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protectourrights@hotmail.co.uk

PO Box 273, Forest Gate, London E7

07956210332*07905 891299*07786776665 *

07958174451

protect our rights

a briefing document on the governments anti- terrorism proposals



*A joint analysis from UK's leading civil
society organisations*

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SUMMARY

The UK's counter-terrorism legislation is among the most developed in the world. There is no evidence that the wide-ranging powers, already in place, are in anyway inadequate to investigate and prosecute those involved in any way in the incidents that have recently occurred. Daily reporting of the progress of police investigations suggest that conventional police investigations are piecing together an extensive breadth and range of evidence. There are no suggestions by the police that they have been thwarted in any relevant investigation by any lack of legal powers. -

The greatest threat to our security comes not from an inability to counter terrorism but the government's refusal to conduct an honest debate on the causes of the attacks against London in July 2005. In place of that debate, Tony Blair has turned the spotlight on Britain's Muslim communities. British tolerance has fertilised terrorism, he suggests. Multiculturalism and human rights are to be the scapegoats.

In the context of an ill advised and counter productive "war on terror", these proposals pave the way for an equally misguided "war on Islamic extremism". There can be no doubt that the measures they envisage – restrictions on free speech, freedom of association and freedom of conscience - coupled with the simplistic and inflammatory portrayal of Islam as a "dangerous" religion, will further alienate and marginalise the very communities in which the government professes to be combating radicalisation.

The Prime Minister has suggested that Parliament will be recalled to consider new legislation, possibly at short notice in September. There is a grave danger that past mistakes will be repeated in hastily drafted legislation that fundamentally restricts the liberties that define us as a free and democratic society.

BRIEFING

This briefing examines together the Home Secretary's proposals for three new offences (18 July),¹ the Association of Chief Police Officers' demand for more powers (21 July),² the Prime Minister's twelve point statement (5 August)³ and the Home Office consultation document on deportation and exclusion (5 August).⁴ This kind of government by press release is not conducive to much-needed debate and does not amount to meaningful consultation. To avoid the growing suspicion about a possible September "stitch-up" the government should make its full intentions clear immediately so all in civil society can have their say.

1 "Acts preparatory to terrorism", "terrorist training" and "indirect incitement"

On 18 July 2005 the Home Secretary announced his intention to introduce three new terrorism offences when parliament reconvenes. Parliament was dissolved two days later with the three main parties having reached a "consensus" on new laws to prosecute "acts preparatory to terrorism", "terrorist training" and "indirect incitement to terrorism".

The reason for creating new offences of "acts preparatory to terrorism" is still quite unclear. Under the Terrorism Act 2000, the "possession of an article in circumstances which give rise to a reasonable suspicion that [it] is for a purpose connected with the commission, preparation or instigation of an act of terrorism" already carries a ten year jail sentence (s.57). It is an equally serious offence under the Terrorism Act to "collect information" or "possess documents" that could be used for terrorism (s.58). The Home Secretary has stated that "the new offence will *lead to the capture* of those planning serious acts of terrorism", implying surveillance powers rather than additions to an already broad offence. It is also possible that visiting a "jihadist" website could also be in some way criminalised, notwithstanding the fact that visiting a website is obviously completely different to planning "a serious act of terrorism". ACPO has also called for a new offence of "inappropriate internet usage", a concept more readily associated with regimes like China and Iran.

A "new offence" of "terrorist training" can similarly add little to the existing Terrorism Act under which those who give *or receive* training in the making or use of weapons or explosives, or recruit persons for this purpose, are also liable to ten years in prison (s.54).

¹ Home Secretary announces new terrorism laws (20.7.05):

<http://www.statewatch.org/news/2005/jul/12uk-terr-laws-HmSec.htm>

² ACPO proposals (21.7.05): <http://www.statewatch.org/news/2005/jul/acpo-terr-proposals.pdf>

³ Prime minister's statement (5.7.05): <http://www.statewatch.org/news/2005/aug/02pm-terror-statement.htm>

⁴ Home Office consultation document (5.7.05): <http://www.statewatch.org/news/2005/aug/uk-deportation.pdf>

Things are clearer as far as “indirect incitement to terrorism” is concerned since the Home Secretary has announced that this will allow the UK to implement the Council of Europe convention on the prevention of terrorism agreed in April 2005. Article 5 of that Convention defines “public provocation” as:

*the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed.*⁵

This vague concept, based on the Spanish law of “*apologia de terrorismo*”, based on the principle of criminalising people for what they say rather than what they do, is at the heart of a number of the current proposals.

