

# Britain: Parliament passes draconian anti-terror legislation

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The House of Lords finally agreed to the Blair government's Anti-terrorism, Crime and Security Act in the early hours of December 14. In the Commons, MPs had to wait hours past the official close of business, in order to rush the bill onto the statute books before Christmas. The civil rights group Liberty said the act contained "alarmingly repressive measures".

The Lords' vote further underscores the absence of any significant democratic sentiment within the British establishment. Just three months after the September 11 attacks in the US, Labour and the Conservatives have joined forces to overturn longstanding civil liberties, with scarcely a murmur of protest from the media.

For weeks, the Lords had threatened to veto the legislation, which had passed through the Commons in just three days. However, before it can become law, both Houses must approve an act in its final form. By threatening to hold up the anti-terror bill, a coalition comprised mainly of Conservative and Liberal Democrat peers had hoped to force Home Secretary David Blunkett into making certain changes.

Lord Strathclyde, leader of the opposition in the Lords, stressed that peers also wanted a "tough anti-terrorism bill", but one that "does exactly what it says and deals with the problem of terrorism". The problem with the draft bill was that it was too "widely drawn", he continued, and as such would affect individual civil liberties.

The measures contained in the new act are indeed sweeping in their scope, which itself refutes the claim that the legislation is motivated solely by a desire to combat terrorism. Rather, in Britain as elsewhere, the government is utilising the September 11 attacks as a pretext for imposing long-sought restrictions on democratic rights. Under the draconian powers contained within the new act, the state is empowered to intern suspected foreign terrorists without trial, obtain access to a mass of personal

data on any individual, and snoop on personal communications.

But the supposed tough stance taken by the Lords' in defence of civil liberties is contradicted by the fact that the peers settled for a series of relatively unsubstantial amendments, leaving the draconian core of the legislation intact. Lord Strathclyde, who had earlier indicated that peers would go along with the government's proposals, acknowledged that the new act removed "some very ancient rights that exist in British law". If this were to be done, Strathclyde continued, the results, "would have much more authority if they were born out of political consensus."

The first criticism raised by the Lords was that the government's measures did not go far enough! Peers supported the introduction of internment for foreign nationals suspected of involvement in terrorist activities overseas, but demanded that this be amended to also include those suspected of terrorist activities in Britain. Conservatives, in particular, want the right to use such legislation against Irish Republicans opposed to the Good Friday Agreement in Northern Ireland.

In a separate vote, the Lords voiced their opposition to government plans to remove the right of those detained under the new laws to seek a judicial review.

The power for indefinitely renewable internment had required the home secretary to declare a state of national emergency, so as to abrogate part of the Human Rights Act. The government proposed that those accused of terrorist activities could appear before a Special Immigration Appeals Commission (SIAC), which would meet in camera. Following the Lords' objections, Blunkett agreed to upgrade the status of SIAC into a "higher court of record", but those interned will still have no right of appeal to a normal court of law.

The Lords also accepted granting the police sweeping powers enabling them to access personal data, including

communications and tax returns, merely with the proviso that disclosure should be “proportionate to tackling terrorism”.

Their Lordships also agreed that communications companies could retain information on customers’ telephone calls and emails, but that this should be limited to cases of suspected terrorist activity.

Since the government has insisted that it is not possible to clearly establish cases of suspected terrorism without first gaining access to such information, the amendment is virtually worthless. A government spokesman confirmed this when he pronounced that the Lords’ opposition to the measure seemed “to be based on a naive distinction between terrorists and criminals.”

The government also agreed to restrict its plans to fast-track European security legislation without debate through Britain’s parliament. It has stated that this will only apply to measures drawn up in the aftermath of the September 11 terror attacks and which were agreed by European Union ministers at last week’s summit in Belgium. But the concession in no way impinges on the government’s intention to by-pass parliament so as to impose even more draconian security measures.

Most significantly, the Lords accepted that the new act could be renewed without full parliamentary scrutiny. The government had refused to accept a proposed “sunset clause”, which would have meant the legislation fell after one year. In a compromise, the Lords accepted that a Privy Council committee of seven “wise people” would be able to review the measures after two years, with only the committee’s report then going before parliament. The Privy Council is an unelected body; constitutionally it is answerable only to the reigning monarch.

Just one week before the substantive vote, Blunkett then signalled that some accommodation could be found. Writing in the *Times* newspaper, he presented his proposal to accept a review of the operation of the new anti-terror bill by the Privy Council as the “act of a listening government.”

The home secretary warned darkly that any further restrictions on his proposed measures would open up Britain to terrorist outrages. “God willing, there won’t be an attack on us over Christmas and New Year,” he said, “because all those who tell me we are not [at risk], are the ones who do not have the security and intelligence information which for my sins I carry.”

In an interview with *BBC Radio 4*, the home secretary claimed that, “The reality is that three months on, we are no less at risk now than we were on 12 or 13 September.

Although we’ve made tremendous progress against the al Qaeda network and Osama Bin Laden, their network is out there.”

And writing in the *Sunday People*, Blunkett said that he was not “prepared to stand back and watch this country’s fight against terrorism be sacrificed in some party political game”. In a fit of pique, no doubt occasioned by the warm welcome the Bush administration had accorded to Conservative Party leader Iain Duncan Smith on his visit to the White House only days before, a government spokesman criticised the opposition’s “barefaced hypocrisy. On the one hand he [Duncan Smith] goes round Washington saying he will back us in the fight against terrorism, but at home the Tory party [is] busy kneecapping huge and essential parts of the bill.”

The Lords did succeed in getting the home secretary to withdraw the clause making “incitement to religious hatred” a crime, however. Whilst this clause was supposed to counter expressions of anti-Islamic prejudice, its implications are deeply anti-democratic and were widely criticised for threatening the freedom of speech.

With just hours to go to meet the legislative deadline, for a second time peers voted against the measure, by 234 votes to 121.

To save the legislation, Blunkett was forced to concede the clause. But he angrily dismissed claims that the opposition had scored a victory, describing Liberal Democrats complaints that the measure curtailed free speech as “stupid”. In contrast, Blunkett praised the Conservative Party, and his opposite number, shadow home secretary Oliver Letwin, for enabling a compromise to be reached. Thanks to its “sensible” opposition, the government had been able to achieve “virtually everything we wanted from this act”. The UK government now had some of the toughest anti-terrorism legislation in the world, he boasted.

Just four days later on December 18, police and immigration officials raided homes in London, Bedfordshire and the West Midlands using the new anti-terror laws. Twelve foreign nationals suspected of involvement in terrorism were arrested in the raids, and have been taken into indefinite custody. No further information about them has been released.



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