

Introduction

1. This response is submitted by The Muslim Council of Britain (MCB). The MCB is the leading umbrella organisation representing the interest of Muslims in Britain, whilst working for the common good of society as a whole. In its short history, the MCB has built a reputation for consultation, co-operation and co-ordination amongst British Muslims, and a step change in engagement between different communities and with the state and wider society. The MCB has over 400 active affiliate organisations, some of them being umbrella organisations themselves.
2. The MCB have been extremely concerned about the terrorist threat posed to the UK and have acted as far as its power and influence allow in trying to undermine the threat.
3. The MCB supports a number of the measure put forward in the proposals, but has serious concerns about other aspects. Promoting community safety requires the full involvement, trust and co-operation of all our communities. It is essential therefore that any new anti-terror laws do not inadvertently serve to alienate sectors of so society whose support is integral to our success, and do not risk fuelling prejudice and intolerance. The emphasis must be on developing effective engagement with all communities, and developing policies and laws that not only protect, but also unite rather than divide.
4. It is recognised that after the July 2005 London bombings and the June 2007 failed attacks, there is a need to calibrate the armoury of the security services to ensure maximum efficiency and adopt a range of appropriate measures that can be used to prevent attacks and to bring suspects to justice. However, The MCB believes that adequate resourcing of police counter-terrorist activities can largely play a part in protecting the population.
5. The MCB believes that it is essential that all counter-terrorism legislation uphold respect for human rights principles, the rule of law, and civil liberties. Achieving the right balance between liberty and security is essential if the new measures are to succeed in attracting the widespread and diverse public support that is so important to police efforts to prevent further terrorist attacks. Undermining the central pillars of the British system by imposing laws such as unlawful detention, undermines the right to a fair trial and is contrary to the presumption of innocence.
6. There is evidence that some of the counter-terrorism measures introduced since 2001 have been viewed by some Black and other ethnic (BAME) communities, particularly the Muslim community, as being targeted disproportionately at them. There is a risk that the resulting resentment and fear may lead to an increased reluctance among these communities to provide vital co-operation and assistance to the police and security services.
7. Such resentment can also lead to the undermining of confidence in the security services, criminal justice system and the Government amongst those communities.

8. In formulating any new legislation, it is essential that the effects of previous measures on community relations are carefully considered and that there is a genuine willingness to listen to the experiences of different communities. It is for this reason that the MCB call upon the Government to conduct a full Community Impact Assessment, as well as a full Equality Impact Assessment on the proposed legislation before any discussions commence on its implementation.

Extending pre-charge detention (PCD) beyond 28 days

9. The current 28 day limit of detention without charge is already seven times the pre charge detention limit for someone suspected of murder. Further the threat facing the UK is global and not dissimilar to that facing many other countries yet no other EU country or Western state seeks such a drastic measure and it is difficult to understand why this is exceptionally the case in the UK.
10. John Reid has admitted that the police have not yet encountered a case in which their investigations have been hampered by the release of a suspect due to time constraints. Similar statements have been made by senior ranking specialists and security service members. Rather the case for extending pre-charge detention to date lacks evidential basis either justifying it or even simply supporting its desirability.
11. The MCB believe that by extending the detention period, it could realistically have the effect of discouraging diligent police work. To date many instances of prolonged PCD have been found to have been unnecessary, some even being detained for as long as three days without questioning. Increasing the time limit may therefore provide police with a limited incentive to operate fast and efficiently.
12. Further we believe that other measure, far less controversial, can cumulatively address the hypothetical need for further PCD.
13. Recently Lord Carlile made the point that the Glasgow arrests proved the point that further PCD time was needed because they were unable to communicate with suspects who did not speak English. Non-English speakers account for a vast number of users of the justice system which is entirely resourced and equipped to deal with them and procedural rules do not have to be amended for their use.
14. Much of the arguments for an extension are in essence about the security services being under equipped and resourced. The MCB welcomes the proposal papers assurance that more funding is to be and has been allocated. This will improve efficacy in dealing with terror suspects using the laws currently in place.
15. Further the MCB welcomes the use of post charge questioning and intercept evidence in proceedings. With the new evidence being introduced for use, it should in itself suffice to lead to more trials.