2 “Condoning, glorifying or justifying terrorism”

On 5 August the prime minister suggested that the new offence of “indirect incitement” will now cover “condoning”, “glorifying” or “justifying” terrorism (point 2 of the statement), broadening its potential scope significantly. The obvious concern is that people who express support for armed resistance to the occupation of Palestine or Iraq, for example – resistance that many people around the world feel is legitimate – could be caught-up in the new laws. There is an extremely thin line between empathising with the Palestinian cause, for example, and justifying and condoning the actions of suicide bombers, a point highlighted by Cherie Blair during a speech in Jordan in 2004 for which she was publicly accused by Israel of “condoning” such bombings. It is not a line that can be drawn with any legal certainty.

Condoning, glorifying or justifying terrorism will apparently be grounds for excluding and deporting people (point 1), closing down Mosques (point 11) and the “more extensive” use of control orders (point 7). It is important to note that the only persons that have been subject to control orders since the legislation was enacted in March 2005 are the eleven foreign nationals that were interned in Belmarsh and elsewhere, rather belying the suggestion that Britain is teeming with *known* terrorists or other men so dangerous that these sanctions are necessary.

The talk of ‘closing extremist mosques’ suggests the government cannot differentiate between individual responsibility and blanket criminalisation. In

⁵ Council of Europe Convention on terrorism (2005):
<http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=196&CM=8&DF=19/07/2005&CL=ENG>

a recent trial in which a number of defendants had an association with the Finsbury Park mosque, the prosecution itself emphasised that thousands of law-abiding persons worshipped at that mosque weekly. They did not and could not criminalise the mosque in its entirety.

3 The clampdown on “extremism” and “unacceptable behaviours”

Tony Blair’s twelve point plan is aimed at those he describes as “extremists”. The fundamental problem is that “extremist” is not defined or recognised in UK law. So what is meant by “extremist”? In a speech to the Labour Party national conference in July Blair outlined what “barbaric ideas”:

“They demand the elimination of Israel; the withdrawal of all Westerners from Muslim countries, irrespective of the wishes of people and government; the establishment of effectively Taleban states and Sharia law in the Arab world en route to one caliphate of all Muslim nations.”

This is dangerously simplistic and serves only to equate terms such as “Shariah” and “caliphate” with “terrorism” in the minds of an ignorant public. Shariah, an Arabic term meaning “the path”, has different guises according to different Islamic schools of thought. The establishment of Shariah in Muslim countries, the aspiration to one Caliphate of Muslim States is as legitimate as any other political ideology as long as it evolves from the will of the people.

To the prime minister’s interpretation of “extremism” can be added the Home Office’s list of “unacceptable behaviours” (which applies to “any non-UK citizen whether in the UK or abroad”): “writing, producing, publishing or distributing material”, “public speaking including preaching”, “running a website” or “using a position of responsibility such as a teacher, community or youth leader”

to express views which the Government considers:

- *Forment terrorism or seek to provoke others to terrorist acts*
- *Justify or glorify terrorism*
- *Forment other serious criminal activity or seek to provoke others to criminal acts*
- *Foster hatred which may lead to intercommunity violence in the UK*
- *advocate violence in furtherance of political beliefs*

The Foreign Office is working on a database of foreign “extremists” and the Home Office a “list” of “specific extremist websites, bookshops, centres, networks and particular organisations of concern” in the UK”. It is entirely predictable that the resulting “clampdown” will be perceived as censorship of those who might criticise British foreign policy or call for political unity among Muslims. This is disingenious to say the least, carrying the dual risk of

“radicalisation” and driving the “extremists” further underground, to use the government terminology.

4 Deportation and exclusion

The Home Secretary has long enjoyed wide-ranging powers to exclude and deport people from Britain that he deems “not conducive to the public good” and, under a law drawn-up ingeniously to cover a single individual, can also strip British nationals of citizenship if they have a second nationality (the “abu Qatada law”, which notably failed to lead to the deportation of Mr. abu Qatada). The “problem” (as the government sees it), is Article 3 of the ECHR (as incorporated into the UK Human Rights Act) which prevents the government removing people to third countries in which they face a risk of torture or inhuman or degrading treatment (a proviso which has been upheld by the UK courts time-and-time again). The government’s solution is a series of “memoranda of understanding” (MoUs) with third countries that persons being returned there will not be mistreated. The first such “understanding” was reached with Jordan last week, though it is not at all clear from the text that the MoU even expressly prohibits the death penalty. “Not worth the paper it’s printed on” said *Amnesty International*.

