

FOIA Request: Israeli Embassy Meetings/Correspondence

Information for Disclosure

[REDACTED]

“I am writing to request information, if held, on any meetings or correspondence which has taken place between representatives of the Office of the Attorney General, including the Attorney General themselves, and the Embassy of Israel in London, including any employee or representative thereof.”

Doug Wilson (DW) [REDACTED] from AGO met on 4/5/2022 with [representatives from the Israeli Embassy in London]

1. [The representatives from the Israeli Embassy in London] noted the good relationship between our two Governments (perhaps at its best), including in the field of justice.

- [REDACTED]
3. As well as explaining the role of the AGO (noting the operational independence of the CPS and the sensitivities on engaging with them on individual cases), DW pointed to the legislation the Government has been taking through Parliament on protests. DW also offered to follow up internally (e.g. with Home Office), and see whether it would be helpful for HMG to gain any further information from the Israeli embassy [REDACTED]

4. DW updated on the work of the AG, alongside international partners, on the investigation of war crimes allegations in Ukraine, and discussed the AG’s upcoming Chatham House cyber speech, to which DW welcomed attendance from the Israeli embassy.

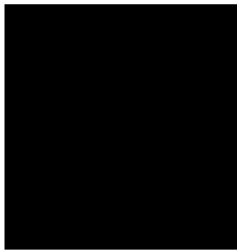
5. [The representatives from the Israeli Embassy in London] flagged a couple of upcoming requests – for mutual cooperation in maritime law and on the sixth committee. DW mentioned this would be an FCDO lead, but that he would make the connection with Sally Langrish as the new Legal Advisor.

We took away a number of actions:

[REDACTED]

2. To update the Israeli embassy on the status of the Police, Crime, Sentencing and Courts Bill 2021;
3. To share details of the AG's Chatham House AG cyber speech on 19 May; and
4. To connect the Israeli embassy with FCDO Legal.

END



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Douglas Wilson (AGO) [Redacted]

Sent: 09 May 2022 16:53

[Redacted]

[Redacted]

Subject: Follow-up

Dear [representatives of the Israeli Embassy in London],

It was a pleasure to meet you both last week to discuss a number of matters of shared interest as between our two Governments.

We said we would follow up on a few of the points we discussed:

1. [Redacted]
[Redacted] As we noted, the Law Officers superintend the Crown Prosecution Service (CPS) and are accountable to Parliament for its actions, but the CPS makes its prosecution decisions and manages its casework independently. The Law Officers are unable to intervene on an individual case or comment on issues related to active proceedings other than in a small subsection of cases where they have a role defined in legislation. We have confirmed that the Home Office is already aware of the matter in question, but we are flagging our discussion to colleagues there to make them aware of your representations and the gravity of the situation.
2. The Parliamentary bill we mentioned was the Police, Crime, Sentencing and Courts Bill 2021. This bill has now completed its passage through Parliament and received Royal Assent on 28

April, and is now the Police, Crime, Sentencing and Courts Act 2022. It includes provisions to strengthen police powers to tackle non-violent protests that have a significant disruptive effect on the public or on access to Parliament. More details can be found here [Boost for public safety as four justice bills receive Royal Assent - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/boost-for-public-safety-as-four-justice-bills-receive-royal-assent). The legislation will be published in due course on [Legislation.gov.uk](https://www.gov.uk/government/legislation)

3. We also mentioned the Attorney General's power to refer questions of law to the Court of Appeal. The Attorney has done so recently in respect of the proper scope of defences to criminal charges arising from protests – in relation to the Colston statue protest. If of interest, you can find more information here - <https://www.gov.uk/government/news/attorney-general-seeks-clarification-on-the-law-following-protest-case>
4. The speech by the Attorney General on international cyber law is scheduled for 19 May at Chatham House. Chatham House have published details of the event here <https://www.chathamhouse.org/events/all/members-event/international-law-future-frontiers>. We have also spoken to them and they should be reaching out with a (transferable) invitation. We look forward to seeing you there if you can make it.

