

Britain: Labour government plans to introduce internment

Richard Tyler
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Last October, the Labour government incorporated the European Convention on Human Rights into British law. Its passage was supposed to enshrine certain fundamental civil liberties in Britain's statute books.

Just one year later, Home Secretary David Blunkett has told parliament he would be seeking the "derogation" of the Convention's Article 5 outlawing arbitrary detention and imprisonment. This would effectively enable the British authorities to introduce internment—detention without trial for foreign nationals who are considered a "threat to national security".

The Home Secretary said that the emergency anti-terrorist legislation was needed for "specific and targeted measures." However, the new laws will be cast so broadly that they could be used not just against alleged terrorists but anyone engaged in acts of civil disobedience or protest.

Labour is seeking to rush through legislation for the "war against terrorism" with a minimum of debate or scrutiny. Speaking in the Commons on Monday, Blunkett announced a swathe of new measures that overturn basic democratic and legal norms. This includes an Emergency Anti-Terrorist Bill and Extradition Bill, expected to be presented to parliament over the next days, as well as a series of non-legislative regulations stepping up state powers.

Significantly, the Anti-Terrorist Bill will include an "enabling power," allowing measures to be implemented by "affirmative order", i.e. without extensive parliamentary scrutiny.

Blunkett's speech was a concoction of hypocrisy and barely concealed threats. "None of those measures is intended to stifle free speech, dialogue, or debate", the Home Secretary claimed, but "There is a compelling need for more effective powers to exclude and remove suspected terrorists from our country."

In the name of defending democracy and safeguarding freedoms, the Labour government proposes to turn back the clock to a time when mere suspicion of committing a crime, or an accusation from those in authority, was sufficient to justify incarceration. Detention could be based on membership of the 21 organisations outlawed in the Terrorism Act 2000, which includes the Liberation Tigers of Tamil Eelam and the Kurdistan Workers Party (PKK), as well as a host of Islamic groups such as Hamas.

The Labour government is using the September 11 events to introduce far harsher asylum and immigration provisions. Under the emergency legislation, claims for asylum from those "suspected of terrorist associations" can be rejected without any recourse to appeal or judicial review. The state, and its various agencies will become judge, jury and executioner for those seeking to claim asylum. Once a refugee is labelled a "terrorist" they can be locked up without the need for a court appearance, or be deported without any recourse to legal redress.

Blunkett also announced that he would be undertaking a review of Britain's extradition procedures, with a view to enabling a suspect's rapid expulsion to a third state. This forms part of moves initiated at European Union level to scrap existing national extradition laws and replace them with an EU arrest warrant that would be recognised in all 15 member states. It has been mooted that such warrants might also be extended to enable the authorities in one EU state to order a search or seizure of goods in another.

Other non-legislative measures include forcing communication service providers, such as telecoms firms and Internet Service Providers, to retain data from their customers for up to twelve months, which the

police and secret services can then “trawl” though to extract information. This would include all emails sent or received over an ISPs network, logs recording an individual’s visits to websites, as well as details of phone and fax calls.

Stressing the need for “good intelligence,” Blunkett said police would be given access to passenger lists and freight manifests, with customs and revenue departments also being able to share data with the police and other agencies. In addition to strengthening airport security, wider powers would be granted to British Transport Police, as well as Ministry of Defence and Atomic Energy Authority police, enabling them to operate outside their normal jurisdictions.

One insidious proposal is the introduction of a new offence of “incitement to religious hatred”, punishable by up to seven years imprisonment. This has been justified by claims it will be used against those expressing anti-Muslim sentiments. While it is far more likely to be turned against more militant Islamic groups, it also has the potential to stifle any public criticism of religion.

Given the seriousness of the planned legislation, the response from the liberal media and human rights groups has been generally limited to the most obvious areas of potential abuse, such as internment. In the only editorial comment it has published so far, the *Guardian* praised parliament for its “thoughtful, constructive but far from complacent” response to Blunkett’s announcement. However, aside from a handful of backbench Labour MPs, who recently tabled the mildest criticism of the war (and were rounded on by the government for doing so), parliament is united behind the Blair administration in pursuit of the war against Afghanistan. Only a political naïf should expect Westminster to champion democratic rights at home while it is loudly cheering the most brutal acts of war abroad.

It was left to comedians and satirists to make outspoken criticism of the proposals to introduce “incitement to religious hatred” legislation. Rowan Atkinson, famous for his “Mr Bean” character, wrote to the *Times* this week, “Having spent a substantial part of my career parodying religious figures from my own Christian background, I am aghast at the notion that it could, in effect, be made illegal to imply ridicule of a religion or to lampoon religious figures.” Atkinson

goes on to say that whereas supporters of the legislation would argue neither he nor the “comedy world” were its intended targets, “laws governing highly subjective or moral issues tend to drag a very fine net, and some of the most basic freedoms of speech and expression can get caught up in it.”

In contrast prominent human rights lawyer Geoffrey Bindman, who was involved in the case to deport General Pinochet to face trial in Spain, dismissed such concerns for democratic freedoms, with the assertion, “There will still be room for humour and rational debate.” In this he was merely echoing comments by a Home Office spokesman that there was “no intention to stifle fair comment and debate, whether satirical or otherwise.”

Blunkett told parliament he would be “examining wider powers in relation to incitement” and “conspiracy,” two areas of the law that have produced the most miscarriages of justice. In future, the powers the state is now seeking to arrogate to itself with the minimum of democratic debate or scrutiny can be directed against all manner of opponents of the government. The last time “emergency” anti-terrorist legislation was introduced in Britain—the 1974 Prevention of Terrorism Act (Temporary Provisions)—it remained on the statute book for years, being renewed annually under both Conservative and Labour governments. It was finally incorporated permanently in the 2000 Terrorism Act.

The PTA, as the law was known, allowed suspects to be detained for up to five days without recourse to a lawyer, and included a form of internal exile, in which people from Northern Ireland could be “excluded” from visiting Britain. The British government’s pursuit of alleged “Irish terrorists” gave rise to some of the most infamous miscarriages of justice. Completely innocent people such as the Birmingham Six or Guildford Four, falsely accused of having committed bombings, were kept locked up for over a decade and a half. Labour’s new version of the PTA has all the potential for more such legal travesties.



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