

Britain: New anti-terror law threatens basic democratic rights

By Julie Hyland
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The Labour government's global anti-terrorism law came into effect Monday February 19. The sweeping measures it contains represent a significant undermining of civil liberties in Britain, and also have worldwide implications.

The new Terrorism Act replaces the 1973 Prevention of Terrorism Act (PTA), which gave the police special powers to stop, search, arrest and detain terrorist suspects. Directed primarily against the Republican movement in Ireland, the PTA was responsible for a series of notorious judicial frame-ups, including the Guildford Four and Birmingham Six—wrongly imprisoned for terrorist bombings in Britain.

Home Secretary Jack Straw claimed that in replacing the PTA, the government was reinforcing civil liberties whilst also "strengthening ...important powers against terrorists."

In reality the new legislation is far more draconian than the PTA and greatly extends the powers of the British state at home and abroad. The new Act buttresses anti-terror measures to include actions taken or "incited" outside the United Kingdom. Previously, foreigners who may have been defined as "terrorist" in their homeland were allowed stay in Britain as refugees, providing they could convince the courts they would be persecuted if they were sent home. This was considered in ruling circles to be a badge of honour—positive proof of Britain's commitment to democracy. Notwithstanding the serious inroads that have been made over the past years into immigration and asylum rights, hundreds of people who might otherwise be tortured or killed in their home countries have been given refuge in Britain, which has the largest community of Sri Lankan Tamils and Turkish and Iraqi Kurds in Europe—minorities denied basic democratic rights in their home countries and subjected to brutal military repression.

Not only has the Blair government decided to jettison asylum provisions, it has also reserved for itself the right to determine what constitutes terrorist activity. So broad is the definition of terrorism used in the new Act, that virtually anyone involved in anti-government protests, in Britain or abroad, could be arrested.

For the first time the definition of terrorism covers threats

against property, which in the past were treated as "criminal damage". Clause one of the Act defines terrorism as "the use or threat for the purpose of advancing a political, religious or ideological cause, of action which: Involves serious violence against person or property; Endangers the life of any person or; Creates a serious risk to the health or safety of the public or a section of the public."

Based on these criteria, the government is drawing up a list of groups it considers to be terrorist under the new legislation. These are to be added to a list of proscribed organisations, which currently includes Irish groups such as the Irish Republican Army (IRA) and the Ulster Volunteer Force. Once an organisation is listed, it is illegal to be a member, support it financially, display its symbols or share a platform with a member at a meeting of three or more people.

The domestic and foreign policy interests of the government politically determine the definition of what constitutes "terrorist" activity. If the new Act had been in operation during the early 1980s, for example, when the British government was supporting the racist Apartheid regime in South Africa, supporters of Nelson Mandela and the African National Congress (ANC) could have been arrested and imprisoned for "terrorist" offences.

More recently, the Blair government has been directly involved in efforts to overthrow regimes in Iraq and the former Yugoslavia through military means and by funding opposition groups, which naturally are designated as "freedom fighters" and not terrorists. This label is reserved for those groups who oppose countries that Britain is friendly towards, regardless of the undemocratic nature of their ruling regimes.

A large number of those groups being considered for proscription are Islamic organisations whose goals cut directly across British interests in the Middle East. The Blair government has already hinted that it may declare the nationalist Liberation Tigers of Tamil Eelam (LTTE), which is fighting for a separate Tamil state in Sri Lanka, a terrorist organisation if it does not toe the line with efforts to impose

a British-backed settlement on the island. Proscription would mean the closure of the LTTE's European headquarters in London. Not only would this drive its members and sympathisers underground, it would have a major impact on the organisation's ability to raise funds.

The new Act's implications for civil rights in Britain are equally alarming. Anyone advocating direct action—environmentalists, animal rights campaigners and individuals involved in building support through the Internet for the anti-globalisation protests in Seattle and elsewhere—could face prosecution.

Workers' strikes are also covered by those parts of the Act prohibiting any action that interferes with essential services—a measure threatened by the government during last year's anti-fuel tax protests.

The Act also seeks to turn every citizen into a state informer: if in the course of his work a person discovers information about, or suspects someone of using money or property to contribute to a terrorist cause he must report them to the police. Failure to do so carries a possible five-year prison sentence. This has grave ramifications for investigative journalism.

Liberty, the UK-based civil rights group, has complained that the new measures are unnecessary since legislation already exists to deal with terrorist offences. Preparation of the proscribed list will entail a significant expansion in secret service activity, it points out. Organisations such as MI5 will be responsible for accumulating evidence supposedly proving terrorist intent—meaning increased levels of state surveillance, including phone tapping.

In addition, the civil rights group has complained that the Act effectively creates a "twin-track system of justice". Suspicion of terrorist "intent" is all that is required for police to be able to arrest anyone without a warrant; no offence has to have been committed. In court, the Act provides for "reverse onus"—a provision carried over from the PTA. Liberty explains, "The effect is this: if, for example, someone was found in possession of a list of cabinet ministers addresses, (who might be considered a terrorist target) they would have to prove in court that their possession of these lists was innocent. Rather than it being up to the prosecution to prove guilt, the defendant has to prove their innocence".

Lawyers have also condemned the new legislation, arguing that several of its provisions breach the European Convention on Human Rights, incorporated into British law last year.

The Blair government's offensive against democratic rights is necessitated by its pro business agenda. Though it came to power promising to reverse the social devastation caused by 18 years of Conservative rule, Labour is unable to

satisfy the aspirations of working people for decent wages and living standards. In order to impose the predatory demands of the global corporations at home and abroad, the Blair government must increasingly rely on state repression.

Faced with a growing number cases brought before the European Court in The Hague by UK citizens alleging abuse of their civil liberties, the government introduced a revised version of the European Convention on Human Rights. But ever since it was elected the Labour government has pursued a two-pronged strategy.

On the one hand, it has loudly invoked its commitment to human rights to justify neo-colonial interventions. British participation in the US-led attacks on Iraq and the former Yugoslavia, and intervention into Africa over the last year were all described as "humanitarian" missions.

On the other hand, however, the Blair government has introduced a plethora of legislation undermining longstanding democratic rights. Indeed for every civil right nominally enshrined in the Convention on Human Rights, there exists other legislation that effectively cancels it out. Labour has introduced laws governing the Internet, freedom of information, the judicial process, the right to asylum and the latest anti-terror measures enshrining state powers above fundamental civil rights. The government has met protest actions, such as the demonstrations by Tibetan activists during Chinese President Jiang Zemin's visit to Britain in 1999 and last year's anti-fuel tax protests, with furious denunciations, threats of repression and massive police intervention.

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