

Britain's senior prosecutor: no such thing as a "war on terror"

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Britain's director of public prosecutions has publicly called into question claims by Prime Minister Tony Blair and his government that the country is engaged in a "war on terror."

In a speech to the Criminal Bar Association this week, Sir Ken Macdonald QC (Queen's Counsel) said, "London is not a battlefield. Those innocents who were murdered on July 7, 2005 were not victims of war. And the men who killed them were not, as in their vanity they claimed on their ludicrous videos, 'soldiers'. They were deluded, narcissistic inadequates. They were criminals. They were fantasists. We need to be very clear about this. On the streets of London, there is no such thing as a 'war on terror', just as there can be no such thing as a 'war on drugs.'"

"The fight against terrorism on the streets of Britain is not a war," he said, criticizing "post-9/11 rhetoric" which had "encouraged knee-jerk legislation hostile to traditional rights." It followed that the criminal justice response to terrorism must be "proportionate and grounded in due process and the rule of law." "We must protect ourselves from these atrocious crimes without abandoning our traditions of freedom."

Macdonald's remarks were directed in particular at the government's opt-out from the European Convention on Human Rights on the grounds of a national emergency in order to pass its anti-terror laws.

Government measures enabling the indefinite detention of suspected terrorists without trial were ruled incompatible with human rights by the courts. In response, it introduced control orders, effectively a form of house arrest, which impose severe restrictions on freedom of movement and communication, despite no criminal charges being brought against the individual concerned.

The government is now set to add to anti-terror

legislation. According to reports, some of the measures being considered are plans for secret courts, involving specially vetted judges and solicitors, to hear terror cases.

Defending the right to a fair trial, Macdonald said that people would draw their own conclusions as to the validity of claims that "the very 'life of the nation' is presently endangered."

"And everyone here will equally understand the risk to our constitution if we decide that it is, when it is not."

Macdonald's depiction of terrorist acts by Islamic fundamentalists as merely the criminal behaviour of deranged fantasists ignores the complex factors that have fuelled the growth of such reactionary tendencies—and above all the role played by Britain's participation in the wars against Afghanistan and Iraq.

Nonetheless, his criticisms of the government have far-reaching implications. For if the "war on terror" is bogus and measures against terror must and can be "proportionate and grounded in due process and the rule of law," then there are no grounds for the sweeping anti-terror legislation that has been enacted. It follows that the government is guilty of perpetrating a massive hoax in order to impose measures that undermine fundamental democratic rights.

Why should it behave in such a way? Macdonald did not address this question, which is intimately bound up with the tremendous growth in social inequality that has occurred under the Blair government and the rule of a super-rich elite that can only be maintained through undemocratic means.

It is not clear how long Macdonald has held his opinion of the government's measures. Appointed DPP in November 2003, he has been remarkably slow to publicly voice his concerns despite the passage of at

least two anti-terrorism bills during his tenure.

This includes the Terrorism Bill 2006, which represents the most draconian attack on civil liberties in British history. In violation of habeas corpus, which prohibits arbitrary detention by the state, the period in which police can hold a person suspected of terrorist offences without charge was increased from 14 to 28 days. The bill, which builds on 200 other pieces of anti-terror legislation, also introduced such deliberately vague crimes as glorifying terrorism, and acts preparatory to terrorism.

Indeed, Macdonald remarks were internally contradictory. Having rejected the justifications offered by the government for its overturning of democratic rights, the QC made clear his support for 28 days detention, claiming that this was necessary because, “We simply no longer live in a world where it is possible to come to charging decisions as quickly as in the past.”

Macdonald’s record hardly justifies the effusive support it received from the *Guardian*, whose January 25 lead article was entitled, “In Praise of ... Sir Ken Macdonald.” His remarks were significant more for what they reveal about the state of perpetual political warfare that now surrounds Blair.

In addition to widespread popular hostility, the prime minister is increasingly under fire from significant sections of the establishment. The deepening crisis facing occupation forces in Iraq, coupled with massive international and domestic opposition to the Bush administration, on whose success Blair had pinned British foreign policy, has convinced many within the highest echelons that the prime minister’s time is up. Such is the stench of criminality surrounding his premiership that even those previously supportive of government policy are now desperate to distance themselves from it.

Macdonald must be particularly keen to be seen as independent from Blair. In December, the QC was awarded a knighthood by the government. Yet, as the director of public prosecutions, it is he who will officially decide whether criminal charges can be brought over the cash-for-peerages scandal now engulfing the prime minister.

What is certain is that the opposition of Macdonald and others like him to various aspects of the government’s policy is of a tactical rather than a

principled character. Their concern is that the Iraq war and the accompanying “war on terror,” combined with the feeding frenzy enjoyed by the super-rich at the expense of workers’ living standards and public services, is fatally undermining the ideological foundations and institutions of bourgeois rule.

That is why the pro-Blair *Guardian* felt able to congratulate Macdonald for his speech, while reassuring the powers that be that “Sir Ken is no armchair liberal opposed to every change in legal process,” but someone who has made clear that he “supports modernisations to address terrorist challenges.”



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