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The Right Hon Sir Alan Beith MP
Chairman
Justice Select Committee
House of Commons,
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6 March 2010

Dear Alan

ARREST WARRANTS – UNIVERSAL JURISDICTION

I am writing to invite your Committee to consider the question of arrest warrants for 'universal jurisdiction' offences, as I promised in my recent Written Ministerial Statement. The Government's view is that there is an issue here, and that the only solution is legislative.

The crux of the matter is the ability of private individuals to secure the arrest of foreign visitors to this country on suspicion of war crimes under the Geneva Conventions Act 1957 (and other very grave offences of universal jurisdiction) on the basis of evidence that might well be insufficient to gain the Attorney General's consent, let alone secure a conviction.

There are indications that some people – including people with whom the Government would wish to engage in discussions – may be reluctant to travel here for fear that an arrest warrant might be sought against them. The Government is concerned about the implications of this for the United Kingdom's relations with other States.

We believe we have identified the right answer, which is that to legislate so that only the Crown Prosecution Service (CPS) would be capable of initiating prosecutions for 'universal jurisdiction' offences, where the offence is alleged to have been committed outside the United Kingdom by a person who is not a British national. But as this involves circumscribing (albeit only slightly) the right of private prosecution, it is not without controversy, and it therefore seems right to invite views on what we are proposing.

I would especially welcome the views of the Committee, and I very much hope that the Committee will agree to look at the issue.

I enclose a short paper setting out the background, the options, and our preferred solution, together with a draft clause that would give effect to our proposal. You will see that we are seeking views by 6 April.

Yours

Jack.

JACK STRAW