On 11 August the first ten “extremists” were seized pending deportation. These were the very same individuals who had been interned and then subject to control orders. A number have severe mental health problems as a result of their indefinite detention; one was seized from a psychiatric unit. Their families and lawyers were initially not told where they were taken to and the Home Office denied repeated requests for this information. Most of the men face expulsion to Algeria. The decision to rely on diplomatic assurances from a regime that the government knows on strong evidence make use of torture undermines the universal international rejection of such “assurances”.

5 Asylum and extradition

The government has deliberately conflated the issues of asylum and extradition with its intention to deport people from the UK. “Anyone who has participated in terrorism or has anything to do with it anywhere will be automatically be refused asylum” said the prime minister (in point 3 of his statement), equating terrorism with asylum and scapegoating refugees in the comfortable knowledge that the security services have been vetting those from targeted countries for years.

As for extradition: “cases such as Rashid Ramda wanted for the Paris metro bombing ten years ago and who is still in the UK” are “completely unacceptable” said Blair (point 4), we “will set a maximum time limit for all

future cases involving terrorism”. What this deliberately ignores is the fact that the Home office has taken *five years* to make a decision on the Ramda case, and that the Extradition Act 2003 has already introduced fast-track procedures. The European Arrest Warrant (EAW) legislation contains a maximum time limit of 60 days and in 2004 the Home Office reported to the European Commission that its average EAW proceedings lasted a mere seventeen. Two EU countries, Poland and Germany, have now ruled the hastily adopted EAW legislation unconstitutional and a third, Belgium, has referred the matter to the European Court of Justice. There are likely to be similar challenges in other EU countries because constitutional protections were simply discarded in the desire to speed-up proceedings.

6 “Special” court procedures and “special” judges

ACPO’s call to hold terror suspects for up to three months without charge must be seen in the context of the government’s intention to revisit administrative detention (without charge) which was struck down by the House of Lords, leading to the “control orders” legislation. It proposes “new court procedures” (point 6) and more money for “special judges” (point 8). These proposals are shorthand for detention without trial, a government appointed prosecuting judge, secret evidence, secret hearings, court appointed defence lawyers, and so on – procedures that all concerned have long recognised violate the right to a fair trial and the prohibition against arbitrary detention under Article 5 of the ECHR, from which the UK has already infamously derogated.

A seven-day interview period was already long time. This has only very recently been doubled to fourteen days. There is no evidence that this is not enough time to make decisions on whether to charge suspects or not. A longer period of detention without charge would be likely to encourage the police to make arrests not based on concrete intelligence but as “fishing expeditions” This aggressive policing would constitute harassment and alienate the Muslim community, who will feel increasingly criminalised. Note that a three month period of detention without charge is the equivalent of a six month prison sentence.

The idea of secret courts with judges considering secret evidence undermines the fundamental principles that a) criminal proceedings must be held in public because justice must be seen to be done and b) that the accused person must know the evidence against them. Arguably the more serious the charge which the accused person faces the more important this is. What is suggested as future legislation is a 'wish list' that police, intelligence services and governments would love to possess if there were no restraint upon their powers. There is one possible exception, the admissibility in court proceedings in the UK of phone tap evidence. What is extraordinary is that this is evidence whose use has been continuously long opposed only by the intelligence services.

We should not forget that the justification for secret courts in SIAC to consider the cases of people interned indefinitely without trial was in large part because phone tap evidence was not used in court here. What are now being demanded are secret courts and using phone tap evidence in normal court proceedings. Secrecy for 'intelligence' evidence is a recipe for yet more misleading claims that, therefore, go untested. There have been too many recent examples of deliberate manipulation of 'intelligence' for political purposes to think of bringing in 'secret' courts.

7 Extended powers of proscription

The government has also announced its intention to proscribe “Hizb-ut-Tahrir” and any successor organisation to “Al Muhajiroun” (point 9), extending the powers of proscription under the Terrorism Act 2000 if necessary to cover “extremist” as well as “terrorist” organisations. Hizb-ut-Tahrir is a political organisation that has been committed to non-violence for 50 years. Shami Chakrabarti of *Liberty*, is correct to say that it is “unwise to emulate the banning tendencies of Middle Eastern regimes that radicalised generations of dissenters by similar policies”.

