

NEW 'ANTI-TERROR' LAW THREATENS US ALL

In the end, the arguments in Parliament came down to whether the Home Secretary or a Judge should decide to issue a control order on a suspect with neither trial nor disclosure of evidence, and whether the legislation should be time limited by some sort of 'sunset' clause. But Home Secretary or Judge, sunset clause, no sunset clause, or new legislation after the election instead of a sunset clause, the Government's Prevention of Terrorism Act smacks of totalitarianism, erodes civil liberties, contravenes the Human Rights Act, and is just the latest move in a war that is being waged by the Government, not against 'terror' but against democracy, liberty and freedom of speech. Repressive legislation is not new to Britain, and it's worth looking at one or two previous measures with the benefit of hindsight.



Home Secretary Charles Clarke, author of the latest repressive legislation

Back in 1914, using the excuse of the First World War, Asquith's Liberal Government persuaded Parliament to pass the Defence of the Realm Act. Although the Act was billed as necessary to defend Britain from possible enemies and spies within and to ensure that the country mobilised behind the war effort, the reality was somewhat different. W. H. Thompson, in his book *Civil Liberties*, published in 1938 and still relevant today, notes that *"the regulations which were made permitted the Government to take almost any steps which they or, in practice, any department thought would help in winning the war. Under the regulations, pacifists were sent to prison, printing presses were smashed, persons of alleged 'hostile associations' were locked up without trial for just as long as the Home Secretary thought fit, and generally liberty of the subject was, like truth, suspended 'for the duration'."* Sounds familiar?

Likewise, in Ireland, the 19th century Coercion Bills, the Restoration of Order in Ireland Act 1920, and the Special Powers Acts of 1922, 1933 and 1943 did away with normal judicial processes and replaced these with harsh measures which, as we know, simply fanned the flames of discontent rather than achieving their stated aim of restoring order. Over 1,000 Irish citizens were detained without warrant, charge or trial in 1881-2 under just one of many similar Coercion Bills. John McGuffin (*Internment*, 1973) writes that under the Restoration of Order Act, *"the military and police were permitted to intern on suspicion, impose curfews, hold secret courts martial, enter, search and confiscate (i.e. loot) without*

warrant, suppress inquests and gun down anyone 'acting suspiciously'." These measures were subsequently replaced post-Partition by the 1922 Act, which gave the Minister for Home Affairs all sorts of draconian and undemocratic powers. McGuffin again: *"The Minister... could arrest without charge or warrant, intern without trial, prohibit the holding of coroners' inquests, flog, execute,... destroy buildings, requisition land or property, ban any organisation,... prohibit meetings, publications or even gramophone records. Worse still, it permitted the Minister... to make or alter any regulation he 'thinks necessary for the maintenance or order'."* It's worth considering 'sunset clauses' in relation to this Act. McGuffin goes on to say: *"The Act... was supposed to last only one year... Next year, however, it was renewed. And the next and the next. In 1928 it was renewed for five years 'to save legislative bother', and in 1933 it was made permanent."*

So the history isn't encouraging, but what exactly has our current reactionary and dictatorial Government been up to since its own reign of terror began in 1997? Not spreading freedom and democracy, that's for sure.

The Terrorism Act 2000 changed the definition of the act of terrorism. Overnight, it became possible to be a terrorist merely by 'threat' rather than action. Any threat of 'serious damage to property' in ways 'designed to influence the government' for a 'political cause' could now be regarded as terrorism. Police were given powers to detain suspects incommunicado and organisations were banned if their activities, not necessarily in this country, were considered to fit the new definition. CAMPACC, the Campaign Against Criminalising Communities, writes that this legislation *"created new crimes of association and suspicion. It stigmatised a wide range of legitimate political activity as 'terrorism'."*

The 2000 Act has been used against peaceful protesters objecting to acts of state terrorism by the UK and US in Iraq. At USAF Fairford in Gloucestershire in 2003, peaceful protesters, including some members of Wrexham Peace & Justice Forum, were stopped and searched a total of 2,254 times around the base under Section 44 of the Act at a cost to the taxpayer (that's you!) of nearly £8m. As a result of all these searches, a grand total of six people were arrested and not a single case was ever brought to court. During this police operation, many protesters were prevented from carrying out lawful protest.