16. Wider considerations on how such measures will affect community involvement need to be considered. There is no doubt that, regardless of safeguards and details of the proposed legislation, the nature of the measures reflect a fundamental shift in our constitutional relationship between the state and citizens. A shift which can only be seen as further encroachment upon time honoured liberties and freedoms. This does not bode well in the urgent need for further civilian engagement in not just the CJS but in the wider institutions.
17. The MC B believes that the measure is counter productive, and does not seek to resolve the actual problem. It is unlikely that it will reduce the terrorist activity, or act as any sort of deterrence for those wishing to carry out acts of terrorism. The measure could discourage individuals from coming forth with intelligence given the grave consequences on potential suspects.
18. The effect on communities and family would be severe, even more so when it is the Muslims who are being disproportionately effected by the imposition of these measures. Recently security service officials have explained why they did not prosecute two recently convicted white non-Muslim terrorists under anti-terror laws, and instead used far less emotive but nonetheless normal criminal laws. The explanation was these terrorists did not want to 'change our way of life'. Where terror suspects who happen to be Muslim are prosecuted this is invariably under anti-terror. This is an astonishingly inaccurate and irresponsible approach that has origins in a highly discredited neo-conservative narrative that feeds racism and division not to mention give grounds for the suggestion that anti-terror laws are discriminatory and used to criminalise a community. Such an approach dangerously undermines the presumption of objectivity and impartiality in the CJS, this is irresponsible.
19. More worryingly it also exposes a profound misunderstanding of the propaganda being and motives being used to propagate terrorism today. Disaffection of unfair and unjust policies is a factor used to justify terrorism, a justification which most people, whatever background, do not accept. It would not be inaccurate to state that the vast majority of people who reject the justifications for terrorism nevertheless acknowledge and are naturally concerned about the uncontroversial existence of injustices in Iraq, Palestine etc. It is a legitimate concern that there is insufficient understanding of the communities the police are bound to service.
20. This could in turn lead to aggravate feelings of discontentment by the Muslims towards the police and the Government, and not only undermine the campaign for "hearts and minds" but also attempts by the Government and civil organisations to facilitate integration.
21. Parallels have been and are drawn to the former use of internment in Northern Ireland which was and still is perceived to have used to target the Catholic Irish community. This provided very little assistance to the campaign against terrorism then but had the long-term effect of counter-productivity for obvious reasons. The Irish experience parallels the one against Muslims right now.

22. The MCB feel that alternative measures could and should be sought to counter terrorism that are more precautionary and preventative in their approach, and involve far more community participation.
23. On the whole the measures themselves appear to be unjust, excessive and unnecessary. Our obligations under the European Convention of Human Rights, particularly Article 5 require any interference to be proportionate. Considering there are sound, effective and far less intrusive options and actually little rustication for the measure in the first place there is a very strong argument that the measure would be disproportionate and in breach of Article 5.
24. However while Article 5 is a qualified right, the prohibition of discrimination under Article 14 is absolute. Even if a court of law does make a decision on whether current practices comply with Article 14, we must be equally concerned about judgements made in the court of public and even community opinion.

General

25. With respect to the overall Anti-terror bill proposals, the MCB stands at a similar stead to Liberty and other civil society institutions by calling for the need for effective, measured proposals that meet the requirements to ensure our safety but at the same time do not undermine the very civil liberties and freedoms they are supposed to protect. The MCB support extending police powers to bring suspects to justice by using post charging questioning (with the presence of a lawyer). The MCB also support the use of intercept evidence, albeit not without appropriate safeguards. These go a long way to eliminating the need to extend the limit a person can be held without charge.