It must also be pointed out that “proscription” is an extremely serious sanction: members of a proscribed organisation can be jailed for ten years and many forms of active *and passive* support are criminalised. Wearing clothing or displaying a symbol suggesting support for a banned organisation, for example, carries a five year jail sentence. There can be no justification for prosecuting Hizb Ut Tahir and not the British National Party, whose members have been accused of inciting and perpetrating violent racist acts. In a democracy, neither should be proscribed. Those of us who disagree with them should confront them politically. If their members break the law they should be dealt with by the criminal justice system.

Since the 7 July bombings there has been a UK-wide increase in faith related and racially motivated attacks and widespread violence against individuals, their homes and families, businesses and places of worship. The British National Party has been distributing leaflets with images from the London bombings and the question “isn’t it about time you started listening to the BNP”? They have been spurred on – “indirectly incited” perhaps – by a right-wing media intent on an “extremist” witch-hunt. The government is not doing enough to confront this form of extremism. On the contrary, some of its proposals pander directly to it.

8 “Securing our borders”

The proposals to “secure Britain’s borders” have so far been limited to the creation of a database on international extremists to be refused entry (discussed above) but are likely to encompass a much wider agenda. The idea of a “border police” has been floated, though it must be said that joint operations of immigration and police officers increasingly resemble such a force.

The government has been careful not to be drawn into debate around the unpopular ID cards bill and both Blair and Clarke have been unequivocal in admitting that “all the surveillance in the world” could not have prevented the London bombings. Yet in the same breath, Mr. Clarke was in Brussels on the 13 July for a specially convened meeting of the EU Justice and Home Affairs Council proposing to his twenty-four counterparts that they all introduce a biometric ID card in response to the bombings.⁶ Predictably, the attacks were also used as a justification for the long-standing and long-opposed proposal to introduce the mandatory retention of *all* telecommunications data in the EU. Neither of these measures are necessary to combat terrorism or legitimate in a democratic society.

9 Good citizens and stop-and-search

Presenting the London bombings as an attack on “our way of life”, the government argues that the problem is that “our freedom” and generosity has for too long allowed people to come to this country without fully accepting “our values”.

UK law already requires people being granted British citizenship to take an English test, attend a “citizenship ceremony” and swear allegiance to Britain and the monarchy (something many existing British citizens would refuse). What is now proposed by the government is an “Integration Commission” to focus on “those parts of the community presently inadequately integrated” (point 10 of the Blair statement). The irrevocable flaw in this argument is of course, as one commentator succinctly put it, that “being born in a barn doesn’t make you a horse”.

To prepare the ground for the integration commission the prime minister duly dispatched Home Office minister Hazel Blears on a bus tour of northern cities to reach out to young Asian youth. Blears was a surprising choice because she had outraged the Asian population before and after the bombings by telling them that, contrary to the Race Relations Act, they should expect to be disproportionately stop-and-searched.

“Why are you disaffected?”, asked a patronising Blears in Leeds, Bradford and elsewhere. There were two overwhelming and entirely predictable responses: disproportionate stop-and-search and UK foreign policy, particularly Iraq.

⁶ *Statewatch news online*: <http://www.statewatch.org/news/2005/jul/07eu-id-bio-plan.htm>.

Ignoring these concerns can only add to any feelings of alienation and marginalisation.

A recent report from the Metropolitan Police Authority ⁷ stated that the current stop and search practice has created deeper racial tensions and severed valuable sources of community information and criminal intelligence. Rather than extend the period of detention of innocent people, the Police should concentrate on improving their intelligence whose failures have lead to huge resentment on the part of the Muslim community.

⁷ Report of the MPA Scrutiny on MPS Stop and search Practice', May 2004

STATEMENT BY THE PRIME MINISTER

Friday August 5, 2005

Since July 7 the response of the British people has been unified, dignified and remarkable. Of course there is anxiety and worry. But the country knows the purpose of terrorism is to intimidate and it is not inclined to be intimidated. Of course too there have been isolated and unacceptable acts of a racial or religious hatred. But they have been isolated. By and large Britain knows it is a tolerant and good-natured nation, is rather proud of it and has responded to this terrorism with tolerance and good nature in a way that has won the admiration of people and nations the world over.