In the wake of the September 11th attacks in 2001, the government introduced new powers of detention and surveillance and a duty on members of the public to report 'suspected terrorist' activities in the form of the Anti-Terrorism, Crime and Security Act 2001. It was this Act which permitted the imprisonment without trial of the Belmarsh detainees, internment which the Law Lords ruled illegal in 2004. In this ruling, Lord Hoffman wrote that *"The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these,"* while Lord Scott, in the same ruling, said: *"Indefinite imprisonment... on grounds not disclosed, is the stuff of nightmares, associated with France before and during the Revolution, with Soviet*

PROTEST NOW!

Russia in the Stalinist era, and now associated, as a result of Section 23 of the 2001 Act, with the United Kingdom." The Law Lords concluded that internment under the 2001 Act was illegal because these provisions only applied to foreigners. The Government in response, apparently oblivious to the Law Lord's other concerns, vowed to solve the problem by introducing new, even more repressive legislation which would apply equally to British citizens and foreign nationals.

Enter the Prevention of Terrorism Act 2005. Yes, we can all be put under house arrest without trial now, and with no access to the evidence against us. As I've already mentioned, Labour rebels, opposition MSP and the Lords all kicked up one hell of a fuss over a few lousy amendments, while the real issue - that detaining people in prison or at home without trial has no place in a democracy - was all but forgotten.

In a statement opposing the proposed legislation as it then was (7th February 2005), CAMPACC wrote: "We believe that all of these powers are completely unacceptable, unjustified, and amount to installing a police state... Such powers are in fact political control orders, which would restrict political activity, perhaps including opposition to the detention or mistreatment of friends and relatives. They could be used for politically motivated restrictions on individuals. Control orders represent the type of measure associated with dictatorship, not democracy. They echo the 90-day and 180-day detention powers of apartheid South Africa, which many Labour politicians opposed in their youth."

CAMPACC

- ◆ Condemns political 'control orders' as no more acceptable than internment.
- ◆ Demands that the provisions of the European Convention on Human Rights (now enshrined in British law) should be upheld.
- ◆ Calls for no punishment without jury trial and conviction - upholding the principle of innocent until proven guilty.

- ◆ Argues that there should be no deportations or extraditions of suspects, nor any outsourcing of mistreatment by deporting suspects to countries where they are likely to be arrested and tortured, such as Algeria or the US.
- ◆ Asserts that these new measures will allow the government to wreck lives and reputations, as well as to help establish a police state.

The release from prison of the Belmarsh detainees and simultaneous imposition of restrictive bail conditions including house arrest, curfew and social isolation has been shambolic. One detainee with mental health problems was removed from Broadmoor to a flat where the Police had to gain entry by breaking in because the key didn't work. He was left alone there against medical advice, and the 24 hour hotline supposed to be linking the man with Home Office officials turned out to be only operational from 9am - 5pm. Another detainee was released to an empty flat with no money and no food.

One of the main concerns about the new control orders is that, like the widely-condemned ASBOs (anti-social behaviour orders), although these are not part of criminal law and are decided by a judge, breaching an order is a criminal offence and suspects can be sent to prison. Victims of such orders, such as the Belmarsh ex-detainees, may start out tagged and curfewed, but many are likely to end up back in prison before long. It is only a matter of time before such orders are also used against non-Muslims for activities deemed to be anti-government or anti-big business. Protest long and hard. The next victim of this legislation could be any one of you, and how will you prove that there's been a mistake when neither you nor your lawyers will be told why you've been issued with a control order?

**This is not innocent until proven guilty.
It's not even guilty until proven innocent.
It's just 'guilty because they say so'.**

Campacc web site: www.cacc.org.uk

