

Britain: Queen's Speech signals attack on civil liberties

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When Gordon Brown became Prime Minister five months ago, he sought to distance himself from the unpopularity of his predecessor Tony Blair by pledging “a new kind of politics.” On counter-terrorism legislation, he talked of a consultation period of “good will” rather than an immediate rush to pursue Blair’s repressive legislative agenda. Sections of the liberal establishment gave credence to Brown’s claims that he would “strengthen our liberties,” even though Home Secretary Jacqui Smith made it clear that new anti-terror legislation would be presented later in the year.

The first Queen’s Speech of Brown’s premiership last week made clear his government’s intent to deepen the assault on democratic rights and civil liberties. The Queen’s Speech presents the legislation a government will debate and seek to bring forward over the forthcoming parliamentary session.

Among the bills proposed by Brown is anti-terror legislation, centring on two main proposals. The first is to extend the period terror suspects can be detained without charge. The second is to extend the right to question suspects after they have been charged.

At present, suspects can be detained without charge for 28 days, longer than in any other major European country. In 1997, when Labour came to power, suspects could be detained for just 4 days. Home Office ministers have confirmed that their preferred option would be to extend the period to 56 days.

Two years ago, Blair lost a vote to extend the period of detention without charge from 14 to 90 days. This was when the limit was raised to 28 days. Smith is anxious not to repeat the experience of having government bills amended in this way. She therefore refused to state what the government’s preferred extension period would be when challenged on the BBC’s “Today” radio programme, and told the House

of Commons that she was “seeking to gain consensus.”

The Conservatives have claimed to oppose this extension. But they do not oppose extending detention without charge. Their preferred method would be the use of the Civil Contingencies Act, which would authorise an additional 30 days’ detention on top of the 28 provided by counter-terrorism legislation.

The civil liberties group Liberty, which opposed the 90-day limit and opposes the current proposed extension, also favours use of existing legislation. It argues in favour of removing restrictions on using wiretap evidence in court, and also agrees with the suggestion that suspects should be arrested for minor charges and then interviewed further as new evidence emerges.

Liberty’s Shami Chakrabarti has been among those most willing to see the supposedly positive aspects of Brown’s attitude to civil liberties. Shortly before the Queen’s Speech, she praised the government’s willingness “to consult widely, to adopt a listening tone and a less combative tone, in relation to anti-terror laws.” She expressed concern that Brown himself might be compromised by extending detention: “All this will matter little if effective internment is returned to this country.”

The police have been campaigning for an extension. The Association of Chief Police Officers stated that they could envisage circumstances in which a 28-day limit could be insufficient. They cite as justification the increasing complexity and scale of terrorism.

That this is a smokescreen can be seen from the number of recent convictions for terrorist offences that have not required 28 days of detention. In July, Brown claimed that six suspects had been held for 27 or 28 days, implying that the police were at their time limits. But commentators have noted that the police will

simply use the whole time limit available to them, regardless of how long that is.

The proposals have caused some anxiety among Labour Members of Parliament who would have to justify the extension to a sceptical and opposed electorate. Andrew Dismore, of the joint parliamentary human rights committee, said that Smith had not yet made a case for the extension, and that there was no evidence of the inadequacy of the present legislation. The same stance was taken by David Winnick, who said that if the detention period was to be extended, they must have “compelling evidence that it’s absolutely essential.”

The extension of detention has been the main focus of media attention. The other proposal, to continue questioning after charging, reveals even more clearly the wider attacks on civil liberties of the Brown government. The proposal has been advanced by the Conservatives and the Liberal Democrats as an alternative to detention without charge. The Tories claim that it was one of their policies originally.

Smith told the BBC that the proposal would effectively continue the police caution after charges had been brought. She said she saw it as “an important condition” that would provide prosecutors with “more of the tools they need” to counter terrorism.

Under the proposals, juries could be instructed to view negatively a suspect’s refusal to cooperate after being charged. Barristers have noted that after charge there is little to be gained by a suspect in commenting further. As they are already charged, their next recourse will be to explain before a jury. Some terrorist cases have taken years to come to trial.

Instructing a jury to draw negative conclusions from failure to cooperate with police efforts to build a prosecution case over a lengthy period is clearly a further attack on the presumption of innocence that is the basis for English law. Smith also suggested on the “Today” programme that such a measure might be applied more widely than just terror cases.

Liberty has been arguing for such a measure in terrorism cases, “provided that the initial charge is legitimate and there is no judicial oversight,” thus allowing “for a charge to be replaced with a more appropriate offence at a later stage.” Advocating what amounts to a legal sleight-of-hand—someone could legitimately be held on a host of lesser offences—shows

that the group is in fact acting as an adviser to the government in how best to get away with its attacks on civil liberties.

The government’s legislative programme was boosted by statements from the head of the secret service MI5 the day before it was revealed. Jonathan Evans, giving his first speech the day before the legislative programme was unveiled, claimed that at least 2,000 people are currently believed to pose a threat to national security.

Whipping up an atmosphere of right-wing hysteria to justify his appeals for further resources, he spoke of Al Qaeda targeting young teenagers in particular.

Writing in the *Guardian*, Simon Jenkins pondered, “Why has General Musharraf not telephoned Gordon Brown to express his ‘deep concern’ over yesterday’s Queen’s speech? Or Vladimir Putin or Mahmoud Ahmedinejad?”

“Here is a government unpopular and in trouble over terrorism. Its civil rights lawyers are up in arms. Its leader postpones a general election and summarily arrests anyone he sees as a danger to his state. He butters up the military by promising them more nuclear weapons. He announces changes to the constitution without consultation, imposes central rule over dissident local districts and extends imprisonment without trial. To soften up the public, he even gets his head of security to make a blood-curdling speech depicting every child as a potential suicide bomber.”

Describing Evans’s remarks as “pure Musharraf,” he warned that “Scaremongering by ministers, the police and security officials has bordered on the hysterical.”

But Evans was clearly appealing to the government when he said, “Every decision by the security service to investigate someone entails a decision not to investigate someone else.” The Queen’s Speech has indicated that the Brown government will listen and respond favourably to any appeal to further undermine democratic rights.



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