With the permission of her office, I am also copying in Sally Langrish, who has recently been appointed as the Foreign, Commonwealth & Development Office's Legal Adviser. You mentioned a couple of upcoming requests for cooperation between our two Governments, including on the Sixth Committee and maritime law, which you may wish to discuss with her and her team. Of course, I know from previous experience that there is well-established direct contact between legal teams, both between capitals and via our missions in New York.

Kind regards,

Doug



Douglas Wilson OBE

Director General and Head of AGO

[Redacted]

[Redacted]

[Redacted]



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From: [Representatives of the Israeli Embassy in London]

Sent: 01 June 2022 17:36

To: Douglas Wilson (AGO) [REDACTED]

Subject: External Email - RE: Follow-up

Dear Doug,

[REDACTED] Per our last conversation we wanted to share with you more information we have received

2. As a separate issue we would like to inform you about a delegation our MFA is planning to host in September, aimed at European Jurists. The MFA would like to extend the invite to MR. Lionel Idan, Chief Crown Prosecutor at CPS. We would be grateful if you might be able to connect us to relevant department or to him in order for us to send him the invit. Attaching a one pager about the delegation

Kind regards,

[Representative of the Israeli Embassy in London]

[REDACTED]



From: [Representative of the Israeli Embassy in London]

Sent: Wednesday, May 11, 2022 12:06 AM

To: Douglas Wilson (AGO) [REDACTED]

Subject: Re: Follow-up

Dear Doug,

Many many thanks for our meeting yesterday and for this most helpful follow-up. This is much appreciated.

Also, thank you for making this connection to Sally.

Dear Sally,

Please accept my warm congratulations on your new appointment.

Me and my colleague [REDACTED] would be happy to meet and to discuss Israel-UK legal cooperation.

With the warmest wishes,

[Representative of the Israeli Embassy in London]

Sent from my iPhone

On 9 May 2022, at 17:15, Douglas Wilson (AGO) [REDACTED]

Dear [representatives of the Israeli Embassy in London]

It was a pleasure to meet you both last week to discuss a number of matters of shared interest as between our two Governments.

We said we would follow up on a few of the points we discussed:

5. [REDACTED]
[REDACTED] As we noted, the Law Officers superintend the Crown Prosecution Service (CPS) and are accountable to Parliament for its actions, but the CPS makes its prosecution decisions and manages its casework independently. The Law Officers are unable to intervene on an individual case or comment on issues related to active proceedings other than in a small subsection of cases where they have a role defined in legislation. We have confirmed that the Home Office is already aware of the matter in question, but we are flagging our discussion to colleagues there to make them aware of your representations and the gravity of the situation.
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<https://www.gov.uk/government/news/attorney-general-seeks-clarification-on-the-law-following-protest-case>

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With the permission of her office, I am also copying in Sally Langrish, who has recently been appointed as the Foreign, Commonwealth & Development Office's Legal Adviser. You mentioned a couple of upcoming requests for cooperation between our two Governments, including on the Sixth Committee and maritime law, which you may wish to discuss with her and her team. Of course, I know from previous experience that there is well-established direct contact between legal teams, both between capitals and via our missions in New York.


Kind regards,

Doug



Douglas Wilson OBE
Director General and Head of AGO

[Redacted]
[Redacted]
[Redacted]

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From: [REDACTED]
Sent: 01 February 2023 10:03
To: Douglas Wilson (AGO) [REDACTED]
Cc: Ruth Tomlinson (AGO) [REDACTED]
Subject: Readout and follow-up actions: meeting with [representatives of the Israeli Embassy in London]

Doug,

On 26 January you met with [representatives] of the Israeli Embassy in London.

The meeting was at the Embassy's request and covered a variety of topics as follows:

1. Joint Declaration between Ministries of Justice - Oren presented you with a copy of a Joint Declaration between the Ministries of Justice of [REDACTED] and Israel. That Declaration sought closer bilateral cooperation between the two ministries on mutual areas of responsibility. Namely, legislation and legal reform, civil and criminal law and legal education. You explained that further bilateral cooperation would be welcomed, however, these topics fall within the jurisdiction of the UK's Ministry of Justice. You undertook to engage the relevant leads in the Ministry of Justice on this topic for them to engage with the Embassy.