However, I am acutely aware that alongside these feelings is also a determination that this very tolerance and good nature should not be abused by a small, but fanatical minority; and an anger that it has been.

Time and again, over the past few weeks, I have been asked to deal firmly with those prepared to engage in such extremism; and most particularly those who incite it or proselytise it. The Muslim community have been and are our partners in this endeavour. Much of the insistence on strong action to weed out extremism is coming most vigorously from Muslims themselves, deeply concerned lest the activities of the fanatical fringe should contaminate the good reputation of the mainstream Muslim community in our country.

Such action in the past has been controversial. Each tightening of the law has met fierce opposition. Regularly we have had defeat in parliament or the courts. The anti-terrorism legislation, passed in 2002 after September 11 was declared partially invalid. The successor legislation hotly contested.

But, for obvious reasons, the mood now is different. People do not talk of "scaremongering". To be fair, the Conservative leadership has responded with a genuine desire to work together for the good of the country, as have the Liberal Democrats.

Over the past two weeks, intensive meetings across government have taken place to set a comprehensive framework for action in dealing with the terrorist threat in Britain. Today I want to give you our preliminary assessment of the measures we need urgently to examine.

In the meantime, insofar as administrative measures, not requiring legislation, can be taken, we will act with immediate effect.

In looking both at the law and administrative measures, we have surveyed extensively practice in other countries, including in particular other European countries. To assist this process, there will be a series of consultation papers over the coming weeks starting with a research paper that will detail experience in other countries. There will also be a cross government unit staffed by senior hand-picked officials to drive this forward under the guidance of Bill Jeffrey, the intelligence and security coordinator and the cabinet

committee on counter terrorism which I chair. The home secretary with whom I have been talking closely in the past week, will have the cabinet responsibility for coordinating this.

Here are the measures either being taken now, immediately, or under Urgent examination.

1. The home secretary today publishes new grounds for deportation and exclusion. Deportation is a decision taken by the home secretary under statute. The new grounds will include fostering hatred, advocating violence to further a person's beliefs or justifying or validating such violence.

These grounds will be subject to a short consultation period which will finish this month. Even under existing grounds, however, we are today signalling a new approach to deportation orders. Let no one be in any doubt. The rules of the game are changing.

These issues will, of course, be tested in the courts. Up to now, the concern has been that orders for deportation will be struck down as contrary to article 3 of the ECHR [European convention on human rights], as interpreted by the European Court in the *Chahal* case in 1996; and indeed have had such cases struck down.

However, the circumstances of our national security have now self-evidently changed and we believe we can get the necessary assurances from the countries to which we will return the deportees, against their being subject to torture or ill-treatment contrary to article 3. We have concluded a Memorandum of Understanding with Jordan and are close to getting necessary assurances from other relevant countries. For example, just yesterday, I have had very constructive conversations with the leaders of Algeria and Lebanon. There are around 10 such countries with whom we are seeking such assurances.

France and Spain, to name just two other European countries, do deport by administrative decision. The effect is often immediate and in some cases the appeal is non-suspensive in other words it takes place outside the country. The assurances given by the receiving nation are adequate for their courts and these countries are also subject to the ECHR and apply it directly.

So it is important to test this anew now, in view of the changed Conditions in Britain. Should legal obstacles arise, we will legislate further, including, if necessary legislating specifically for a non-suspensive appeal process in respect of deportations. In any event, we will consult on legislating specifically for a non-suspensive appeal process in respect of deportations.

One other point on deportations. Once the new grounds take effect, there will be a list drawn up of specific extremist websites, bookshops, centres, networks and particular organisations of concern. Active engagement with any of these will be a trigger for the home secretary to consider the deportation of any foreign national.

2. As has been stated already, there will be new anti-terrorism legislation in the autumn. This will include an offence of condoning or glorifying terrorism. The sort of remarks made in recent days should be covered by such laws. But this will also be applied to justifying or glorifying terrorism anywhere, not just in the UK.

3. Anyone who has participated in terrorism or has anything to do with it anywhere will automatically be refused asylum.

4. We have already powers to strip citizenship from those individuals with British or dual nationality who act in a way that is contrary to the interests of this country. We will now consult on extending these powers, applying them to naturalised citizens engaged in extremism and making the procedures simpler and more effective.

