

DETAIN BLAIR



It comes as something when it fell to Israel's chief justice to remind Britain that it is the duty of the justice system to "protect democracy both from terrorism and from the means the state wants to use to fight terrorism."

This warning came in the face of a torrent publicity from the Murdoch press, calling for a draconian increase in state powers to detain people without charge.

For the record, I have voted against the Terrorism Bill on every possible occasion, and will continue to do so throughout its passage. This has nothing whatsoever to do with being soft on terrorism. It is because the Bill is wretched, ill-thought-out and almost entirely counter-productive. Downing St has driven this by playing on the politics of fear and the debate is now far more about the Prime Minister's vanity than about national security.

Before going into the details of what has been going on behind the scenes, I want to just turn the clock back a bit. Before Tony Blair took Britain into the war on Iraq. I warned that the illegal war would make us a target for terrorism and that this, in turn, would lead the government into a second war; a war on civil liberties in Britain.

In exactly the same way that he did over weapons of mass destruction in Iraq, Blair stood before the House (and the media) claiming he had seen 'over-whelming and compelling' evidence to support his case. Knowing that his Iraq claims turned out to be complete porkies, it was unsurprising that parliament looked a little more systematically at the claims about the need for 90 day 'detention without charge' powers to be given to the police.

Though the Sun newspaper has already denounced those of us who defeated the proposals as 'traitors', the reality is that MPs of all parties looked at the evidence behind the claims and found it woefully inadequate. Less than 2 years ago, Parliament doubled the period of 'detention without charge' to 14 days. Since then, there has not been a single case of the police having to release anyone at the end of 14 days, that they then had to re-arrest or re-interview. When asked to submit evidence in support of the 90 day detention claim, the police sent in one press release and two sketchy outlines. The main example they gave turned out to be almost farcical.

The so-called 'Ricin case' involved someone who, once released by the police, left the country and could not subsequently be charged. There are a couple of problems with this example. The first is that the police never found any Ricin. The second is that the whole case collapsed anyway. And the third is that police released the suspect after 2 days, not at the end of 14 days.

To change existing law you have to show it isn't working. Neither the police nor the PM were able to do this. Instead, they focused on defects that have much simpler remedies and resorted to scare tactics, pretending that any refusal to curtail liberties would be a green light to terrorists. What nonsense.

The police want the right to question a suspect after charge. It is a fair point, even though the power already exists where new evidence becomes available. To widen this power, in relation to terrorism, the easiest way is to change the Code of Practice that defines questioning guidelines.

The same applies to problems of accessing encrypted data. It is an existing offence for people to withhold encryption keys relating to seized computer data. Anyone doing so can be automatically charged and detained.

By now over 1,000 people have been arrested and detained under the Terrorism Act 2000. The vast majority of these have been released without charge. The danger is that in extending the time people can be held without charge, the police acquire general 'fishing' powers that deeply alienate public support. This is precisely what happened over internment powers in Northern Ireland.

At this year's Labour Party conference in Brighton people were arrested, under anti-terrorism laws, for wearing provocative T-shirts. There is a campaign in Brighton to secure the release of a local man, Omar Deghayes, currently held in Guantanamo Bay. The 'provocation' people were arrested for came in the form of wearing T-shirts bearing the words "Free Omar, Jail Blair". Of course, they weren't held for 14 days. None were charged with anything. The anger was simply at terrorism laws being used to tackle dissent rather than terrorism.

The current Bill takes us into even more dangerous waters that criminalise both 'encouragement' of terrorism and its 'glorification'. In parliament, I read out the opening paragraphs of a book that will certainly become illegal under the new Bill. It was George Orwell's 'Homage to Catalonia'. The book glorified those who took part on the Republican side of the Spanish civil war. Even the British Library has complained about huge numbers of books that will fall foul of the new law.

Ministers argue that such struggles were ones of the past and are not part of the modern world. They must live on a planet I do not recognise. Almost 2 billion people live in at least 28 countries that are either military dictatorships, theocracies or one party states. What happens to people who stand up and say that in states like Burma, Uzbekistan or Zimbabwe, citizens may have run out of non-violent means of bringing their repressive regime to an end? Such statements would now become terrorist offences. So too would the organising of public meetings to publicise what it is that resistance movements are at odds with their government over.

More than that, it is quite clear that the new laws would also be targeted at domestic protests that may do 'economic damage' that has nothing to do with threatening anyone's life. Environmental protestors will become 'eco-terrorists'. Animal welfare protestors will become bio-science terrorists; roads protestors, transport terrorists.

Pretty soon we will have criminalised most of society. And not one of us will be any closer to preventing another 7/7 bombing.

Evidence is now emerging that the police had the 7/7 bombers under detailed surveillance, but stopped because they believed nothing was going on. All this will come out in the public trials ahead. The failure was not in the absence of police powers but in the failure of basic policing practices by those in the surveillance operation.

None of this was the subject of parliamentary scrutiny. The compelling case is for an independent public inquiry into the 7/7 bombings, not a closing down of civil rights.

For Mr Blair, though, the issue is more about power than truth. The defeat brings to an end the period in which Britain has had an elected autocracy. Suddenly parliament remembered its own role in holding government to account. For Labour MP's it was also a democratic awakening that will run tinot their scrutiny of Downing Street proposals to marketwise education and the NHS.

Don't be surprised if parliament decides that these are the greater threats to society, and consigns them to far more than a 90 day detention.

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