[REDACTED]

In response, you noted: (i) there exists the possibility to apply to the FCDO for "Special Mission Immunity" when travelling on official business; and (ii) that the procedures for issuing arrest warrants applied by the CPS have been tightened in recent years. You undertook to provide [representative of the Israeli Embassy in London] with further information on each.

[REDACTED]

Actions:

1. Engage MoJ on the issue of the Joint Declaration – grateful if you could provide me with a contact and I will follow up.

2. Please can you review and approve the attached email to [representatives of the Israeli Embassy in London] containing the information requested at point 2 above.

Thank you

[Redacted]



[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
 [Redacted]
[Redacted]

Dear [representatives of the Israeli Embassy in London]

It was a pleasure to meet with you last Thursday to discuss areas of shared interest between our two governments.

I undertook to come back to you on two issues we discussed: (1) the possibility of applying for “Special Mission Immunity” and (2) details of the guidance applied by the Crown Prosecution Service when issuing private arrest warrants for alleged war crimes. Addressing each in turn:

1. Special Mission Immunity:

In respect of individuals travelling to the UK for official business, and where state or diplomatic immunity does not apply, there exists a possibility to apply to the FCDO for “Special Mission Immunity”. The attached Note Verbale (first attachment) was circulated to diplomatic missions in 2013 and sets out the policy, and its limitations, in more detail. The Written Ministerial Statement (at annex one to this email below) also provides further information. Finally, please also check the FCDO’s Protocol website that all diplomatic missions have access to for more information.

I note for completeness that whilst the document refers to the scheme as being a pilot scheme, the possibility of applying for the immunity still stands.

2. Guidance for the issuing of an arrest warrant:

I also wanted to provide you with details of the guidance the Crown Prosecution Service (CPS) applies when individuals seek to obtain a private arrest warrant in connection with alleged war crimes. [REDACTED]

You will see from the attached guidance (second attachment) that the CPS has strengthened the procedural safeguards around the issuing of private arrest warrants in recent years. Applications for private arrest warrants are now heard by a District Judge at Westminster Magistrates' Court – a more senior level of judge well versed in these issues. In addition, before a District Judge hears an application the "Director of Public Prosecutions" (the head of the Crown Prosecution Service) must also provide his/her consent. These procedural changes are designed to add more rigour to the application process and avoid a situation where individuals may be detained even where there is no realistic chance of prosecution.

[REDACTED]

Other matters:

Thank you also for providing us with a copy of your Joint Declaration between the Ministries of Justice in Israel and [REDACTED]. As Doug explained, the subject matters covered by the Joint Declaration fall within the jurisdiction of the UK Ministry of Justice rather than this office. I have therefore provided a copy of your Joint Declaration to relevant officials in the Ministry of Justice who will, I am sure, be in contact with you shortly.

Finally, the Attorney General would be delighted to meet with her Israeli counterpart - if you have any suggestion of suitable dates for a meeting in London, please do let us know and I'll liaise accordingly.

I hope the above is of use to you. As always, if you have any questions related to the above or wish to discuss any other matter of interest, please do not hesitate to contact us.

[REDACTED]

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Annex One - Written Ministerial Statement from the FCDO dated 4 March 2013 regarding Special Mission Immunity:

The Secretary of State for Foreign and Commonwealth Affairs (Mr William Hague): I wish to inform the House of a new pilot process by which the Government will be informed of inward visits which may qualify for special mission immunity status.

A special mission is a temporary mission, representing a state, which is sent by one state to another with the consent of the latter, in order to carry out official engagements on behalf of the sending state.