5. Cases such as Rashid Ramda wanted for the Paris metro bombing 10 years ago and who is still in the UK whilst France seeks extradition, are completely unacceptable. We will begin consultation, on setting a maximum time limit for all future extradition cases involving terrorism.

6. We are already examining a new court procedure which would allow a pre-trial process. We will also examine whether the necessary procedure can be brought about to give us a way of meeting the police and security service request that detention pre-charge of terrorist suspects be significantly extended.

7. For those who are British nationals and who cannot be deported, we will extend the use of control orders. Any breach can mean imprisonment.

8. To expand the court capacity necessary to deal with this and other related issues, the Lord Chancellor will increase the number of special judges hearing such cases.

9. We will proscribe Hizb-ut-Tahrir and the successor organisation of Al Muhajiroun. We will also examine the grounds of proscription to widen them and put proposals forward in the new legislation.

10. It is now necessary, in order to acquire British citizenship, that people attend a citizenship ceremony, swear allegiance to the country and have a rudimentary grasp of the English language. We will review the threshold for this to make sure it is adequate and we will establish, with the Muslim community, a commission to advise on how, consistent with people's complete freedom to worship in the way they want, and to follow their own religion and culture, there is better integration of those parts of the community presently inadequately integrated. I have asked Hazel Blears to make this part of the work she is currently undertaking.

11. We will consult on a new power to order closure of a place of

worship which is used as a centre for fomenting extremism and will consult with Muslim leaders in respect of those clerics who are not British citizens, to draw up a list of those not suitable to preach who will be excluded from Britain.

12. We will bring forward the proposed measures on the security of our borders, with a series of countries specifically designated for biometric visas over the next year. Meanwhile, the Home Office and Foreign and Commonwealth Office are compiling an international database of those individuals whose activities or views pose a threat to Britain's security. Anyone on the database will be excluded from entry with any appeal only taking place outside the country.

We will consult widely on these measures, including the other political parties of course. This is evidently a heavy agenda to take forward. But it is necessary. Let me also make it clear. If legislation can be made ready in time and the right consensus is achieved, we are ready to recall parliament in September, at least to begin the debate over the measures.

I want to make it clear, yet again, that this is not in any way whatever aimed at the decent, law-abiding Muslim community of Britain. We know this fringe does not truly represent Islam. We know British Muslims in general abhor the actions of the extremists. We acknowledge, once again, Muslim contribution to our country and welcome it; welcome those who visit in peace; welcome those who know that in this country, the respect and tolerance towards others, which we believe in, is the surest guarantee of freedom and progress for people of all religious faiths.

But, coming to Britain is not a right. And even when people have come here, staying here carries with it a duty. That duty is to share and support the values that sustain the British way of life. Those that break that duty and try to incite hatred or engage in violence against our country and its people, have no place here. Over the coming months, in the courts, in parliament, in debate and engagement with all parts of our communities, we will work to turn those sentiments into reality. That is my duty as prime minister.

The Prime Minister Tony Blair MP

ANALYSIS OF GOVERNMENTS PROPOSALS

- New grounds for deportation and exclusion
 - fostering hatred, advocating violence to further a person's beliefs or justifying or validating such violence.
 - Memorandum of Understanding with Jordan and possibly 10 other countries
 - legislating specifically for a non-suspensive appeal process in respect of deportations
 - a list drawn up of specific extremist websites, bookshops, centres, networks and particular organisations of concern. Active engagement with any of these will be a trigger for the home secretary to consider the deportation of any foreign national.
- New anti-terrorism legislation
 - an offence of condoning or glorifying terrorism. To be applied to justifying or glorifying terrorism anywhere, not just in the UK.
- Automatic refusal of asylum for anyone who has participated in terrorism or has anything to do with it anywhere.
- Extending powers to strip citizenships for those acting in a way contrary to the interests of the country and applying them to naturalised citizens engaged in extremism
- Maximum time limit for all future extradition cases involving terrorism
- New court procedure to allow a pre-trial process. Detention pre-charge of terrorists be significantly extended
- Extend use of control orders to British citizens and those unable to be deported. Any breach will mean imprisonment
- Expand court capacity and appoint new special judges for control orders and related issues
- Proscribe Hizb ut Tahrir and Al-Muhajiroun. Expand the grounds for proscription in new legislation
- New citizenship tests and community integration proposals

- New powers to close extremist mosques. List of Imams who are non-UK citizens who will be banned from Britain
- New measures for border controls – biometric visas.
- International database of non desirables to be denied entry to UK. Any appeals to take place out of UK.

