

UK Terrorism Act used to prevent British Library obtaining unique historic archive

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The British Library has refused to host a digital archive relating to the history of the Taliban, after the institution was told by lawyers that holding the collection would violate Britain's draconian anti-terrorism legislation.

The Taliban Sources Project was compiled by a 10-member team, and includes in its records official newspapers, magazines, books of sharia law, maps and poetry. It mainly covers the period of the 1990s to the run-up to the 2001 US invasion of Afghanistan. The team, who worked for two years cataloguing the material, translated more than two million words from Pashto to English to make the documents more accessible.

The decision by the library demonstrates yet again the vast scope of the reactionary Terrorism Acts of 2000 and 2006. Far from being used to fight "terrorism", they are in place as the means to clamp down on democratic rights, curtail civil liberties and suppress social opposition.

The Terrorism Acts of 2000 and 2006 make it an offence "to collect material which could be used by a person committing or preparing for an act of terrorism."

The decision by the British Library demonstrates the extent to which the laws are also being used to curtail academic and intellectual freedom.

Felix Kuehn, one of the organizers of the project, said the archive "gives a unique window into the Taliban's worldviews, their negotiations with foreign governments, how they viewed history". He added, "Our knowledge of the Taliban in the 1990s is dominated by Western media coverage that was highly politicized, in part because information was not easily accessible".

Alongside Kuehn, Alex Strick van Linschoten was central to the development of the project. Strick van Linschoten was a graduate of the School of Oriental and African Studies and is now an academic at Kings College in London. An expert on Afghanistan, he has written and edited several books on the Taliban and is currently writing another on "the identity of the Afghan Taliban

movement 1978-2001". He has reported as a freelance journalist from Afghanistan, Syria, Lebanon and Somalia, submitting material to publications including *Foreign Policy*, the *Sunday Times* and the *Globe and Mail*.

The archivists originally took the project to the British Library in 2012, where they received advice from a leading scholar. Strick van Linschoten stated on his web site, "It was hoped the project", which "included members of the British Library on its advisory board, would prove an unprecedented resource for academics and officials trying to understand the movement and the ongoing insurgency in Afghanistan."

The British Library said, "although the archive was recognised as being of research value, it was judged that it contained some material which could contravene the Terrorism Act [2006], and which would present restrictions on the library's ability to provide access to the archive for researchers".

It added: "The Terrorism Act places specific responsibilities on anyone in the UK who might provide access to terrorist publications, and the legal advice received jointly by the British Library and other similar institutions advises against making this type of material accessible."

This is a chilling statement.

The British Library, the national library of the United Kingdom and the largest library in the world by number of items catalogued, has been told it will be illegal for it to hold archives, collated by a dedicated team of experts, on a critical period in the modern history of Afghanistan.

The British Library, a "legal deposit library", receives copies of all books produced in the United Kingdom and Ireland. It also receives a large number of overseas titles distributed in the UK. The recently refurbished institution is one of the most important research libraries in the world, holding around 170 million items from many countries, in many languages.

David Anderson Q.C, the independent reviewer for Britain's anti-terrorism legislation, responded to the British Library's decision by stating that if the Terrorism Act "were interpreted to prevent researchers from accessing Taliban-related material that would impact their academic work, it would be very regrettable". He added, "That's not how academics work."

This is not the first time the Act has been used to impinge on academic freedoms and basic democratic rights. In 2008, University of Nottingham student Rizwaan Sabir and staff member Hicham Yezza were arrested under the Terrorism Act 2000.

Sabir, then a politics student at the university, was planning to complete a master's degree on Islamic extremism and international terrorist networks. He was researching his dissertation on "the American approach to Al Qaeda in Iraq."

As part of his preparation, he downloaded, from a US government web site, a copy of an Al Qaeda training manual. The document was freely available on a number of web sites and could have been purchased in book form at Amazon.com. He then emailed the document to Yezza to ask if he was able to print it for him. Sometime after this, someone contacted the police, stating that the manual had been seen on Yezza's computer.

Sabir and Yezza were both detained for six days before being released without charge.

Sabir, now an academic at Liverpool John Moores University said of the British Library's refusal, "[T]he law is clear ... it says that sharing information that encourages or is useful for terrorism is a criminal offence". He added, "Simply holding or sharing the information is a criminal offence that can carry a prison sentence ... such laws have a deeply damaging effect on the freedom of scholars to research."

"Where such offences exist", Sabir said, "a climate of fear and self-censorship becomes inevitable, and free scholarly inquiry becomes next to impossible."

Following the 2013 release of Edward Snowden's revelations about the mass spying operations of the US National Security Agency and that of Britain's GCHQ, the Terrorism Act was infamously used to detain David Miranda, the partner of then *Guardian* journalist Glenn Greenwald.

In a sinister operation, Miranda was detained and questioned for nine hours—the maximum allowed by the relevant section of the Terrorism Act of 2000. He was denied the right to a lawyer and the right to remain silent. His personal effects were seized and not returned. These

included his computer, cell phone, camera and memory sticks containing documents leaked by Snowden.

Last year a reporter for local daily Sheffield newspaper, the *Sheffield Star*, was threatened with arrest under the Terrorism Act, as he merely attempted to film a protest against cuts to concessionary travel passes for pensioners and disabled people.

The British Library's decision has been criticised by a number of academics working in the field of terrorism studies. James Fitzgerald, a professor at Dublin City University and editor of the *Critical Studies on Terrorism* journal, said, "It goes against the foundations of good research. The whole point of a library is to house this kind of information, to house history. You can't have good or new research without primary data." Fitzgerald noted, "This is a symptom of a creeping orthodoxy of UK legislation that is trying to enforce so-called British values."

He said that new government guidelines to universities, centred on requiring them to identify "potential radicals", were already having a negative impact. "Some lecturers don't want to do modules on terrorism anymore because they don't want to come under suspicion."

Since coming to power in May, the Conservative government has strengthened the apparatus of state repression.

Under legislation outlined at the time, the authorities will be able to punish anyone engaged in "harmful" behaviour, ranging from public disorder to threatening the functioning of democracy. Individuals or groups subject to "extremist disruption orders" and "banning orders" will be compelled to submit to the police all material they intend to publish, including on social media. Individuals may also be prohibited from attending public gatherings and speaking at demonstrations or protests.



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