

# Political Affairs Brief

*A daily summary of political events affecting the Jewish Community*

Scottish Council of Jewish Communities

SCoJeC

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## Home Affairs

### House of Lords Motion to Approve

#### **Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2010**

**The Parliamentary Under-Secretary of State, Home Office (Lord West of Spithead):** Proscription of terrorist organisations is an important part of the Government's strategy for countering terrorism. The purpose of the order, if this House and the other place so approve, is to add to the list of 45 international terrorist organisations that are already proscribed. We propose to do so by adding the group Al-Shabaab to the organisations listed under Schedule 2 to the 2000 Act. This is the eighth proscription order made under the Terrorism Act 2000. ...

**To read the full statement and response see**

<http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100304-0012.htm#10030447000158>

### UK Parliamentary Questions

#### **Justice: Arrest Warrants**

**Baroness Northover:** To ask Her Majesty's Government further to the Written Answer by Baroness Kinnock of Holyhead on 22 February (WA 233-4), whether they will publish any documents exchanged or notes of discussions between officials and Ministers and their Israeli, United States and European Union counterparts about the issues arising from the United Kingdom's arrest warrant procedure in cases where there is universal jurisdiction; and, if not, whether they will publish the dates of such discussions or documents and a summary of their contents. [HL2291]

**The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead):** It is not usual practice to make public the details of confidential ministerial or official exchanges with our international partners. As part of our ongoing dialogue with international partners, we have discussed the impact of the application of the UK's arrest warrant procedure in cases where there is universal jurisdiction. The Government are both committed to the principles of universal jurisdiction and determined to ensure that the UK can engage fully with those involved in conflict in order to assist in bring those conflicts to an end.

**Baroness Northover:** To ask Her Majesty's Government further to the Written Answer by Baroness Kinnock of Holyhead on 22 February (WA 233-4), whether discussions have taken place at ministerial level with the United States on the issues arising from the United Kingdom's arrest warrant procedure. [HL2293]

**Baroness Kinnock of Holyhead:** No discussions have taken place at Ministerial level with the United States on the issues arising from the UK's arrest warrant procedure since 13 December 2009.

<http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100304w0004.htm#10030455000533>

## UK Parliament Ministerial Statements

### Arrest Warrants (Universal Jurisdiction)

**The Secretary of State for Justice and Lord Chancellor (Mr. Jack Straw):** The Government are concerned about the implications for the United Kingdom's relations with other states of the risk that foreign visitors to this country might be arrested on the application of a private individual, on suspicion of the gravest of offences, on the basis of evidence that might well be insufficient to gain the Attorney-General's consent (which is normally required for offences of this kind to be prosecuted), or to secure a conviction by a jury.

The problem is not hypothetical, as applications for an arrest warrant have been made, on at least two occasions successfully; and there is reason to believe that the risk of arrest may discourage prominent people, with whom HM Government would wish to engage, from visiting this country.

The problem arises as a result of four factors:

(1) The jurisdiction of the courts in England and Wales is basically territorial-with some exceptions they try only offences committed here. However, war crimes under the Geneva Conventions Act 1957, and a small number of other grave offences, are subject to "universal jurisdiction" which enables them to be prosecuted here even though they were committed outside the United Kingdom by someone who is not a British national.

(2) It is open to any private individual to initiate criminal proceedings, including for universal jurisdiction offences, by applying to a magistrate for a summons or an arrest warrant.

(3) The evidence required for the issue of a summons or warrant is far less onerous than that applied by the Crown Prosecution Service (CPS) in determining whether a prosecution should go ahead. The court's duty is to ascertain that it has jurisdiction; it then looks to see if there is some prima facie information that an offence known to the law has been committed by the person named. The court does not need to decide that there is a realistic prospect of conviction.

(4) For almost all universal jurisdiction offences there is a safeguard in that the consent of the Attorney-General is required in order for a prosecution to go ahead. But while a summons will not be issued until the necessary consent has been given for the prosecution to proceed, absence of consent does not prevent the issue of an arrest warrant.

The facility for seeking an arrest warrant in these circumstances without the prior consent of the prosecutor is unusual. It is paralleled in only a very few other jurisdictions of which we are aware. In most jurisdictions prosecutorial consent is required.

