

UK uses Charlie Hebdo attack to justify repressive powers

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The attack on *Charlie Hebdo* in Paris has provided the latest hook for the government of Prime Minister David Cameron to hang plans for further repressive powers for Britain's security services, MI5, MI6 and Government Communication Headquarters (GCHQ).

Yesterday Cameron held a "full briefing" meeting with security and intelligence chiefs. His spokesman said the prime minister asked the police and military to continue to work closely together and "discussed the risk posed by firearms" and stepping "up our efforts with other countries to crackdown on the illegal smuggling of weapons across borders."

The meeting follows a demand by Andrew Parker, the head of MI5, last week for greater surveillance powers. "If we are to do our job, MI5 will continue to need to be able to penetrate their communications as we have always done," he said. "That means having the right tools, legal powers and the assistance of companies which hold relevant data."

Cameron stressed his determination, should he win the May 7 general election, to give the security services more powers to intercept the communications of terrorist suspects. His was a reference to the Draft Communications Data Bill that is popularly known as the "snooper's charter"—previously blocked from passing into law by the Liberal Democrats, the Conservative's coalition partners.

Speaking to ITV News, Cameron stressed the comprehensive character of the surveillance envisioned:

"I have a very simple approach to this issue which is that ever since we faced these terrorist threats it has always been possible, in extremis, with the signature of a warrant from the home secretary, to intercept your communications, my communications, or anyone else, if there is a threat of terrorism. That is applied whether

you are sending a letter, whether you are making a phone call, whether you are using a mobile phone, or whether you are using the internet."

These measures cannot pass through parliament before a general election, but Cameron stressed, "What we have done passing the recent law is we said that law will automatically fall in 2016 so a future government, whether it is led by me or led by someone else, will have to confront this issue and legislate."

He was referring to the Data Retention and Investigatory Powers Act, passed July 17 last year and already obliging Internet and phone companies to store their customers' personal communications data for 12 months and give access to the police. Labour supported the legislation on the basis that a review would be carried out by David Anderson QC, the independent reviewer of anti-terrorist legislation, and that it would expire in 2016.

Undoubtedly a Tory-led government would pass the bill. Boris Johnson, the Conservative Mayor of London, who is tipped to be Cameron's possible successor as party leader, said, "I'm not particularly interested in this civil liberties stuff when it comes to these people's emails and mobile phone conversations. If they are a threat to our society then I want them properly listened to."

As for Labour, party leader Ed Miliband has said officially that he would not support legislation modelled on the snoopers' charter—but experience confirms that his "cautious and considered" approach to calls for increased surveillance powers is without genuine substance.

The government's Counter-Terrorism and Security Bill is due for its second reading in the House of Lords today.

First put forward in November last year by Home

Secretary Theresa May, it requires schools, universities and local authorities to take steps to counter radicalisation. A Home Office consultation paper states that universities “must take seriously their responsibility to exclude those promoting extremist views that support or are conducive to terrorism”.

University staff will be expected to refer students at risk of being drawn into terrorism to external anti-radicalisation programmes and to challenge extremist ideas, including non-violent extremism that can be used to justify terrorism to “prevent people from being drawn into terrorism”. Institutions that fail to do this face possible ministerial direction enforced by a court order.

Internet providers must retain Internet Protocol address data to identify individual users. The snooper’s charter went further and would force companies to keep data about people’s online conversations, social media activity, calls and texts for 12 months.

The bill brings changes to Terrorism Prevention and Investigation Measures (TPIMs) to allow authorities to force suspected terrorists to move to another part of the country (a form of internal exile) and lowers the burden of proof for imposing TPIMs from “reasonable belief” to “balance of probabilities.”

It also includes measures enabling passports to be cancelled at the border for up to 30 days and statutory temporary exclusion orders to control the return to the UK of British citizens suspected of terrorist activity—measures that de facto deny the right to citizenship by rendering someone effectively stateless.

This will be facilitated by measures requiring airlines to provide passenger data more quickly and effectively.

Miliband has already pledged cooperation with these measures.

The sweeping anti-democratic character of the legislation has led to a toothless protest by parliament’s Joint Committee on Human Rights. Its chair, Labour MP Dr Hywel Francis, urged that universities be exempted from a duty to counterterrorism as this would seriously restrict academic freedom of speech. “Lack of legal certainty over the definitions of terms such as ‘extremism’ referred to in the draft guidance on the use of the power means that universities will not know with sufficient certainty whether they risk being found in breach of the new duty,” the committee said, and this will have a “seriously inhibiting effect on bona fide

academic debate.”

The MPs and peers on the committee also write of “a very real risk that the human rights of UK nationals will be violated” by the home secretary’s new power to issue exclusion orders that will be in operation for up to two years. But this will in all probability end with some essentially meaningless promise of an as yet unspecified form of judicial oversight.

MI5 has made clear that Parker’s speech was in fact already planned and written weeks ago. The bill now under discussion was likewise long in preparation, as were the measures to permanently legalise mass bulk data retention. But the Paris murders allowed Chancellor George Osborne, then Cameron, to pledge additional resources and powers—in addition to the £100 million funds provided over just the past few weeks.

Accompanying the new package of repressive measures are efforts to specifically target the Muslim population. Culture Secretary Sajid Javid, a Muslim, told BBC Radio 5 Live, “The lazy answer, I think, from people out there, is to say that [the Paris attack] had got nothing whatsoever to do with Islam and Muslims and that should be the end of that part of the debate. That is lazy and that would be wrong.”

He then told *Sky News*, “All communities can do more to try and help deal with terrorists, try and help track them down. But I think it is absolutely fair to say that there is a special burden on Muslim communities because whether we like it or not these terrorists call themselves Muslims.”

Javid said of the government’s anti-terror legislation, “There have been a number of measures to de-radicalise and prevent radicalisation in the first place, and the question is, does it need to be tougher? I think the answer is yes.”

Yesterday, Cameron’s official spokesman walked through the door opened by Javid, stating that he was correct and that Muslim families in Britain are seeing a “small number of their relatives” travelling abroad and joining radical groups ... it is that community whose religion is being warped.”



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