

RECLAIMING OUR RIGHTS

CONFERENCE REPORT AND STRATEGIC PROPOSALS

PLENARY SPEAKERS

Gareth Peirce, Mark Thomas, Craig Murray, Brian Haw, Ben Hayes, Bill Bowring, Nafeez Ahmed

WORKSHOP THEMES

1. Punishment without trial
2. Migrants, refugees and terror suspects
3. Freedom of expression and association
4. Right to protest
5. Privacy, surveillance & ethnic profiling
6. Global context of the 'war on terror'

Our conference on 2nd December 2006 was attended by over 80 people from diverse groups resisting the attacks on our rights. This report brings together key points from the talks and workshop discussions there. We aim to stimulate ideas for sharper analysis and more effective action. You can read further detailed reports on www.campacc.org.uk.

Exercising our rights

Since the millennium, and especially since September 2001, the state has eroded traditional rights and freedoms which had been won through fierce struggles over centuries. The government has legal authority to proscribe any political organisation and imprison or deport any person, British or non-British who is a 'terrorism suspect' – that is, who supports, perhaps even just verbally, those whom the government considers 'enemies' in a violent conflict anywhere in the world; or who associates with any such person or organisation. It is difficult to challenge state policies which come packaged as 'security' measures. The state can give itself unlimited legal power in the case of any social unrest which a Minister regards as an emergency. The 'anti-terror' laws treat suspicion as guilt, impose punishment without trial, allow executive decisions to bypass due process of trial by jury on publicly stated evidence, and thus legalise injustice.

In her plenary talk, *Gareth Peirce* argued that our rights have been torched – that the legal profession can no longer defend 'terrorism suspects' because they are not allowed to know the accusations against them. She threw us a challenge: *how* to reclaim our rights. Certainly we should acknowledge the current difficulty for the legal profession.

However, historically, rights have been gained from the discourses and practices of social movements. That is, we protect and reclaim our rights only by exercising them. As CAMPACC warned in a 2003 leaflet, 'Recent legislation grants powers for a police state, at least on paper. Such powers will be put into practice unless we oppose them and exercise the rights which they would take away from us.' In struggles past and present, to persist is to resist. This was illustrated in various ways by workshop 1, on support for those subjected to punishment without trial, workshop 2, on support for asylum seekers in detention or facing deportation, workshop 3, on freedom of expression and workshop 4 on the right to protest.

Despite intimidation by 'anti-terror' laws, migrant communities have attempted to maintain the right of expression and association. They have continued their community activities and links with resistance movements abroad, thus effectively defying the 'terrorist' stigma. For example, Kurds have openly supported the PKK (Kurdistan Workers Party), and protested against the government decision which added its successor Kongra-Gel to the 'terrorist' list.

'Anti-terror' measures

The state has proliferated instruments and pretexts for punitive action, and placed these beyond accountability or scrutiny. It has created powers to act in 'emergency' situations, and can suspend due process on vague, arbitrary grounds such as 'suspicion', 'pending deportation' and many other such criteria. The definition of terrorism adopted by British and UK legislation is excessively broad, encompassing non-violent protest and potentially any resistance to oppressive regimes abroad. As *Bill Bowring* told the conference, no official definition of terrorism treats state actions and non-state actions even-handedly, e.g. by taking into account the terrorism of Abu Ghraib, of the war deaths of Afghan and Iraqi civilians, of state torture chambers from Tashkent to Guantánamo.

Nafeez Ahmed pointed out how under the mantle of fighting the post-9/11 'War on Terror' there has been a massive US military expansion, in which Britain actively participates through both military and diplomatic contribution. Military expansion has in turn been accompanied by the institutionalization of criminal practices by state, military and security agencies, flouting international law in many ways. Western state strategies, domestically and internationally, are a response to growing, global systemic crises on the fronts of expected energy shortages, resource conflicts arising from climate change, and intensified international competition. The attempts to totalize state power by criminalizing communities, particularly Muslim communities, are linked with attempts to expand Western power into predominantly Muslim regions of vital geo-strategic interest. This process has been aided by the selective sponsorship of Islamist terrorist networks, such as the mujahadeen against the pro-Soviet regime in Afghanistan, as well as present-day successors (see *Nafeez Ahmed's* book, *The London Bombings*).

Parliament is clearly not a sufficient means to regain our rights. After internment powers were set aside by the Law Lords, the British government re-created an equivalent regime using immigration law, which it could do without any Parliamentary scrutiny. Parliamentary oversight of new anti-terrorism measures has been superficial and prejudiced by the overwhelming majority of the government party (see www.campacc.org.uk for contributions by *Nafeez Ahmed* and *Gareth Peirce*).