*In the case of *Khurts Bat v. the Federal Court of Germany* [2011]EWHC 2029 (Admin) the High Court recognised that, under customary international law, members of a special mission enjoy immunities, including immunity from criminal proceedings and inviolability of the person, and that these immunities have effect in the United Kingdom by virtue of the common law. However, the Court made it clear that not everyone representing a state on a visit of mutual interest is entitled to the immunities afforded to members of a special mission but only where a visit is consented to as a special mission. In the case of inward missions to the United Kingdom, the Court affirmed that it is a matter for Her Majesty's Government to decide whether to recognise a mission as a special mission.*

In order to avoid uncertainty as to the status of particular missions, the Government will put in place a new pilot process so that the Government's consent to a special mission can be addressed expressly before the mission arrives in the UK. Embassies and High Commissions in London will be invited to inform the FCO of forthcoming visits in cases where they wish to seek the Government's express consent as a special mission. The FCO will respond with Government's consent or otherwise to the visit as a special mission. Any legal consequences would ultimately be a matter for the courts.



[Redacted text block containing several lines of blacked-out content, including a small blue Twitter icon.

From: [Redacted] (AGO)
Sent: Wednesday, February 1, 2023 1:34 PM
To: [Representatives of the Israeli Embassy in London]
Cc: Douglas Wilson (AGO) [Redacted]
Subject: Follow-up to our meeting

Dear [Representatives of the Israeli Embassy in London]

It was a pleasure to meet with you last Thursday to discuss areas of shared interest between our two governments.

I undertook to come back to you on two issues we discussed: (1) the possibility of applying for “Special Mission Immunity” and (2) details of the guidance applied by the Crown Prosecution Service when issuing private arrest warrants for alleged war crimes. Addressing each in turn:

1. Special Mission Immunity:

In respect of individuals travelling to the UK for official business, and where state or diplomatic immunity does not apply, there exists a possibility to apply to the FCDO for “Special Mission Immunity”. The attached Note Verbale (first attachment) was circulated to diplomatic missions in 2013 and sets out the policy, and its limitations, in more detail. The Written Ministerial Statement (at annex one to this email below) also provides further information. Finally, please also check the FCDO’s Protocol website that all diplomatic missions have access to for more information.

I note for completeness that whilst the document refers to the scheme as being a pilot scheme, the possibility of applying for the immunity still stands.

2. Guidance for the issuing of an arrest warrant:

I also wanted to provide you with details of the guidance the Crown Prosecution Service (CPS) applies when individuals seek to obtain a private arrest warrant in connection with alleged war crimes [REDACTED]

You will see from the attached guidance (second attachment) that the CPS has strengthened the procedural safeguards around the issuing of private arrest warrants in recent years. Applications for private arrest warrants are now heard by a District Judge at Westminster Magistrates’ Court – a more senior level of judge well versed in these issues. In addition, before a District Judge hears an application the “Director of Public Prosecutions” (the head of the CPS) must also provide his/her consent. These procedural changes are designed to add more rigour to the application process and avoid a situation where individuals may be detained even where there is no realistic chance of prosecution.

[REDACTED]

Other matters:

Thank you also for providing us with a copy of your Joint Declaration between the Ministries of Justice in Israel and [REDACTED]. As Doug explained, we would be delighted to take conversations further on this issue. As the subject matter of the Declaration covers matters within the jurisdiction of our Ministry of Justice as well as our office, I have engaged with my counterparts in the Ministry of Justice, and we will come back to you due course.

Finally, the Attorney General would be delighted to meet with her Israeli counterpart - if you have any suggestion of suitable dates for a meeting in London, please do let us know and I'll liaise accordingly.

I hope the above is of use to you. As always, if you have any questions related to the above or wish to discuss any other matter of interest, please do not hesitate to contact us.

[REDACTED]

=====

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The Secretary of State for Foreign and Commonwealth Affairs (Mr William Hague): I wish to inform the House of a new pilot process by which the Government will be informed of inward visits which may qualify for special mission immunity status.

A special mission is a temporary mission, representing a state, which is sent by one state to another with the consent of the latter, in order to carry out official engagements on behalf of the sending state.

