



Home Office

HOME SECRETARY

2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Chris Leslie MP
House of Commons
London
SW1A 0PW

03 AUG 2010

The European Investigation Order

During the Oral Statement that I made to the House on 27 July announcing the UK's decision to opt into the European Investigation Order (EIO) I undertook to write to you with examples of cases where the existing mutual legal assistance (MLA) arrangements have worked well. I also agreed to provide you with examples of where the EIO would have benefited UK criminal investigators and prosecutors in comparison with the current system.

Examples of good cooperation between EU Member States under the current MLA system include:

- The case of Hussein Osman. He was one of the failed terrorists from the 21/7 attacks five years ago, who was convicted with the help of evidence obtained by MLA.
- Operation Isopope. This case involved a conspiracy to defraud an investment bank of £229 million. Evidence received from other EU Member States through MLA helped lead to the successful conviction of two people.

Both cases demonstrate the importance of MLA in the fight against serious cross-border crime. However, despite these examples, there are also cases where MLA requests made by the UK have been subject to delays and where this has had a detrimental effect on the progress of UK investigations and hearings.

- In a recent drug trafficking case involving cocaine and cannabis resin a delay in receiving evidence from overseas led to the trial being adjourned for five months. Not only has this delayed the criminal justice process but it will inevitably result in additional cost. If the judge had not agreed to an adjournment this could have led to no evidence being presented by the prosecution.
- In an investigation into the murder of a UK national overseas by her husband police and prosecutors received no response to MLA requests over a two year period. Evidence was eventually received but only after the husband had admitted his guilt. If he had not pleaded guilty a speedy and successful conviction might have been much less likely without the evidence requested.
- In another drug trafficking case the failure of an EU Member State to execute an MLA request from the UK resulted in a misleading picture being presented to the jury of the strength of the prosecution case. As a result, evidence which might have exculpated the UK defendant was not available in time for the trial.
- There are also ongoing delays in the return of evidence from EU Member States in relation to serious and complex fraud investigations. As these are live investigations I cannot comment any further at this stage.

The above cases demonstrate the difficulties for UK prosecutors and police in working with the current MLA system. With crime increasingly transnational or international in nature it is clear that an efficient system for ensuring the timely return of evidence to the UK is required. The EIO will do this by introducing deadlines for the return of evidence. Consequently, I believe that the EIO will not only enhance MLA but UK justice as a whole.

I am placing a copy of this letter in the House Library.

Best wishes,



Rt Hon. Theresa May MP