'Terrorists' or 'partisans' ?

Many foreign liberation movements, which constitute just struggles for freedom from oppression, need to be defended against the 'war on terror'. This is used as a pretext for oppression to further the interests of global capitalism; *Craig Murray's* talk showed us how the Uzbekistan dictatorship was supported by US and UK as an ally in the war on terror, producing cotton by near-slave labour and practising torture on its own Muslim dissidents to supply Western intelligence services with trumped up evidence about Al Qaida. The list of organisations proscribed under anti-terrorism laws includes a number of just liberation struggles – Tamil, Kurdish, Palestinian, Uzbek, Sikh, and so on – most of them resisting governments which the US supports in its quest for global capitalist hegemony.

Moreover, sometimes people who support struggles outside their own countries are incriminated as part of an alleged international conspiracy. For example several of the Algerians who have been resisting deportation, and some of the detainees in Guantánamo, fought (or attempted to go to fight) in Chechnya. Workshop 6, on the global context, discussed the tensions and dilemmas around the concept of the just liberation struggle, in the face of demonisation by the 'war on terror'. The intimidation of Muslim communities within Western states correlates directly with the intensification of Western conflict with predominantly Muslim populations abroad. Likewise the 'terror' bans on organisations (and with any association here) correlate with an imperialist strategy to provoke further violence abroad rather than to seek a just peace.

Amongst those targeted by the anti-terrorism laws are movements that in an earlier era would have been described as partisans or freedom fighters. *Ben Hayes* and *Bill Bowring* pointed out how the bans and associated offences have a profound effect on the life of migrant communities in the UK and elsewhere in Europe. *Nafeez Ahmed* emphasised that Muslims are worst affected: anti-terrorism measures both emerge from and fuel Islamophobia. Assets of individuals and organisations are frozen; freedom of assembly and publication are suspended; solidarity actions criminalised, opportunities for peaceful conflict resolution through dialogue and negotiation are lost.

We face the challenge of how to strengthen these communities and provide platforms for their voices, against government attempts to silence them. Proscriptions fly in the face of natural justice and proper rules of evidence. As *Bill Bowring* noted, there is no due process for challenging any decision to place an individual or an organisation on a 'terrorist' list; nor any apparent way of overcoming this stigma, except through experimental actions in the European Court. Persons under torture may incriminate others thousands of miles away, even persons they have never met, as *Craig Murray* told us did occur in Uzbekistan.

The struggle for the right to protest

The 'war on terror' has provided an excuse for the general widening of police powers in relation to surveillance and control of protest. Many of those affected by these measures, for example in the anti-war movement, are unaware of the full range of extended state powers and the agendas behind them. Workshop 4 on freedom to protest covered these broader powers, described some resistance and discussed possible further responses.

The conference heard reports of activities which attempt to preserve and reclaim our rights. Formal restrictions and intimidation can be overcome through creative resistance, which can be developed through an interchange of ideas and experiences between affected communities. Some methods have tried to keep one step ahead of the law: Workshop 4 heard accounts of how persistent assertion of the right to protest, supported by firm resistance in court and good press coverage, had worn down the resistance of an arms company which had been continuously picketed in Brighton. The peace movement and Critical Mass, the cyclists' campaign, had also had some success from dogged persistence in challenging the restrictions on assembly in central London.



Mark Thomas has shown creativity with his initiative for 'lone mass demonstrations' in Parliament Square (see picture), whereby dozens of people each apply for two one-hour one person demonstrations each on different issues, on the same day. This response effectively ridicules and undermines the cumbersome system for police permission; indeed, the police have abandoned any attempt to monitor whether all participants have obtained permission. From the Basque community in the Spanish state comes an experience of using cultural meetings and festivals to challenge a ban on proscribed organisations (e.g. Herri Batasuna); these events have gained widespread support.

The sheer perseverance of *Brian Haw* and his peace camp in Parliament Square has challenged the British government for over four years, and survives every attempt to legislate it away or drag it away. Since the conference, thanks to a creative collaboration with artist Mark Wallinger, Brian's demonstration has been extended to the Tate Britain gallery, where all can be reminded of the driving force behind Brian's personal resistance; that the war in Iraq is about mass death including many children, that our leaders have become 'the lepers of the world' and that we are each responsible if we do not stand against them.

Asserting the rights of 'suspects' and asylum seekers

Claims about 'terror suspects' have gained widespread deference. The notion that a terror suspect is dangerous or guilty, regardless of properly considered evidence and due legal process, thrives on a presumption that the state must be right. We need more effective ways to reverse the suspicion – thrown back upon state injustice, deceit and the politics of fear. The London Guantánamo Campaign has tried to humanise the Guantánamo detainees (especially former residents of Britain) as people, to counter the 'terrorist' label.