In the case of Khurts Bat v. the Federal Court of Germany [2011]EWHC 2029 (Admin) the High Court recognised that, under customary international law, members of a special mission enjoy immunities, including immunity from criminal proceedings and inviolability of the person, and that these immunities have effect in the United Kingdom by virtue of the common law. However, the Court made it clear that not everyone representing a state on a visit of mutual interest is entitled to the immunities afforded to members of a special mission but only where a visit is consented to as a special mission. In the case of inward missions to the United Kingdom, the Court affirmed that it is a matter for Her Majesty's Government to decide whether to recognise a mission as a special mission.

In order to avoid uncertainty as to the status of particular missions, the Government will put in place a new pilot process so that the Government's consent to a special mission can be addressed expressly before the mission arrives in the UK. Embassies and High Commissions in London will be invited to inform the FCO of forthcoming visits in cases where they wish to seek the Government's express consent as a special mission. The FCO will respond with Government's consent or otherwise to the visit as a special mission. Any legal consequences would ultimately be a matter for the courts.



Note no. A061/13 [First Attachment to Email of Wednesday, February 1, 2023 at 1:34]

Protocol Directorate of the Foreign and Commonwealth Office presents its compliments to all Diplomatic Missions and International Organisations and has the honour to bring the following to their attention:

Special Mission Immunity

The Foreign and Commonwealth Office (FCO) has established a procedure of which missions may wish to avail themselves, in order to clarify where the United Kingdom consents to an official visit as a special mission.

The FCO is mindful of the obligations incumbent upon the United Kingdom under customary international law in respect of special missions. Under customary international law, a special mission is a temporary mission, representing a State, which is sent by one State to another State with the consent of the latter, in order to carry out official business. In this context, "official business" will normally involve official contacts with the authorities of the United Kingdom,

such as a meeting officials of Her Majesty's Government, or attendance at a ceremonial occasion, for example a Royal Wedding.

Protocol Directorate has therefore put in place, initially on an experimental basis (and so until further notice), an administrative arrangement whereby diplomatic missions may seek in advance clarification of whether or not the United Kingdom consents to a particular visit as a special mission. The Directorate does not expect missions to seek advice on special mission status in relation to every official visit. In cases where the visit is potentially sensitive and in which they deem it desirable to seek such clarification, missions are invited to provide full details of the proposed visit to Protocol Directorate (addressed to Barry Nicholas or Andy Palmer in Diplomatic Missions and International Organisations Unit) at least 15 days in advance of the arrival of the mission, providing the following details:

- the visitor's full name and title

- the visitor's role, or function

- full details of any accompanying delegation

- the duration of the visit

- the reason for the visit, including an explanation of any official element.

Where Protocol Directorate provides such clarification, it will only address the question of whether or not the United Kingdom consents to a given visit as a special mission. The United Kingdom has a firm policy of ending impunity for the most serious international crimes and a commitment to the protection of human rights. Each application will therefore be considered on its merits. Ultimately, the status of any visit would be a matter for the Courts. The Directorate is unable to provide guidance on the legal consequences of such clarification. Missions should seek their own legal advice in this respect.

Equally, in cases where such clarification is not sought in advance from Protocol Directorate this will not necessarily be determinative of whether the United Kingdom does in fact consent to a given visit as a special mission. Again, ultimately the status of any visit would be a matter for the Courts to determine from all the relevant circumstances.

Protocol Directorate of the Foreign and Commonwealth Office avails itself of this opportunity to renew to all Diplomatic Missions and International Organisations the assurances of its highest consideration.