The Government have considered this matter very carefully. They have concluded that there is a case for restricting to the CPS the right to prosecute this narrow range of universal jurisdiction offences, in circumstances where the offence is alleged to have been committed outside the United Kingdom by a person who is not a British national. The effect of this change-which would require legislation-would be that in such cases it would no longer be possible for anyone other than the CPS (or the Law Officers) to obtain an arrest warrant. This would ensure that action is taken only where the expert and independent investigators and prosecutors in the police and CPS are confident that there is a realistic likelihood of a successful prosecution.

Our commitment to international justice is a strong one. This is why, by section 70 of the Coroners and Justice Act 2009, we recently amended the International Criminal Court Act 2001 to ensure that we could prosecute serious international crimes committed as far

back as 1991 by UK nationals and residents, thus covering the horrific events in Rwanda and the former Yugoslavia. We remain absolutely committed to upholding the principles of universal jurisdiction, so that there can be no impunity for those suspected of such grave offences. What we propose is wholly consistent with those principles, and would bring us into line with the practice of a number of our European and North American partners.

The Government recognise that this is a controversial issue, involving as it does the long-standing right of private prosecution. Therefore, rather than legislating now, we are going to seek views on the proposals we are minded to make. In particular, I am writing to the Chairman of the Justice Select Committee to ask if his Committee would consider those proposals. We intend to conclude this process within a month, and to receive views by Tuesday 6 April. A copy of my letter to the Chairman will shortly be placed in the Libraries of both Houses.

<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100304/wmstext/100304m0001.htm#10030438000012>

### **Immigration and Asylum (War Crimes)**

**The Minister for Borders and Immigration (Mr. Phil Woolas):** The Race Relations (Immigration and Asylum) (War Crimes etc.) Authorisation 2007 enables the Secretary of State to subject certain applications to more rigorous scrutiny than he subjects like applications from persons of other nationalities to, for the purposes of determining whether the applicant has committed, or been complicit in the commission of, or otherwise been associated with the commission of war crimes, crimes against humanity or genocide.

The condition for subjecting these applications to more rigorous scrutiny is that the applicant is a national of a state specified on a list approved personally by the Minister for the purpose of the authorisation.

I have now reviewed and approved this list in accordance with our commitment to do so annually. I am satisfied that the conditions set out in the authorisation are met in respect of the countries on the list.

The authorisation will continue to be reviewed on an annual basis and will remain in force until revoked.

<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100304/wmstext/100304m0001.htm#10030438000011>

## **House of Commons Committee of Public Accounts**

### **Report on the Equality and Human Rights Commission**

<http://www.publications.parliament.uk/pa/cm200910/cmselect/cmpublicacc/124/124.pdf>

## **Home Office**

### **What perceptions do the UK public have concerning the impact of counter-terrorism legislation implemented since 2000?**

<http://www.homeoffice.gov.uk/rds/pdfs10/occ88.pdf>

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## UK Parliamentary Questions

### Israel

#### **Baroness Tonge**

To ask Her Majesty's Government what representations they have made to the Government of Israel concerning the occupation of the area of the Ibrahimi Mosque in Hebron. [HL2237]

**The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead):** We fully support the statement by the EU High Representative issued on 26 February which said: "The High Representative regards the recent decision by the Government of Israel to add sites in Hebron and Bethlehem to the list of Israeli national heritage sites as detrimental to attempts to relaunch peace negotiations. The European Union calls on Israel to refrain from provocative acts. The European Union recognises the importance of these religious sites to all three Abrahamic faiths and supports the principle of access for all".

<http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100304w0004.htm#10030455000531>

### Israel: Ariel College

**Baroness Tonge:** To ask Her Majesty's Government what representations they have made to the Government of Israel concerning the recent upgrading of Ariel College to university status. [HL2236]

**The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead):** We have made no specific representations on this issue, but the UK's position is clear: settlements are illegal and prejudice peace talks. We have repeatedly stressed this to Israeli Ministers from Prime Minister Netanyahu down.

