

“Brexit and the ‘hidden wiring’ of the criminal justice system: the house of commons justice committee inquiry into the implications of Brexit for the legal system”

Professor Tim J Wilson reflects on the contribution made by NCEJS research to the criminal justice aspects of the Brexit debate.

A highpoint of the academic year 2016-17 came when research by NCEJS members about international criminal justice cooperation was discussed with the House of Commons Justice Committee and was then reflected in its report about the implications of Brexit for the justice system.

NCEJS’s parliamentary engagement began when Professor Tim J Wilson sent a summary of multi-disciplinary research undertaken with a group of colleagues (Dr Michael Stockdale, Adam Jackson, Gemma Davies and Emma Piasecki from the Law School, Sophie Carr from the Faculty of Life Sciences and Derek Johnson from the Faculty of Engineering and the Environment) to the Justice Committee in October. This document is available on the Northumbria Research Link at <http://nrl.northumbria.ac.uk/28765/>.

In January Professor Wilson joined Francis FitzGibbon QC, the Chair of the Criminal Bar Association, and Michael Gray, of Gray and Co Solicitors, who is the Chair of the Criminal Law Solicitors’ Association, in Westminster to be questioned by the Justice Committee. What was particularly important from a NCEJS perspective was the consistency of the opinions expressed on behalf of the two branches of the profession and with the conclusions reached by the Centre’s researchers.

In June Professor Wilson discussed the implications of Brexit for criminal justice at La Real Academia de Jurisprudencia y Legislación (The Royal Academy of Jurisprudence and Legislation) in Madrid. This distinguished and influential body was founded in the eighteenth century, but the seminar was overshadowed by the terrorist murders in Manchester only two days earlier and future risks from internationally mobile terrorists.

One of the conclusions from the seminar was that – unless the exiting EU cooperation arrangements can be frozen in some way (an objective Professor Wilson suggested in oral evidence to the Justice Committee in January) - the legal systems of EU member states may at least initially restrict swift and efficient criminal justice cooperation to EU member states and, in some cases, Schengen countries. This would not be in the interests of the UK or EU member states.

The UK approach to criminal justice, as in other areas of policy, will need to reflect a sound analysis of the mutual benefits that need to be preserved after Brexit. Hopefully, NCEJS activities during the academic year 2016-17 will have contributed to the deliberations that might inform such an analysis and the NCEJS will be well positioned to inform the debate going forward.



INSIDE THIS ISSUE

Updates from the year

Professor Tim Wilson
All day Seminar Page 1

Professor Mohamed Badar &
Professor William Schabas
Page 2

Dr Nicola Wake Page 3

Professor Tony Ward and
Ann Ferguson Page 4

Sue Turner &
Jonathan Bainbridge Page 5

Prof. Tim J Wilson,
Prof. Chrisje Brants
& Adam Jackson Pgs. 6&7

DATES FOR YOUR DIARY

November 2017

Mo	Tu	We	Th	Fr	Sa	Su
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

The International Criminal Court at Fifteen

On the 15th March Professor William Schabas gave a seminar at Northumbria Law School which was organized by Professor Mohamed Badar. Professor Schabas' talk focused on the first 15 years of the work of the International Criminal Court;

“Fifteen years after the entry in-to force of the Rome Statute, the International Criminal Court faces immense challenges. Its productivity has been disappointing, and it has suffered from declining enthusiasm in a part of the world that has previously been one of its greatest support, Africa. But above all, like many other inter-governmental organisations dedicated to the enforcement of international law and principles of human rights, it is confronted with unprecedented instability in the new global environment.”



Prof. William Schabas



Prof. Mohamed Badar



“Human trafficking and modern day slavery-the potential impact of Brexit”

The conference, “Human Trafficking and Modern Day Slavery: The Potential Impact of Brexit”, organised by Associate Professor Dr Nicola Wake, took place on the day the PM triggered Article 50, March 29th. Professor John Wilson opened the event, and excellent and informative papers were delivered by experts in the field.

Papers included: “Brexit in context: trying to understand the potential range of future relationships with the EU and their consequences” by Professor Tim Wilson (Northumbria University); “Human Trafficking and Domestic Slavery: Love Honour and Obey” by Senior Partner, of Ben Hoare Bell, Cris McCurly; “Visas, nationality, Gangmasters’ Licensing Authority, Government policy and hard Brexit: Exploring the boundaries of modern day slavery” by Senior Lecturer, Michael Jefferson (University of Sheffield); “Troubling ‘Rescue’: Law, Policy and Migrant Sex Workers” by Senior Lecturer, Laura Graham (Northumbria University); “Human Trafficking and Criminal Justice Information Sharing in a Post Brexit” Context” by Senior Lecturers, Adam Jackson and Gemma Davies (Northumbria); “Evidentiary Issues in Human Trafficking Prosecutions” by Professor Tony Ward (Northumbria University) Dr Shahrzad Fouladvand (University of Sussex)

Leverhulme Trust Visiting Professorship Success

The Centre are delighted to have successfully received funding from an application submitted by Associate Professor Dr Nicola Wake to the Leverhulme Trust to host a three month visit by Professor Warren Brookbanks in 2018. Further details regarding Professor Brookbank’s visit will follow in subsequent editions of the newsletter.