FOREIGN AND COMMONWEALTH OFFICE
LONDON SW1A 2AH
4 March 2013

[Second Attachment to Email of Wednesday, February 1, 2023 at 1:34]

War Crimes/Crimes Against Humanity: Guidance for making an application for DPP

consent for an application for a private arrest warrant in accordance with section 1(4A) of the Magistrates' Courts Act 1980

Publication

Updated April 2016

- Introduction
- Guidance

Introduction

The war crimes team of the Metropolitan Police Counter Terrorism Command (SO15) is responsible for the investigation of all allegations of war crimes, crimes against humanity, genocide and torture. It has the specialist skills to conduct an investigation or to decide that an investigation is not feasible. It is well placed to evaluate the process of obtaining the necessary evidence from abroad, the prospects of being able to protect witnesses and to secure their evidence at trial. The Counter Terrorism Division (CTD) of the Crown Prosecution Service, Special Crime and Counter Terrorism Division, has responsibility for prosecuting any such crimes.

This guidance is to be followed when there is an imminent prospect of a suspect arriving in this jurisdiction and a private prosecutor wants to apply for a private arrest warrant. Where evidence has been collated by a private prosecutor in anticipation of making a future application for an arrest warrant, it is preferable that this should be referred to SO15 in accordance with the SO15/CTD Referral Guidelines as SO15 is the most appropriate body to carry out complex investigations of this type.

On this basis it is anticipated that applications for DPP consent for the making of an application for an arrest will be made when there is no ongoing SO15 scoping exercise or investigation because where there is an ongoing scoping exercise or investigation any decision to arrest or interview will be made by SO15 after the benefit of a full investigation and full review of the evidence by CTD in accordance with the Code for Crown Prosecutors. Any such arrest will be in accordance with the Police and Criminal Evidence Act 1984 which means that a suspect can be interviewed about potential involvement prior to charge and searches can take place in order to maximise the potential evidence available.

If a suspect, who has already been referred to SO15 in accordance with these Referral Guidelines, is known to be coming into this jurisdiction before the police have completed their investigative scoping as per Sections A to C of the Guidelines, it is not anticipated that a private prosecutor will make a separate application for the consent of the DPP to make an application for a private arrest warrant. Such an application would be premature as without the completion of a proper criminal investigation it is unlikely that the DPP could make a fully informed judgement on the sufficiency of evidence stage of the Code Test. In these circumstances it is anticipated that the procedure as set out in the SO15/CTD Referral Guidelines will continue and any decision to arrest or interview will take place by SO15 with consideration to operational issues and after a review by CTD in accordance with the Code for Crown Prosecutors.

This document is intended to be a living document that can be amended and updated in the light of continuing experience. It will be reviewed every six months.

Guidance

1. An information for the issue of an arrest warrant can be laid before a justice of the peace by any individual with a grievance or by his counsel or solicitor.
2. Section 153 of the Police and Social Responsibility Act 2011 amended section 1 of the Magistrates' Courts Act 1980 by inserting a new subsection (4A) which provides as follows: "Where a person who is not a public prosecutor lays an information before a justice of the peace in respect of an offence to which this subsection applies, no warrant shall be issued under this section without the consent of the Director of Public Prosecutions."
3. This section applies to offences under section 1 of the Geneva Conventions Act 1957 (grave breaches of Geneva conventions), offences under section 1 of the Taking of Hostages Act 1982 (hostage-taking) and offences under section 134 of the Criminal Justice Act 1988 (torture).
4. Applications for these warrants are made to a District Judge at Westminster Magistrates' Court.
5. A District Judge will only hear an application if there is recent DPP consent. In these circumstances an application for DPP consent for the making of an application for a private arrest warrant should only be applied for when there is a reasonable belief that a suspect will be entering this jurisdiction within 14 days of the application. It is essential that the prosecutor is given sufficient time in which to read and review the request.
6. Any application for the consent of the DPP for the making of an application for a private arrest warrant for a particular suspect should be submitted to the Counter Terrorism Division (CTD) of the Special Crime and Counter Terrorism Division of the Crown Prosecution Service.
7. Each application should contain:
 - a request for the DPP to consent to an application for an arrest warrant;
 - full details of the suspect;
 - details of when he/she is arriving into the jurisdiction and by what means;
 - details of his/her position of authority and the nature of his/her visit;
 - details of the charges for which DPP consent is sought;
 - sufficient admissible and reliable and credible evidence in accordance with the rules of the criminal courts of England and Wales or capable of being put into such a format within a relatively short period of time to provide a realistic prospect of conviction for each of the charges;
 - where possible an analysis of the evidence setting out which evidence supports which charges;
 - where known, any unused material which might undermine the prosecution case or assist the defence.
 - details of any other complaints made by the complainant about the suspect in other jurisdictions, and, if there are any such complaints, the details of the investigating/prosecuting body.
8. All evidence should, wherever possible, be submitted to CTD in paper and electronic format at least 48 hours in advance of any anticipated application.

