

JUSTICE PRESS RELEASE

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Anonymous witness law ‘misconceived’

In advance of tomorrow’s emergency debate on the Criminal Evidence (Witness Anonymity) Bill in the House of Commons, JUSTICE has described the government’s Bill as ‘misconceived and poorly drafted’.

The Bill is to be rushed through the House of Commons in a single day in response to the judgment of the House of Lords in *R v Davis* three weeks ago. In a unanimous judgment, the House of Lords ruled that the use of anonymous witnesses breached the centuries-old common law right to confront one’s accuser and the right to a fair trial under Article 6 of the European Convention on Human Rights.

The Bill, which was published for the first time last Thursday, was modelled upon a 2006 New Zealand law aimed at allowing courts to order witness anonymity on a case-by-case basis. But, as JUSTICE’s briefing points out, the Bill does not contain all the fair trial safeguards provided by the New Zealand legislation.

Rather than rush through poorly-drafted legislation to enable the use of anonymous witnesses, JUSTICE’s briefing argues that the government should focus increased resources upon funding effective witness protection programmes.

Eric Metcalfe, JUSTICE’s director of human rights policy said:

More money needs to be put into actually protecting witnesses, instead of rushed legislation to conceal their identities.

The protection of witnesses cannot be done at the expense of basic fairness and it cannot be done on the cheap. There are no short cuts to a fair trial.

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Notes to editors

1. A pdf copy of JUSTICE’s briefing on the Criminal Evidence (Witness Anonymity) Bill is attached.
2. The judgment of the House of Lords in *R v Davis* on 18 June held that ‘the right to be confronted by one’s accusers is a right [that has been] recognised by the common law for centuries’ and that the use of anonymous witnesses is ‘irreconcilable with [this] long-standing principle’ and the right to a fair trial under Article 6(3)(d) of the European Convention on Human Rights.
3. The Criminal Evidence (Witness Anonymity) Bill introduced in Parliament on 3 July is closely modelled upon sections 110-119 of the New Zealand Evidence Act 2006.

Chairman of Council Lord Goodhart QC *Director Roger Smith*
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