There has been a great increase in disguised monitoring, discussed in workshop 5. There are unclear criteria for regarding individuals as 'suspects', though clearly there has been ethnic profiling. This has been done in the name of so-called 'preventive' or pre-emptive action. We need a campaign against such profiling and its rationale in 'preventive' action, which would include lecturers, community workers and other individuals refusing to respond to Special Branch approaches for information about ordinary political or religious activities.

The conference also presented fertile ground, especially in workshops 1 and 2, for a growing commitment to defend those in trial-less detention, whether as 'suspects' or asylum seekers. Many activists already have a commitment to visit them, thus defying the stigma of 'terror suspect', and to support them and their families in various ways. Anyone who applies for permission is officially classified as a 'known associate of a terror suspect', thus deterring fellow refugees; so others have a special responsibility to fill the gap.

Conclusion: Defending and Reclaiming our Rights

The 'war on terror' has been used to suspend normal judicial procedures, as well as the rights of assembly and association. These attacks promote the neo-conservative project of world-wide military hegemony in its vicious circle of state terrorism, thus provoking sometimes violent response. 'National security' is invoked to justify these attacks and to suppress debate about their real political purpose. This agenda should be constantly challenged, e.g. by supporting the people being targeted and by using opportunities from news items in the mass media.

Practical proposals:

- 1) **Pre-emptive resistance:** 'Anti-terror' measures are officially justified as pre-empting violent acts and thus protecting the public – as a pretext for attacking our rights. These attacks have met various types of resistance, which need to be linked and strengthened. Going further, we can also build pre-emptive resistance, by actively reclaiming our rights through imaginative collective activity.
- 2) **Beyond Islamophobia:** Many migrant groups have been intimidated into silence or passivity by 'anti-terror' measures, so we should provide high-profile platforms for their stories. Links should be built among migrant communities being targeted by bans on 'terrorist' organisations, as well as between those communities and the wider society, e.g. anti-war groups. Muslims have become demonised in a new form of racism based on their religious and cultural identity. But opposition to 'Islamophobia' too narrowly identifies the problem – which is not simply fear of a religion, but also the demonisation and persecution of any person or group labelled as a 'terror suspect'.
- 3) **Persistence as resistance:** Persistence in political or cultural activities by migrant community groups sets a positive example for others. These activities should be encouraged and publicised.
- 4) **Ridicule and defiance:** The 'terrorist' stigma can be challenged in imaginative, innovative ways. Bans on organisations should be ridiculed and defied (as already done by Kurdish groups here).
- 5) **Countering mass media propaganda:** Letters to the mass media should continue to protest at their complicity with the government's agenda: the politics of fear, character assassination of 'terror suspects', fake emergencies, etc. Web-logs of some mass media (e.g. BBC2 Newsnight, *The Guardian*) are sometimes quoted, so it is worth sending comments there too.
- 6) **Solidarity and support for 'terror suspects' and their families:** Victims of unjust anti-terrorist measures need to be supported, e.g. by visits to prisons and those confined to domestic prisons. Misleading negative images of them should be challenged within civil society and in the mass media.
- 7) **Parliamentary and constituency lobbying:** Whenever more 'anti-terror' measures are proposed by government, we should protest to our MPs, demand that they oppose such measures, and hold them accountable for their position. Otherwise, their complicity will appear legitimate by default.

Underpinning all these strategies is the need to build a coalition of activists and organisations and for building solidarity across communities.

March 2007

Campaign Against Criminalising Communities (CAMPACC), www.campacc.org.uk

Conference website: www.londonmet.ac.uk/reclaimingourrights

See www.campacc.org.uk for workshop reports and transcriptions of the plenary speeches.

Co-sponsors:

CAMPACC, Human Rights and Social Justice Research Institute at London Metropolitan University, Haldane Society of Socialist Lawyers, Garden Court Chambers, Statewatch, Campaign against Racism and Fascism (CARF), The Muslim Parliament, Islamic Human Rights Commission, Institute for Policy Research and Development, Redress, Baroness Helena Kennedy QC and Mark Thomas

Supporters:

Liberty, Save Chechnya Campaign, Kurdish Federation UK, Tamil Centre for Human Rights, Article 19, Index on Censorship, Panjaab National History Society, 1984 Genocide Coalition, 1990 Trust, Cageprisoners, London Guantanamo Campaign, Iraq Occupation Focus, Scotland Against Criminalising Communities (SACC), The Jean Charles de Menezes Campaign