9. The CTD specialist prosecutor will then consider the evidence that has been collated by the private individual, lawyer or organisation in accordance with the Code for Crown Prosecutors.
10. During the review of the evidence the CTD specialist prosecutor will, wherever possible, provide the private individual, lawyer or organisation with a timescale for his/her decision-making. Where the material is particularly voluminous and the prosecutor believes that there is insufficient time for the papers to be read and reviewed, the applicant will be given a reasonable deadline by which the review can take place.
11. In an exceptional case, where there is the need for an emergency application for an arrest warrant, the CTD specialist prosecutor will consider the case based upon the material submitted as there will be no opportunity to rectify or materially improve the evidence at that stage.
12. If there is insufficient evidence to satisfy the evidential stage of the Full Code Test, the CTD specialist prosecutor will consider the principles set out in the Threshold Test. This may only be applied where the suspect presents a substantial bail risk and not all the evidence is available at the time when he or she must be released from custody unless charged.
13. The conditions for applying the Threshold Test are contained in paragraphs 5.2 - 5.12 of the Code.
14. The first part of the Threshold Test requires the prosecutor to be satisfied that there is at least a reasonable suspicion that the person to be charged has committed the offence.
15. If so satisfied the prosecutor must also be satisfied that there are reasonable grounds for believing that the continuing investigation will provide further identifiable evidence, with a reasonable period of time, so that all the evidence together is capable of establishing a realistic prospect of conviction in accordance with the Full Code Test.
16. If the Threshold test is satisfied the CTD specialist prosecutor will provide written guidance to the private individual, lawyer or organisation as to what evidence is required to bring the evidence to the standard required to satisfy the Full Code Test.
17. In relation to the public interest stage the DPP will consider the public interest factors in favour and against granting consent including the more common public interest factors set out in the Code. The DPP will consult the Attorney General in the usual way.
18. If there is sufficient evidence and it is in the public interest the DPP will grant consent for the application for the issue of a warrant.
19. The consent function for the issue of a warrant will be exercised by the DPP personally or the Head of Special Crime and Counter Terrorism Division (SCCTD) or the Deputy Head of SCCTD.
20. If the DPP grants consent for the issue of a warrant this will be recorded or otherwise evidenced in writing and be provided to the person applying for the arrest warrant. In accordance with CPS published policy on private prosecutions, the CPS will take over the prosecution, which will be dealt with by a specialist prosecutor in CTD.
21. The CTD specialist prosecutor will also inform Westminster Magistrates' Court and SO15 war crimes team as members of that team will attend court in order to execute any warrant granted.
22. Where the evidential and public interest stages in the Code test are not satisfied, the DPP cannot consent to an application for a warrant.
23. In these circumstances the complainant, lawyer or organisation will be informed of this in writing.
24. If consent is refused on evidential grounds the CTD specialist prosecutor will provide written guidance to a private individual, solicitor or organisation suggesting further lines

of enquiry or ways in which information can be turned into admissible evidence. Where time is of the essence the prosecutor will provide oral guidance which will be followed by written guidance.

25. If consent is refused on evidential grounds the CTD specialist prosecutor may also suggest that the private individual, solicitor or organisation refer the evidence to SO15 as the most appropriate body to conduct an investigation.

26. If the private individual, solicitor or organisation does then refer the matter to SO15 this will allow SO15 to conduct their scoping exercises as per Section A and C of the published Referral Guidelines which should then be followed.

27. It may be that after either granting or refusing consent the DPP will issue a public statement.