

# JUSTICE PRESS RELEASE

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## **‘A promise eroded’: JUSTICE responds to the Counter-Terrorism Review**

The Home Secretary today announced the outcome of the Home Office’s review of counter-terrorism powers, promising a ‘more focused and flexible regime’ of counter-terrorism measures. These include a reduction in the maximum period of pre-charge detention from 28 days to 14 days, and the repeal of stop and search powers under section 44. However, although control orders will be repealed, the government will still be able to impose restrictions on suspects’ movement, association and travel on the basis of ‘reasonable belief’ of a government minister.

JUSTICE welcomes the reduction in the maximum period of pre-charge detention from 28 days to 14 days, the promise to replace stop and search powers under section 44 with a more narrowly-targeted power, and removal of the power of local authorities to conduct surveillance unless authorised by a magistrate. It also welcomes the coalition government’s restraint in not seeking further powers against groups suspected of inciting hatred or violence.

However, while JUSTICE welcomes the proposed repeal of the control order legislation, it sees no need for continued restrictions on suspects – whether based on ‘reasonable suspicion’ or ‘reasonable belief’ – who have not been charged with a criminal offence. It also continues to oppose the government’s use of deportation with assurances to countries known to use torture.

Eric Metcalfe, JUSTICE’s director of human rights policy said:

**There is much to welcome in today’s review but measures based on suspicion alone can never guarantee our safety. Criminal prosecution remains the only just and effective way of dealing with suspected terrorists.**

**Seven men absconded under the control order regime. It seems even less likely that any serious terrorist would be stopped by the watered-down version announced today. The Coalition government promised to reverse ‘the substantial erosion of civil liberties’ under Labour but this review shows that that promise has also been eroded.**

For further comment, please contact Eric Metcalfe on 020 7762 6415 (direct line), 07939 119 369 (mobile) or via email to [emetcalfe@justice.org.uk](mailto:emetcalfe@justice.org.uk).

## Notes to editors

1. JUSTICE submitted written evidence to the Home Office review in August 2010. A pdf copy of its submissions are available on request.
2. Control orders were introduced under the Prevention of Terrorism Act 2005. They are imposed on the basis of reasonable suspicion of the Home Secretary that a person is involved in 'terrorism-related activity' and involve the imposition of a wide range of restrictions, including curfews of up to 16 hours a day, communications, movement and contact with others. Each order lasts for 12 months but may be renewed indefinitely. Those subject to control orders may appeal but proceedings involve the use of secret evidence before a special division of the High Court, meaning that appellants have no right to know the evidence against them.
3. On Monday, the maximum period of pre-charge detention in terrorism cases fell from 28 days (the limit established by the Terrorism Act 2006) to 14 days (the limit established by the Criminal Justice Act 2003). The limit was originally 7 days under the Terrorism Act 2000.
4. On 15 January 2010, the European Court of Human Rights in the case of *Gillan and Quinton v United Kingdom* ruled that stop and search powers under section 44 of the Terrorism Act 2000 violated the right to privacy under article 8 of the European Convention on Human Rights. Under the Convention, the UK government is obliged to give effect to the Court's ruling.
5. The use of surveillance powers by local authorities was established under the Regulation of Investigatory Powers Act 2000. In August 2010, the Investigatory Powers Tribunal ruled that Poole Borough Council's use of surveillance powers against a family suspected of school zoning infringements had breached the family's right to privacy under article 8 ECHR.
6. The UK government has negotiated agreements for the return of suspects to countries known to use torture, including Jordan, Libya, Algeria, and Ethiopia. The most recent US State Department country reports for Jordan refer to 'consistent and credible allegations' of torture by Jordanian authorities. The most recent country report for Algeria notes reports that Algerian military intelligence 'frequently used torture to obtain confessions'.

*Chairman of Council* **Baroness Kennedy of The Shaws QC** *Director* **Roger Smith OBE**

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