<http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100304w0004.htm#10030455000532>

### Palestine

**Lord Hylton:** To ask Her Majesty's Government what conclusions they draw from the recent closure by the Palestinian Authority of the Jerusalem Centre for Photography in Jenin, the Zakat Hospital in Tulkarem, the Prosthesis Factory in Qalqilia, the Islamic Relief for Care of Orphans in Tubas and Salfeit, the Nafha Society for Defence of Prisoners and Human Rights in Naablus, the School for Deaf Children in Ramullah, the Christian Wafa Charity Society in Bethlehem, and the Al-Aqsa School for Orphans in Hebron; whether they are making representations to the Palestinian Authority, to Israel as the occupying power, and to the Government of the United States on these matters; and what have been the consequences of the closures for Palestinian employment. [HL2178]

**The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead):** We are not aware of such recent closures. Since the take-over of Gaza by Hamas in 2007, there have been a number of closures of politically affiliated civil society organisations in both Gaza and the West Bank. We are concerned where such closures have a direct impact on services provided to vulnerable members of the community and no alternative is provided. We continue to encourage Palestinian national reconciliation on terms acceptable to the international community.

**Lord Hylton:** To ask Her Majesty's Government whether they have received evidence that teachers and other state employees have been dismissed by the Palestinian Authority because of suspicions provided by the General Intelligence Agency and the Preventive Security Force. [HL2181]

**Baroness Kinnock of Holyhead:** We are aware that some state employees have been dismissed by the Palestinian Authority following the take-over of Gaza by

Hamas. Some of these cases are the subject of ongoing legal proceedings in the Palestinian courts.

**Lord Hylton:** To ask Her Majesty's Government whether they have received evidence of the use of excessive force when the Palestinian Authority recently closed many charitable and voluntary organisations in the West Bank; what was the consequent damage to property and premises; and what is to happen to the assets of closed organisations. [HL2182]

**Baroness Kinnock of Holyhead:** We have not received any evidence of excessive force used by the Palestinian Authority towards non-governmental organisations in the West Bank.

<http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100304w0005.htm#10030455000543>

### Passports

**Lord Hylton:** To ask Her Majesty's Government whether there will be a co-ordinated European Union demarche to the government of Israel concerning the six British, five Irish, one French and one German passports alleged to have been stolen, forged and otherwise abused in relation to Dubai in January. [HL2227]

**The Minister of State, Foreign and Commonwealth Office (Baroness Kinnock of Holyhead):** The UK fully supports the EU statement, issued on 20 January, which strongly condemns the use of EU member states' passports and credit cards acquired through the theft of EU citizens' identities. We welcome the investigation by the Dubai authorities and call on all countries to cooperate with it. We, along with the other countries concerned, are carrying out full investigations into the fraudulent use of their passports.

<http://www.publications.parliament.uk/pa/ld200910/ldhansrd/text/100304w0005.htm#10030455000544>

## Foreign and Commonwealth Office

### Foreign Secretary addresses proximity talks in the Middle East

'Resolving this conflict lies at the heart of achieving progress across the region, and we must not miss this opportunity.'

In a statement on 4 March, Foreign Secretary David Miliband said: "I am encouraged that President Abbas is gaining support in the wider Arab world for entering proximity talks with Israel. It is the right time for both sides to show the courage, commitment and compromise necessary to bring a lasting peace for the benefit of Israelis, Palestinians and the people of the region.

Britain's positions in respect of a two-state solution are well known. A Palestinian state should be based on 1967 borders, with Jerusalem as the capital of both states, and a just and agreed settlement for refugees.

Real confidence in credible peacemaking requires that we move on from the preliminaries. These talks must begin soon and deal directly with the difficult issues at the core of this conflict. There is a great deal to build on: from the principles laid out in the Arab Peace Initiative to detailed negotiations conducted during the Annapolis process and previous rounds. Talks will also require credible time horizons: I am clear that this means tangible momentum within months of talks beginning.

All sides must also refrain from provocative actions on the ground, especially in Jerusalem, which will make talks so much harder.

US leadership has been central to creating this opportunity, and we continue to depend on Senator Mitchell's leadership. And as the EU made clear in December, we - and the wider international community - must and will support this effort in every way we can. Resolving this conflict lies at the heart of achieving progress across the region, and we must not miss this opportunity."

