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## Stay calm, the government says, in a mad panic itself

Proposed new anti-terrorist laws will be counterproductive

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Politicians tell the public who travel on public transport to remain calm and carry on normal life. Yet the response from politicians and police to terrorist attacks in London is one of panic and hysteria. Already one innocent man has been shot dead. Armed police roam the streets, and innocent people are being arrested and searched at gunpoint. Worse still, police have produced a "shopping list" of new legislation to be rushed in, and the leaders of all three main political parties have already agreed to much of it in a cosy chat in Downing Street without any parliamentary involvement.

We have been warned that attacks would happen for a considerable period of time; as the main ally of the US in its "war on terror", the only surprising thing is that it did not happen sooner. Of course it is frightening, but there is little acknowledgement that the kneejerk response of more laws, more police shows of strength and more attacks on civil liberties may be counterproductive. Thursday's announcement by the IRA is a timely reminder that we have our own recent history of political panic causing miscarriages of justice resulting in an increase, not a decrease, in violence.

It appears that parliament may be recalled in September to pass yet another Terrorism Act. While in opposition, the Labour party voted against the yearly renewal of the Prevention of Terrorism Act. But in 2000, the Labour government enacted for the first time a new permanent Terrorism Act which produced a new much wider definition of terrorism. The definition included the threat of damage to property as well as a threat to life if it is designed to influence the government or intimidate the public for the purpose of advancing an ideological cause.

Significantly, the act specifically provided that the definition extended to "action outside the UK". Subsequently in 2001, in an immediate response to September 11, another act was rushed in - the Anti Terrorism Crime and Security Act (ATCSA) - allowing foreign nationals to be detained indefinitely without trial. After the House of Lords declared this contrary to the Human Rights Act, a new Prevention of Terrorism Act 2005 was rushed through parliament in March substituting control orders for indefinite detention under which both foreign and British nationals can be severely restricted in their movements, subjected to a form of house arrest and forced to wear electronic tags. These powers expire in March 2006 unless renewed before then.

What is proposed in the fourth Terrorism Act is the creation of new offences of acts preparatory to terrorism, incitement to terrorism and giving or receiving terror training. Other measures discussed include an increase in the amount of time that terrorism suspects can be held without charge.

The proposed new offence of acts preparatory to terrorism has been strongly pushed by the police following the acquittal of defendants in the "ricin trial". The Metropolitan Police commissioner Sir Ian Blair went so far as to suggest that there would have been convictions if the new offence had been available. This is disturbing. The defendants in that trial were acquitted because of the lack of any evidence linking them to the plot - there was no ricin. It seems as if the intention behind the new offence may be an attempt to convict people on the basis of association with others without evidence of knowledge or intention. This is likely to result in innocent people in the Muslim community fearing to report their suspicions.

Secondly, it is proposed to create a new offence of incitement to terrorism. The wording was apparently changed after parliamentary drafters objected that a proposed new offence of condoning terrorism would be impossible to define. Threats to kill and incitement to murder are already offences. What more will be outlawed? Are all those who feel a huge sense of injustice about the same causes as the terrorists (Iraq, Afghanistan, the war on terrorism, Guantánamo Bay, Abu Ghraib) to be stopped from speaking forthrightly about their anger? Because terrorism is now defined in our law as actions abroad, will those who support liberation movements in, for example, Kashmir or Chechnya be denied freedom of expression? Since, in truth, the definition of terrorism should encompass the actions of terrorist states engaged in unlawful wars, how can one justify this when our government supports the war in Iraq? People must be free to debate ideas some find obnoxious such as creating an Islamic caliphate or imposing sharia law - suppression will only add to the attraction of such ideas.

Thirdly, a new offence of giving or receiving terror training is proposed. There are no known terror training camps here so this new offence will be used to justify vastly increased surveillance of Muslims going abroad, particularly to Pakistan. Already section 7 of the ATCSA gives police the power to pull people off flights without compensation and compel them to answer questions about their destination. This has created hardship when young Muslim men who have saved up for the hajj have missed their flights.

Is this really the right way to deal with the existence of the camps which, incidentally, were set up with US finance to encourage foreign fighters to fight the Russians in Afghanistan?

A particularly worrying recent proposal by the police is to increase the time terrorism suspects can be held without charge to three months. The current limit of 14 days is already very long. The police say they need longer to examine computers seized but this should only be the case if arrests are fishing expeditions and not intelligence led.

Civil libertarians do not oppose all new laws or indeed added resources for the police. Forensic investigations by the police take too long because they are under-resourced. Liberty has long supported the admission into evidence of phone-tap material. But parliament, when it is reconvened, should scrutinise proposals that may make things worse. In her speech in Malaysia (a country where human rights have been in considerable jeopardy), Cherie Booth eulogised the role of the judges in preventing governments from acting outside the rule of law. Yet the truth is that beyond a certain point the judges will be powerless. The Human Rights Act does not give them the power to strike down legislation.

The new provisions for control orders involve only extremely limited judicial scrutiny. History shows that a UK-style judicial system with independent judges did not stop the outrages of apartheid South Africa nor does it now stop human-rights abuses in places such as Israel. Repressive, unfair laws are likely to increase the risk of terrorism as the recent bombing in Egypt, with its long history of repression of the Muslim Brotherhood,

demonstrates all too clearly. We need independent-minded members of parliament who will break free of any misconceived political consensus and stop laws going through that will create injustice and risk recruiting terrorists.

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