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## The price of a chilling and counterproductive recipe

Tony Blair cannot be allowed to sell our rights and freedoms

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**Monday August 8, 2005**

**Guardian**

'Let no one be in any doubt. The rules of the game are changing.' Here was fighting talk from the prime minister. The extraordinary flourish attempted to sum up an extended outburst that can only be to the long-term detriment of Mr Blair's reputation, or Britain's interests, or both.

The "game" in question appears to be No 10's national security policy less than a month after 52 Londoners were murdered on their way to work. The statement could enter the hall of political infamy for this poor-taste metaphor alone.

What then of the "rules"? These, it seems, are a reference not just to our Human Rights Act, but to centuries of democratic tradition. Rules against torture and arbitrary detention, the right to a fair trial, freedoms of conscience, expression and association and the principle of equality under the law - these foundations of our society were dismissed as the naive and outmoded "tolerance" of a "good-natured nation".

If Friday was intended as Mr Blair's "fight them on the beaches" moment, I am afraid that he blew it. Great wartime leaders unite their countries with optimism and resolve that inspires both herculean effort and self-sacrifice in defence of cherished ideals.

Instead Mr Blair was in "I told you so" mode - his underlying suggestion that Britain's senior judiciary, opposition political parties and just about anyone who had opposed his earlier authoritarian adventures had done so through a lack of belief in the terrorist threat. In this airbrushing of history, none of us had acknowledged the threat.

He seemed reassured that "for obvious reasons, the mood now is different". This self-assurance is premature. He ought to remember that while he had to endure the irritation suffered by democratic leaders slowed down by parliamentary democracy and the law, each of his previous "war on terror" tactics was in fact tried and tested. Sweeping police powers, internment and then punishment without trial - even the Iraq war. None of these prevented last month's atrocity. When it is suggested that such policies may have provided terrorist recruiters with helpful propaganda, Mr Blair's

instinctive political defence is offence.

However, for clear operational as well as principled reasons this approach is even more misguided now than before. The present threat must of course be met in great part by law enforcement. I for one would advocate a transfer of resources from the identity-card project (which ministers now admit to having "oversold") to direct policing and intelligence budgets. Intelligence and prevention are key and Britain's 2 million Muslims, far from being this country's problem, are an essential part of our best defence against future attacks. Far from inspiring or reassuring them, Friday's neo-McCarthyite hectoring has rattled many moderates who had previously begun to rally in vigorous defence of their families, faith and country of birth or adoption - Britain.

However, Muslims should not be alone in their fears for the future. If Mr Blair is allowed to construct the Britain that he has mapped out, it is not the rules that will have changed, but our society. We will be just that little bit less distinguishable from the violent, hateful and unforgiving theocrats, our democracy undermined from within in ways that the suicide bombers could only have dreamed of.

The prime minister began with deportation, and he is quite right that "coming to Britain is not a right". Home secretaries have long enjoyed broad discretion to deport those thought "non-conducive to the public good", and the courts have been reluctant to intervene. The right in question is not to be tortured or sent to a place of torture. This is one of the few absolutes in our human-rights framework and, unsurprisingly, critics of these values are drawn to it like moths to a flame.

The principle is simple. Dictators and terrorists torture their prey. For them, the means justify the ends and individual human life is cheap. Democrats think differently. They might fight a war or even shoot a violent criminal to protect life in the last resort. But inhuman and degrading treatment and torture are the ultimate abominations, which violate the inherent humanity of torturer and victim alike. Ken Bigley suffered torture, as did those who suffered lingering deaths underground on July 7. It is harder to make this case in courts of public opinion around the world if we are complicit in torture ourselves.

Some will argue that sending someone to face torture abroad is the not the same as torturing them in the UK. If this were true, human rights would be a sham. The prime minister says he will extract "memoranda of understanding" with regimes in north Africa and the Middle East. If these self-serving assurances fail to satisfy our courts, he will remove their jurisdiction by amending our Human Rights Act. Even the post-9/11 President Bush left the American bill of rights untouched.

Mr Blair also promised to criminalise the "condoning, glorifying or justification" of terrorism anywhere in the world - a shockingly broad speech offence that the home secretary had previously tried to narrow down to the still broad concept of "indirect incitement to terrorism". Such a law could criminalise all kinds of debates that have nothing to do with direct incitement. Readers of this newspaper may have to be more careful at dinner parties. Writers of this newspaper ... it doesn't bear thinking about. Sir Ian Blair promises that he will use this gift sparingly. Police officers' assurances are no substitute for narrow criminal offences in a flourishing democracy.

Hizb ut-Tahrir is to be proscribed. If necessary, powers to proscribe terrorist organisations are to be extended - presumably into the realms of non-terrorist extreme political parties. I certainly have very little in common with this organisation. But it is anathema to democracy to ban non-violent political organisations, however extreme. Surely it is unwise to emulate the banning tendencies of Middle Eastern regimes that radicalised generations of dissenters by similar policies. In months and years to come, will we see the banning of extreme rightwing or leftwing political parties?

The police and security services would like to detain terror suspects for six months without charging them. Think not of those eventually tried but of those who return to their communities after three months' detention without ever having faced charges. This new internment would be a terrorist recruiter's fantasy. Add executive powers to close down places of worship and the recipe is as chilling as it is counterproductive.

Democracy cannot defend itself by aping its opponents, and mercifully the "rules of the game" do not change because players, however powerful, grow tired of them. Previous generations endured the terrors of war and left us our rights and freedoms. This legacy is greater than any one man or moment. It must not be sold in a summer.

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