<http://www.fco.gov.uk/en/news/latest-news/?view=News&id=21841033>

## United Nations

### **UN official calls for 'radical' policy shift in occupied Palestinian territory**

The top United Nations humanitarian official today called for "radical" changes in Israeli policies towards the occupied Palestinian territory to allow people to carry out normal and dignified lives. ... In Shu'fat refugee camp in East Jerusalem, Mr. Holmes saw first-hand the impact of the barrier – which Israel says it is building to keep out suicide bombers and other attackers – on the Palestinian community. It has curtailed access to health, education and other basic services, while also limiting livelihood opportunities. He also witnessed the effects of continued demolitions and forced evictions in the Arab neighbourhoods of Al Bustan and Sheikh Jarrah in East Jerusalem, where many families have been forced from their homes and many more are at risk of displacement. ...

**To read the full press release see**

<http://www.un.org/apps/news/story.asp?NewsID=33974&Cr=palestin&Cr1=>

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## Foreign Affairs

### Westminster Hall Debate

#### **Global Security (Non-Proliferation)**

*Includes some references to Israel*

<http://www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100304/halltext/100304h0001.htm#10030452000001>

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## Relevant Legislation \*\* New or updated

### UK Parliament

#### **Children, Schools and Families Bill**

<http://services.parliament.uk/bills/2009-10/childrenschoolsandfamilies.html>

#### **\*\* Constitutional Reform and Governance Bill**

<http://services.parliament.uk/bills/2009-10/constitutionalreformandgovernance.html>

Bill as brought from the Commons

<http://www.publications.parliament.uk/pa/ld200910/ldbills/040/2010040.pdf>

Explanatory Notes

<http://www.publications.parliament.uk/pa/ld200910/ldbills/040/en/2010040en.pdf>

#### **\*\* Crime and Security Bill**

<http://services.parliament.uk/bills/2009-10/crimeandsecurity.html>

Notice of amendments

<http://www.publications.parliament.uk/pa/cm200910/cmbills/073/amend/pbc0730403a.1211-1217.html>

#### **Equality Bill**

<http://services.parliament.uk/bills/2009-10/equality.html>

#### **Flood and Water Management Bill**

<http://services.parliament.uk/bills/2009-10/floodandwatermanagement.html>

## Scottish Parliament

### End of Life Assistance Bill

<http://www.scottish.parliament.uk/s3/bills/38-EndLifeAssist/index.htm>

### Draft Census Order

[http://www.opsi.gov.uk/legislation/scotland/ssi2010/draft/pdf/sdsi\\_9780111007907\\_en.pdf](http://www.opsi.gov.uk/legislation/scotland/ssi2010/draft/pdf/sdsi_9780111007907_en.pdf)

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## Consultations

\*\* new or updated

### **Ecclesiastical Exemption (Listed Buildings and Conservation Areas) Order 2010**

(closes 15 March 2010)

[http://www.culture.gov.uk/reference\\_library/consultations/6605.aspx](http://www.culture.gov.uk/reference_library/consultations/6605.aspx)

### **2011 Census Statistical Outputs (England and Wales)** (closes 26 March 2010)

<http://www.ons.gov.uk/census/2011-census/consultations/open-consultations/2011-output-consultation---main-statistical-outputs/index.html>

### **Equality Bill: Draft Codes of Conduct** (closes 2 April 2010)

<http://www.equalityhumanrights.com/legislative-framework/equality-bill/equality-bill-codes-of-practice-consultation/#1>

### **Equality Bill: Draft Guidance** (closes 16 April 2010)

<http://ehrc-consult.limehouse.co.uk/portal>

### **Death Certification, Burial, and Cremation (Scotland)** (closes 21 April 2010)

<http://www.scotland.gov.uk/Resource/Doc/300112/0093686.pdf>

### **\*\* Call for Evidence on the End of Life Assistance (Scotland) Bill** (12 May 2010)

<http://www.scottish.parliament.uk/s3/committees/endLifeAsstBill/currentInquiries.htm>

### **Humanitarian Assistance Strategic Guidance** (closes 14 May)

[http://www.culture.gov.uk/images/consultations/HA\\_strategic\\_guide\\_draft.pdf](http://www.culture.gov.uk/images/consultations/HA_strategic_guide_draft.pdf)

### **2011 Census Statistical Outputs (Scotland)** (closes 14 May 2010)

<http://www.gro-scotland.gov.uk/census/censushm2011/preparations/consultation-and-research/formal-consultations/spring-10-consultation.html>

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