Dr Nicola Wake

Concurrent Expert Evidence—All Day Event

Tony Ward & Ann Ferguson

The CECJS hosted a symposium on concurrent expert evidence ('hot-tubbing'), entitled 'Views from the hot-tub' with the intention of gathering and discussing a range of views from those involved with and experienced in this area.

Key participants included Professor Rachael Mulheron who was the Chair of the Civil Justice Council's Civil Litigation Working Group which produced a recent report on the subject, and HHJ David Grant who is one of the few Judges with significant experience of the process. We also heard from an expert from the Northern Ireland Lands Tribunal which makes good use of 'hot-tubbing' (Billy Joss), a solicitor (David Locke of Hill Dickinson) and barrister (David Boyle of Deans Court Chambers) as well as Professors Gary Edmond and Tony Ward, and Ann Ferguson from Northumbria, who are research active in this area.

It was an extremely interesting and informative day with perspectives on this change to the presentation of expert evidence being given by the various potential players in the process and the advantages and disadvantages of hot-tubbing were raised and discussed in detail.

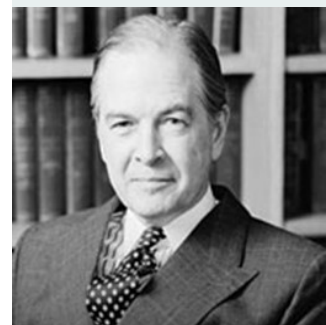
We consider that we all ended the day with a clearer view of when this process may be appropriate as well as its potential problems, which will inform our research in this area.



Professor Tony Ward



Ann Ferguson



Robert Smith QC

“Anti-Money Laundering: The New Regulatory Regime” Professor Jackie Harvey, Sue Turner and Jonathan Bainbridge from Business and Law

The seminar explored the growth of anti-money laundering legislation via a timeline, culminating in the 4th Money Laundering Directive due to be implemented in the UK by the end of June.

Seminar participants engaged in discussion about consequent changes to the anti-money laundering regime and the Impact of the changes for the regulated sector and law enforcement agencies.

The seminar ended with valuable insights into the role of the Financial Action Task Force in evaluating and influencing anti-money laundering policy.

CECJS Student Wing—Inaugural Lecture with Robert Smith QC

On the 26th April, Robert Smith QC gave a lecture entitled ‘*The Development and Refinement of the Law of Joint Enterprise*’. This lecture marked the inaugural event organized by the newly constituted Student Wing of the Centre for Evidence and Criminal Justice Studies.

The event was opened by Katie White, a Student on the MLaw Exempting (BPTC) course and student member of the CECJS. Robert’s lecture drew on his extensive experience as a courtroom advocate and gave a fascinating insight into his thoughts on the development of the law on joint enterprise drawing on the recent UK Supreme Court decision in *R v Jogee* [2016] UKSC 8.



Professor Jackie
Harvey



Jonathan Bainbridge



Sue Turner

A new NCJES research project: policing the Dark Web:

Professor Tim J Wilson,

Northumbria University announced that four CECJS members are part of team that has secured a £1 million international research project that will examine how such international criminal justice cooperation should be effectively underpinned legally and the training for this required to assist police detectives and prosecutors.

What the CECJS research will cover

Associate Professor Adam Jackson, Professor Chrisje Brants and Professor Tim J Wilson from Northumbria Law School, and Derek Johnson from the Department of Geography, will join colleagues from The Netherlands Open University, The Norwegian Police University College and Stockholm University. They will be studying tensions between privacy and crime fighting on the TOR-network – a free software that allows anonymous communication. In addition, the team will look at ways of ensuring that evidence of international criminal activity can be collected effectively and exchanged efficiently between different jurisdictions.

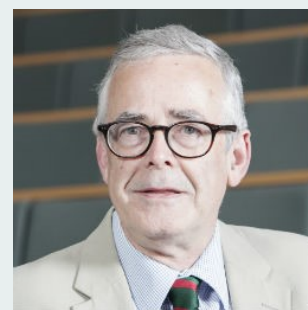
While the number of traditional crimes is generally falling throughout much of the world, especially in Europe, the growth of cybercrime, including illicit trading on the Dark Web, is creating new challenges for the police and the courts.