JOINT STATEMENT

UNITED TO PROTECT OUR RIGHTS

Since the bombings in London in July 2005 the police have succeeded in conducting widespread investigations using the vast range of powers already available to them.

Throughout those same 5 weeks, however, we have observed with fear and horror announcements by the government of the steps it intends to take to change legal certainties that it was previously believed would stand firm in all circumstances. We are particularly concerned that the government is giving a green light to racism and Islamophobia and signalling a general attack on freedom of expression in the Muslim community

We the following register our grave concerns, and our total and stalwart opposition to the following steps proposed by the government:

- 1 The removal of trial by jury for offences linked to terrorism
- 2 The hearing of evidence in secret by judges and special advocates alone in terrorist trials with the accused person not told of the evidence against them and no public accountability
- 3 The deportation of individuals at risk to regimes known to practise torture in reliance on “diplomatic assurances”
- 4 The extension of pre-charge detention beyond the already lengthy 14 day period and the encouragement it will give to arrest people about whom there is no reasonable suspicion or intelligence
- 5 The banning of organisations which are not involved in terrorism or violence and do not advocate it such as Hizb-ut-Tahrir
- 6 The criminalisation of imams, bookshops, mosques and organisations for the expression of legitimate religious and political ideas (even if such ideas are thought to be offensive or wrong) such as the adoption of sharia law
- 7 The creation of new offences of indirect incitement to terrorism – even though incitement to murder is already a crime – and of acts preparatory to terrorism – even though existing law already makes it an offence to be knowingly involved in terrorism
- 8 The amendment or repeal of the Human Rights Act

We the undersigned have not forgotten the experiences of the conflict in Northern Ireland and the lessons of the last 30 years when the removal of fundamental rights and the creation of an entire suspect community achieved nothing other than the continuation of violence, fear, bitterness and the creation of an unbridgeable divide. We call on the government to protect all of the people by advocating a proper and judicious use of the existing law and by realising that over-reaction will be deeply counterproductive.

ORGANISATIONS

Birnberg Peirce & Co
11 Inverness Street
Camden
London
NW1 7HJ
patti@birnbergpeirce.co.uk
0207 911 0166

CAMPACC
Estella24@tiscali.co.uk

Christian Khan Solicitors
42 Museum Street
Bloomsbury
London
WC1A 1LY
louise@christiankhan.co.uk
0207 831 1750

**East London Communities
against State Terror**
Suite 4
63 The Broadway
Stratford
E15 4BQ
elcastcampaign@yahoo.co.uk
07709656251

Hizb-ut-Tahrir
info@hizb.org.uk

Islamic Forum of Europe
Third Floor
London Muslim Centre
38-44 Whitechapel Road
London
E1 1JX
info@islamicforumeurope.com
0207 456 1062

**Islamic Human Rights
Commission
Newham Monitoring Project**
Suite 3
63 The Broadway

PO Box 598
Wembley
HA9
info@ihrc.org
0208 904 4222

Liberty
21 Tabard Street
London
SE1 4LA
info@liberty-human-rights.org.uk
0207 378 3678

**National Civil Rights
Movement**
14 Featherstone Road
Southall
Middx
UB2 5AA
admin@monitoring-group.co.uk
0208 574 0818

Muslim Association of Britain
124 Harrowdene Road
Wembley
Middx
HAO 2JF
info@mabonline.net
0208 908 9109

Muslim Council of Britain
Boardman House
64 Broadway
Stratford
E15 1NT
admin@mcb.org.uk
0208 432 0585

Stratford
E15 4BQ
info@nmp.org.uk
0208 555 8151
24 hour helpline 0800 169 311

Statewatch
PO Box 1516
London
N16 0EW
office@statewatch.org
0208 802 1882

Stop Political Terror
PO Box 45798
London
SW16 4XS
admin@stoppoliticalterror.com
07915063564

The 1990 Trust
9 Cranmer Road
London
SW9 6EJ
ruhul@blink.org.uk
0207 582 1990

The Monitoring Project
14 Featherstone Road
Southall
Middx
UB2 5AA
info@ncrm.org
0208 843 2333