

# Britain: Government threatens to change law to enable continued detention without trial

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The release of two men from prison has once again drawn attention to the British government's policy of detaining terrorist suspects without trial. There are currently 13 foreign nationals being held in British prisons without due process. They have not been charged with any offence, they have not heard the evidence against them, nor have they been sentenced by any court. They are being held on the basis of mere suspicion. Eight of them are being held in Belmarsh high security prison, which has been called Britain's Guantanamo Bay.

In total, 548 people were arrested under anti-terror laws between September 11, 2001, and the beginning of April this year, according to Home Office figures. Only 91 of them have subsequently been charged and only 15 convicted of any terrorist offence.

One of the 13 detainees, who has been named only as "M," was released after the Special Immigration Appeals Commission (SIAC) decided that the evidence against him was "wholly unreliable and should not have been used to justify detention."

SIAC is a court composed of three high court judges that meets in secret and does not allow the accused person the right to scrutinise the evidence against them. That a court of this kind should dismiss the government case against M gives some indication of how bogus the case was. Three appeal court judges then upheld the ruling when the government contested it.

The man had been detained for 16 months under the Anti-Terrorism Crime and Security Act, which was rushed through parliament in 2001. This legislation allows the government to detain foreign nationals without charge or trial on the basis of suspicion that they may have been involved in international terrorism.

Interviewed after his release M told reporters that the conditions inside Belmarsh were designed to humiliate

the detainees and destroy their dignity. Some of them, he said, are on hunger strike because they were being denied a diet appropriate to their religious needs.

He said, "As a friend, I knew some of them outside of the prison. Their behaviour and how they were when I saw them inside was completely different. They had lost weight and three or four of them had gone crazy."

Confirmation of his statement was immediately forthcoming. In a second case a man identified as "G" was released on bail by SIAC because his mental health had deteriorated so badly in the course of 18 months imprisonment that he was suicidal.

In what purported to be a humane judgement, SIAC ruled that the man should be confined under house arrest. He must wear an electronic tag, phone the tagging company five times a day, and have no communication with anyone except his immediate family, doctor and lawyer.

The conditions that drove G to a mental breakdown are all too plain from M's account of his experiences in Belmarsh. When he arrived at the prison he had no idea what he had been arrested for or the terms on which he was to be held. Only when he spoke to other Muslim prisoners did he realise that he was to be held indefinitely.

"This meant for me my grave," he told the *Guardian*. "I really thought I would die in prison because I understand at the time the global situation which indicated to me this sort of thinking, because they are now going to have this war on terror."

He described G's mental condition in graphic terms. "Sometimes he is crying, sometimes he said, 'I would like to kill myself, I can't stay alone in my cell.' He is just thinking, 'When am I going to die?'"

Despite the evidence of the man's ill health, Home Secretary David Blunkett condemned the decision to

release G on bail as “extraordinary.” He announced that he would be seeking to change the law to enable him to overrule judges in such cases. Courting the tabloid headlines as usual, Blunkett said, “I have not called it bonkers, but no doubt other people will.”

Blunkett’s remarks came in for immediate criticism from the judiciary. Former Master of the Rolls Lord Donaldson stressed the importance of politicians accepting judicial rulings. In an interview on the “Today” programme he said, “You have somebody who occupies so senior and influential a position as the home secretary simply being rude to the referee.... If you expect the people of this country to abide by court decisions then you should get a lead from very senior politicians and that regrettably we are not getting.”

Blunkett’s outburst and Lord Donaldson’s response reflect the fact that there has never been a British government that has shown such contempt for the rule of law and the conventions of legal procedure as the present one. As a result there are growing tensions between the Home Office and the judiciary. In the M case three appeal court judges, chaired by Lord Chief Justice Woolf, ruled that the home secretary had acted “inappropriately” and “unlawfully.” They denied Blunkett leave to appeal against their decision.

Aided and abetted by the press the Blair government is forcing through dramatic changes under cover of the war against terrorism. Just how far the government has already gone was highlighted by comments made recently by civil rights lawyer Gareth Peirce. As a lawyer for the Birmingham Six, framed up and imprisoned for IRA bombings in Britain in 1974, she is well used to dealing with miscarriages of justice. But the scale of what is happening now has clearly disturbed her.

She said, “I have never known such venom and such hatred and such constant unchecked fascistic expression of daily appalling, often fabricated, always imagined, always exaggerated verbiage as there has been against the Muslim community. We have lost our way in this country. We have entered a new dark age of injustice and it is frightening that we are overwhelmed by it.”



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