CECJS Deputy Director, Adam Jackson, has described how this new work relates to but differs from existing CEJS research into the law of evidence:

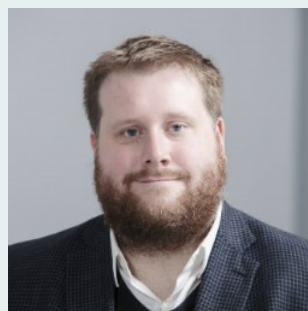
‘It is important to ensure that when evidence is gathered without the traditional indications of geographical origin and is wholly dependent on the integrity of digital capture it will be accepted as reliable by the courts. We shall also be looking at how police activity against cybercrime can strike the right balance between protecting society and respecting legitimate privacy rights.’

From the Geography and Environmental Sciences Department, Derek Johnson will add his knowledge and expertise in crime data, recording and investigatory practices in the digital environment. Criminal activity on the TOR network will be explored and related theories of crime examined. As he explained:

‘Over the decades we have seen technology advance rapidly and with it the nature of criminal opportunity. Justice agencies need to understand those changes in order to fulfil community needs of prevention, detection and justice provision. This work will seek to advance that understanding in what has become an increasingly complex social as well as technological field without the usual geographical boundaries.’



Professor Tim J Wilson



Adam Jackson

A new NCJES research project: policing the Dark Web:

Professor Chrisje Brants has described the range of legal issues arising from police cooperation against Dark Web criminal activity:

‘Criminal activity on the Dark Web requires international collaboration between police forces and the cross border use of evidence to obtain convictions. This requires mutual knowledge of, trust in and recognition of differing criminal justice systems and laws and the evidence they can produce. There may also be problems concerning the limits of the freedom of expression, differing substantive laws (e.g. pornography, terrorism) and consequently different boundaries to the use of intrusive police powers.’

A significant research award for research, teaching and professional training by the University

Professor John Wilson, the Pro Vice-Chancellor for the Faculty of Business and Law, has explained:

‘This new project further consolidates the reputation of the University’s NCEJS research centre for innovative work at the interface between law, globalisation and scientific or technological development. The quality of that work has clearly been recognised in the award of a multi-national research contract by three research councils: Nordforsk (the Scandinavian region’s joint research body), the UK Economic and Social Sciences Research Council and the Netherlands Organisation for Scientific Research.

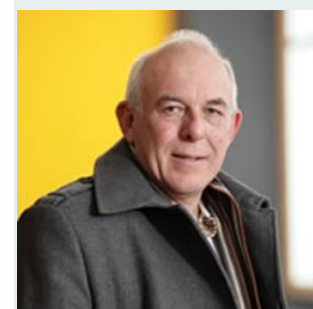
Insights gained from this research will also be reflected in Northumbria, in both teaching on traditional degree courses and our increased engagement with the training of criminal justice professionals.’

Professor Tim J Wilson has also commented about how a wide range of NCECJS research is not just of academic interest:

‘At the beginning of the year I discussed with the House of Commons Justice Committee the lessons from our research can inform decisions about how police and judicial cooperation with EU countries can continue after Brexit. This was acknowledged in a report that the Committee published in March. Other NCECJS members have been involved regionally, for example, in police training in County Durham. Nationally other colleagues are working with the Forensic Science Regulator to find ways of better educating legal professionals about how evidence recovered from a crime scene should be tested for its reliability in legal proceedings.’



Prof. Chrisje Brants



Derek Johnson

CENTRE FOR EVIDENCE & CRIMINAL JUSTICE STUDIES

The Centre encourages the exchange of ideas and facilitates collaboration regionally, nationally and internationally. NCECJS brings together Northumbria academics and postgraduate students from a range of disciplines with colleagues from other academic institutions, members of the judiciary, legal practitioners and other major stakeholders in the criminal justice system such as senior police officers and leading expert witnesses. Its reputation is based on an extensive range of academic publications as well as a major programme of externally funded research and significant public engagement activities.

CENTRE FOR EVIDENCE & CRIMINAL JUSTICE STUDIES

Mission statement

To undertake research of value and interest to a wide range of academic and practitioner communities within the legal systems of the UK, and other EU and common law countries.

You can find Centre for Evidence and Criminal Justice Studies at: www.northumbria.ac.uk/ncecjs

You can follow us on: @evidencecentre #CECJS

If you would like to become a member please



contact: gloria.ralph@northumbria.ac.uk