

European Union to restrict civil liberties

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A European Council meeting on September 21 concluded that “the fight against terrorism will, more than ever, be a priority objective of the European Union.” On this pretext, European Union (EU) ministers agreed a series of measures to step up internal security and enable the state to act more easily against alleged terrorists. The proposals represent a drastic curtailment of civil liberties, particularly in the area of extradition proceedings, also strengthening the powers of various state and police bodies at national and European level.

French Justice Minister Marilyse Lebranchu said the measures should be implemented “within the shortest possible time.” Her comments were echoed by Britain’s Home Secretary David Blunkett, who said the EU should “get on with it” by introducing the measures as quickly as possible.

In a BBC interview, Blunkett said beating terror must take priority and that politicians’ ability to act must not be hamstrung by an excessively legalistic approach to human rights. He said he was prepared to amend the Human Rights Act, which enshrines the European Convention on Human Rights into British law, to enable new anti-terror measures to be implemented.

The seven-point plan agreed by EU ministers includes:

- * “The introduction of a European arrest warrant and the adoption of a common definition of terrorism... allow[ing] wanted persons to be handed over directly from one judicial authority to another.”

- * “Identification of presumed terrorists in Europe and of organisations supporting them in order to draw up a common list of terrorist organisations.”

- * “Improved cooperation and exchange of information between all intelligence services of the Union will be required. Joint investigation teams will be set up to that end.”

- * “Member states will share with Europol [European

Police Office], systematically and without delay, all useful data regarding terrorism. A specialist anti-terrorist team will be set up within Europol as soon as possible and will cooperate closely with its US counterparts”.

- * “Combat any form of financing for terrorist activities, in particular by adopting in the weeks to come the extension of the directive on money laundering and the framework decision on freezing assets.”

Justice Minister Lebranchu said the proposal for a common arrest warrant would help eliminate the “time-consuming” red tape of extradition. Although such proceedings differ from country to country, generally a suspect can only be extradited abroad if the domestic courts are satisfied that there is a *prima facie* case to answer. At present, such warrants can be contested and appealed to the highest court before extradition is effected. Under the new proceedings, a single court hearing would rule on the admissibility of the arrest warrant, with no involvement by higher courts or senior legal officials.

The new extradition measures would require constitutional amendments in some EU countries to allow their nationals to be tried abroad.

Since only six of the fifteen EU member states legally define terrorism in their statute books, the introduction of a common definition would facilitate the extradition of alleged suspects. A terrorist group would be defined as a “structured organisation... of more than two persons, acting in concert to commit terrorist offences”. These range from murder and hostage-taking, to damaging public property and urban violence committed with the aim of “intimidating and seriously altering or destroying the political, economic or social structures of countries.”

Such a widely drawn definition could easily be employed against protests like that directed against the

recent G8 summit in Genoa.

The role of Europol would be beefed up, with a team of anti-terrorist specialists being seconded to the organisation, as well as liaison officers being sent from all the member states. Intelligence would be centralised and shared through Europol, as well as introducing closer collaboration with security agencies in the US.

Controls on the external borders of the European Union will be stepped up, and all visa applications from non-EU countries subjected to far closer scrutiny. In Germany, for example, Conservative politicians are calling for all visa applicants to be subject to a routine check with the intelligence agencies.

Inside the EU, far more systematic controls of identity papers will be carried out, with random checks on internal EU borders at present uncontrolled under the Schengen agreement. Preparations should be made to quickly re-establish internal frontier checks, in the event of terrorist attack against one of the member states.

EU Finance Ministers also agreed a series of proposals that would enable state agencies far easier access to private bank accounts.

In Britain, Home Secretary David Blunkett is said to be “very seriously” considering the introduction of compulsory ID cards. New ID cards, which could also be used to confirm entitlement to various public services, could contain biometric data, such as fingerprints and iris patterns. Blunkett is also reported to be considering granting wider powers for police to detain suspects simply to question those thought to have “knowledge” of terrorist actions.

In the name of the “fight against terrorism”, European Union governments are preparing for the introduction of some of the harshest police measures ever seen during peace-time. In Britain, the eradication of long-standing democratic rights and safeguards is being prepared without even the formality of a parliamentary debate. Prime Minister Tony Blair will hold private talks with opposition leaders to cement cross-party agreement to a package of up to three emergency anti-terrorist bills currently being prepared.

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