

Outcry over detention of Glenn Greenwald's partner under terrorism legislation

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Opposition is growing internationally to the nine hours detention of David Miranda, the partner of *Guardian* reporter Glenn Greenwald, under British counter-terrorism laws.

Greenwald has written a series of stories exposing the mass surveillance programs carried out by the US National Security Agency (NSA), based on documents given to him by former NSA contractor Edward Snowden.

All the facts point to Miranda being seized, in a chilling episode, by the UK authorities in collusion with the US government. Miranda was held Sunday morning at London's Heathrow Airport on his way from Berlin to his Rio de Janeiro home.

Miranda, 28, a Brazilian citizen, was kept incommunicado and interrogated by British police without access to secure legal counsel. British officials seized the electronic equipment in his possession, including his mobile phone, laptop computer, camera, memory sticks, DVDs and game consoles.

On Monday he described his ordeal. "I remained in a room, there were six different agents coming and going, talking to me. They asked questions about my entire life, about everything. They took my computer, video game, mobile phone, my memory cards, everything."

Greenwald wrote that the British authorities "are going to regret what they did... I am going to write my stories a lot more aggressively now. I am going to publish many more documents now. I am going to publish a lot about England, too. I have a lot of documents about the espionage system in England. Now my focus is going to be that as well."

The British government has responded to the outcry by denying any involvement in the detention of Miranda, claiming it was an "operational matter for the police" and that no further comment was required.

On Monday the opposition Labour Party called for an investigation into the use of the legislation that Miranda was detained under—Schedule 7 of the Terrorism Act 2000. Shadow Home Secretary Yvette Cooper said, "Any suggestion that terror powers are being misused must be investigated and clarified urgently."

"The purpose of Schedule 7 is to determine whether or not someone is involved in or associated with terror activity," she added.

Labour's call for an investigation is cynical. It was the Labour government under Prime Minister Tony Blair that introduced the Terrorism Act 2000. It was part of a raft of anti-democratic and authoritarian measures brought in by Labour under the guise of the "war on terror."

Section 44 of the Act, giving all-embracing powers of stop-and-search to the police, has been ruled illegal by the European Court of Human Rights. Schedule 7 is in force at all UK airports, ports and border areas and gives the police powers normally associated with dictatorial regimes. Under its terms the police do not require reasonable suspicion of terrorist-related activity in order to carry out a search and hold an individual for up to nine hours.

Keith Vaz, a leading figure in the Blair government and the current chair of the House of Commons Home Affairs Committee, which is currently conducting a review into terrorism, described Miranda's detention as "extraordinary." He farcically claimed not to be aware that personal property could be confiscated under Schedule 7 of the Terrorism 2000 Act, despite the fact that his own government passed the legislation.

On Monday Vaz went on record as being in support of the police state measures inherent in Schedule 7, stating, "It is right that the police have these powers but it is important that they are used appropriately."

He said the Home Affairs Committee would also look at Schedule 7.

The Terrorism Act 2000 is deliberately vague in classifying “terrorism.” A “terrorist,” as defined in (Section 40(1)) of the Act, is someone who either “is or has been concerned in the commission, preparation or instigation of acts of terrorism.”

One of the five clauses states that terrorism is “the use or threat of action” where “the action is designed seriously to interfere with or seriously to disrupt an electronic system.”

Covering a vast array of political and social activities, it states that terrorism is when, “The use or threat is designed to influence the government or to intimidate the public or a section of the public” and “the use or threat is made for the purpose of advancing a political, religious or ideological cause.”

With the detention of Miranda a dangerous precedent has been established in which anyone who is deemed to be a threat by the state, including journalists and their families, now face incarceration and interrogation without even the pretence of due process.

In holding Miranda under Schedule 7, the authorities were deliberately targeting his activity as terrorist related. Guidance drawn up in 2006 by the Association of Chief Police Officers states specifically, “As the power to stop and search under Schedule 7 does not require reasonable suspicion, it is essential that the power is used in a proportionate and justified manner. Officers must take care to stop people only in appropriate circumstances. The power must not be used to stop and question people for any other purpose than those under the Terrorism Act 2000.”

The code of practice for officers using the Terrorism Act, drawn up by the Home Office states, “An examining officer’s decision to exercise their Schedule 7 powers at ports must be based on the threat posed by the various terrorist groups active in and outside the United Kingdom.”

In her calls for an investigation Cooper stated, “The independent reviewer of terrorism legislation, David Anderson, has already warned of the importance of using Schedule 7 of the Terrorism Act appropriately and proportionately.”

So naked is its infringement on basic democratic rights that Anderson has now been forced to call for parliament to look into why Miranda was seized and

has requested that certain “safeguards” be enacted regarding Schedule 7. These are strictly advanced within his support for the legislation as a whole. Rather than an individual being held for nine hours, Anderson favours limiting the detention time to six hours, and recommends an individual go an hour before having access to a lawyer.

Once again wheeling out the discredited, spurious justification that such laws are required to combat “terrorism,” he stated, “This is a useful power. It does capture terrorists. It does disrupt terrorists. And it is very important that in some form it should continue to exist.”

Liberty, the UK human rights group, is currently challenging Schedule 7 at the European Court of Human Rights. It is citing the case of a British citizen of Asian origin who was detained at Heathrow under Schedule 7 for four- and- a half- hours in November 2010 who was interrogated about his salary, his voting habits and the trip he had been on. All his paperwork was seized, with copies taken as well as his credit cards. His mobile phone was confiscated and only returned to him eight days later.



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