

Campaign Against Criminalising Communities (CAMPACC)

2010 general election

Will candidates say no to unjust ‘anti-terrorism’ powers ?

The general election offers an opportunity to highlight the injustice of ‘anti-terror’ powers. They attack the right to a fair trial, to habeas corpus, to freedom of expression and political organisation. They are increasingly used to harass innocent people and peaceful protestors.

Below are sample questions, which you can use to:

Request written replies from Parliamentary candidates in your constituency

Put such questions to candidates at public events and write down the replies. Also ask whether they support the repeal of these unjust powers.

Please send any replies to CAMPACC via <sysnet@ntlworld.com> , so that we can collate them and post them on our website.

For further background information about ‘anti-terror’ powers, see the CAMPACC website, especially the section on legislation at <http://campacc.org.uk//index.php?page=legislation-2>

For information about how particular MPs voted, see <http://www.theyworkforyou.com/>

Sample Questions for Parliamentary candidates

1. Do you support ‘anti-terror’ stop-and-search powers which need no grounds for suspicion against individuals being targeted?

Background; Officers in England and Wales used the powers under s. 44 of the Terrorism Act 2000 to search 124,687 people in 2007-08, up from 41,924 in 2006-07. No more than one per cent of searches since 2003 led to an arrest, and over 90% of these arrests were for non-terrorist offences. Over four fifths of the searches were carried out by the Metropolitan Police, which used the power four times as often in 2007-8 than in 2006-7.

2. The Prevention of Terrorism Act 2005 authorises the Home Secretary to impose ‘control orders’, i.e. partial house arrest with restrictions on visitors, meeting people, use of computers and telephones, without a criminal trial to test evidence in open court. Isn’t this punishment without trial? Do you support this law?

Background; since 2005, almost 50 people have been subjected to control orders. In 2009 court rulings established that allegations kept completely secret from suspects could not be used to impose control orders, and that they should not impose curfews for more than 16 hours per day. Children and partners can be left unable to have friends to visit them, and unable to use computers at home, because of an order on another household member. This amounts to collective punishment of whole families including minors.

3. Do you think people should be deported or suffer house arrest under immigration powers for ‘reasons of national security’ without being able to know the evidence against them ? Would you support Diane Abbott’s Early Day Motion no. 1308 calling for no use of secret evidence in any judicial proceedings ?

Since 2001, over 60 people have been processed for deportation on grounds of ‘national security’ by the Special Immigration Appeals Commission. Often it hears evidence in secret and appellants are not permitted to know the case against them. As the cases drag on through appeals against deportation to countries which are likely to torture, many of these people have been incarcerated or placed under house arrest for several years.

4. Do you support the power to detain ‘terrorist suspects’ without charge and if so for how long ?

Background; the time people can be locked up without charge has risen from 3 days in the 1990s to 7 days in 2000, through 14 days after 2001, to 28 days in 2005 . This rarely used power is a dictator's charter to wreck careers and lives. Only 11 people have ever been held for longer than 14 days, and of these only eight were eventually charged (and only three under terrorism laws). Six people have been held for the full 28 days and three of those were eventually released without charge. The Lib Dems now say on their party web site that they want to reduce maximum detention to 14 days.

5. Under the Terrorism Act 2000, 'terrorism' includes simply the threat of serious damage to property in pursuit of a political cause. Do you support this statutory definition?

Background: this definition means an offence becomes more serious if it's 'political' than if it's not. You can become a convicted 'terrorist' for painting slogans on a wall or a submarine. It justifies the police in threatening anti-terrorist powers against those who intend no violence against people.

6. Do you support the authority of the Home Secretary to ban organisations simply on grounds that they fit the broad definition of terrorism? Is it right that organisations can be banned as 'terrorist' for resisting oppressive regimes abroad?

Background: Organisations can be banned if they so much as threaten attacks on property (not even people) associated with foreign dictatorships. This is against the right to self-defence against occupation as laid down the 1949 Geneva conventions.

7. Do you support the use in court of evidence that may have been obtained by torture?

Background; as long as evidence is secret, as at the Special Immigration Appeals Tribunal, nobody can tell whether it was obtained by torture. Evidence supplied by governments who frequently do torture, such as Algeria, Pakistan and Saudi Arabia is suspect.

8. Do you support the positions the government has taken regarding MI5's complicity in torture abroad?

Background: Guantanamo detainees Shaker Aamer (still there) and Binyam Mohamed (now released) have accused MI5 and the UK government of colluding in their torture whilst in American custody. Our government refused to reveal key evidence about this, citing 'national security', but the Foreign Office was forced at last by the Court of Appeal in February 2010 to disclose CIA documents showing that Binyam Mohamed had been severely ill-treated and that MI5 knew about this. Torture in Pakistan, sometimes with alleged presence or knowledge of UK agents, has been alleged in several terrorism cases which have come before the UK courts. MI5 and MI6 officers who question terrorism suspects they know are being tortured are acting in line with a secret government interrogation policy, drawn up after the 9/11 attacks. The policy states: "we cannot be party to such ill treatment nor can we be seen to condone it" and that "it is important that you do not engage in any activity yourself that involves inhumane or degrading treatment of prisoners." But it also advises intelligence officers that if detainees "are not within our custody or control, the law does not require you to intervene" to prevent torture. Nor even, evidently, to report suspicion that torture is taking place.

9. Do you support the statutory power to seize assets and close bank accounts without evidence of a crime being presented in court? Isn't this punishment without trial?

Background; since this power was introduced in 2006, at least 70 people in the UK have had their assets seized. This means they have no income at all except a tiny survival allowance permitted to them by the courts, and anyone who helps or pays them can be criminalised. They cannot work, travel, pay debts, finance their children's education or their own

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