our security, our justice – lest we lose them forever.

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Vladimir Bukovsky
Internationally renowned political dissident and democracy campaigner, who spent 12 years as a prisoner in the Soviet Union's Gulag.

"One lesson we should have learnt from the 20th century is that every utopia creates a GULAG of its own. As some of us have been predicting for many years, and as this work shows only too clearly, the European Union is no exception to that rule.

"This is a succinct, detailed, and very revealing account of the emerging repressive machine of the EUSSR, written by the most honest politician in Britain. His dispassionate, 'matter of fact' style only makes it more persuasive. This should become a compulsory reading for every UK dissident, for everyone who is prepared to resist the emerging EU dictatorship. Because it is only a matter of time before this repressive machine will be used against you. You need to know thy enemy – like I used to know the KGB.

"Gerard has done a splendid job as your man behind the enemy lines – in Brussels and Strasbourg. Here is his intelligence report."

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