

Campaign Against Criminalising Communities (CAMPACC)

c/o 44 Ainger Road
London NW3 3AT
Tel 020 7586 5892
or 0230 7250 1315
Fax 020 7483 2531
www.campacc.org.uk
estella24@tiscali.co.uk

To the Clerk
Home Affairs Committee
7 Millbank, London SW1P 3JA
homeaffcom@parliament.uk

Re: Inquiry into Terrorism Detention Powers

Dear Madam/Sir,

We welcome your inquiry into government proposals to extend the maximum period of detention without charge.

Our campaign were set up in early 2001 to oppose the Terrorism Act 2000, especially the broadened definition of terrorism to include normal political activities and resistance to oppressive regimes abroad. We also opposed the extension of the maximum detention period without charge. Our campaign links human rights campaigners with people targeted by the anti-terror powers and provides practical support for them, e.g. protest events, letters, bail surety and home visits under control orders. From that experience we have special expertise in the human effects of anti-terror powers, as well as insights into how they are used.

General comments on detention powers

Since anti-terror laws extended the maximum detention period to 7 days and then to 14 days, these powers have been used for political agendas, not to protect us from violence. They have been used to intimidate and stigmatise people as 'terror suspects', especially refugees, as well as to extract information about political activities, in ways consistent (and predictable from) the UK's broadened definition of 'terrorism'. These longer periods have helped the police to make arrests before having specific or adequate grounds to bring charges, even deferring a serious investigation until afterwards. The Committee should broaden its inquiry to consider the unofficial reasons for those powers and their actual uses to date.

The 7th July attacks were used as a pretext for new anti-terror powers, including a longer detention period. Yet such powers would not have prevented the 7th July attacks, nor could they prevent such attacks in the future. An even longer maximum period would extend the scope for such abuse of state powers; it would be used to extract real or imaginary 'information', in turn justifying detention of yet more 'terror suspects'. It is a false problem to 'balance' security against liberty, because so-called 'anti-terror' powers do nothing to make us more secure from violence, though they can help to protect UK foreign policy from dissent.

In Andy Hayman's 6th October letter justifying a 90-day detention period, the main specific example given is the so-called 'ricin' trial, which he calls 'Operation Springbourne 2002-05'. He implies that a longer detention period could have enhanced the prospect of convictions. This example is outrageous, given that the main prosecution evidence was obtained by

torturing a detainee in Algeria, who ended up losing some front teeth in the process. The case collapsed because the prosecution had no credible evidence of any ricin, much less of a conspiracy to use it – not because the maximum detention period was too short. Moreover, the no-ricin no-conspiracy case was politically motivated by the need for mass-media scares about WMD in the run-up to the attack on Iraq in March 2003, as well as the need to justify anti-terror powers.

Possible alternatives

The Committee's call for evidence mentions several alternatives to extending detention powers. Here we briefly comment on each one.

- providing more resources to the police and intelligence services

This has already been done, but for what purposes? If these resources are used even more to persecute refugees (e.g. based on 'information' from torture abroad) or to spy on political activities, then they will do little to protect us from violence. On the other hand, more resources could be used to deter or prevent individuals from carrying out violent activities.

- bringing lesser charges to enable terrorism suspects to be held in custody while the major investigation proceeds

Already anti-terror laws have been used to prosecute ordinary crimes, by implying that they had some link to violence abroad, yet with little evidence. 'Bringing lesser charges' could mean extending such abuses of the law.

- use of tagging, surveillance or control orders as alternatives to custody

Already control orders and the 1971 Immigration Act have been used to impose punishment without charge, e.g. in the form of tagging requirements, deprivation of liberty, etc. These measures are inherently unjust.

- giving the police power to continue questioning of terrorism suspects after charges have been brought

Any arrest should be based on substantial evidence resulting from investigation. If police are authorised to continue questioning a suspect after charge, then this power would guarantee further abuses, especially arrests on arbitrary or political grounds.

- permitting the use of telephone intercept evidence in the courts.

This would be justifiable in principle, but such an option could turn out to supplement longer detention periods rather than replace or avoid them. So such evidence would not necessarily provide an alternative.

In conclusion, police (and government) arguments for longer detention periods have no basis in any need to protect us from people planning violent activities. If the police already have such a suspicion about specific individuals, then there are numerous ways to deter or prevent them (without detention), through appropriate use of police resources. The Committee should broaden its inquiry to look at political abuses of the detention powers which already exist.

Estella Schmid

On behalf of the Campaign Against Criminalising Communities (CAMPACC)

11 December 2005