

The Muslim Safety Forum (MSF's) response to the '*Home Office Consultation on Possible Measures for Inclusion in a Future Counter Terrorism Bill – 25 July 2007*' paper.

**October 2007**

W: [www.muslimsafetyforum.org](http://www.muslimsafetyforum.org) E: [Muslimsafetyforum@gmail.com](mailto:Muslimsafetyforum@gmail.com) T: 020 7375 1811/12

## Content

1. Brief Introduction to the MSF .....	3
2. Current work programme of the MSF within counter terrorism remit	3
3. Consultation Background .....	4
4. Pre-Charge Detention .....	5
5. Forfeiture of terrorist assets .....	6
6. Control Orders .....	7
7. Terrorist notification requirement .....	7
8. Terrorist travel overseas .....	8
9. Conclusion .....	8

## **1. Brief Introduction to the MSF**

- 1.1. The Muslim Safety Forum (MSF) is the key advisory body for the Metropolitan Police Service and Association of Chief Police Officers (ACPO) on issues concerning British Muslims.
- 1.2. The overriding objective of the MSF is to identify the safety and security needs for all our communities and with a particular focus on issues that affect the Muslim community. The MSF has representation from a range of diverse stakeholders including different schools of thoughts, ethnicity, gender, and age groups from across the Muslim communities in the UK.
- 1.3. The MSF would like to ensure that channels exist for a positive engagement with the Police Service so that a fairer and effective policing frame-work can be developed that meets the needs of all the citizens in the UK. Also to co-operate with other bodies such as the MET, MPA, Home Office, GLA, IPCC, CPS, ACPO and APA; that have a direct influence on policing policies in the UK.

## **2. Current work programme of the MSF within counter terrorism remit**

- 2.1. Currently the MSF is engaged with the Police Service to achieving the following key aims that it believes will help both to tackle the crime of terrorism and build better relations between the Police and the Muslim community.
- 2.2. The police to work systematically to redress the sense of injustice felt by those who have been traumatised by anti-terror raids and are released without charge. Maximum effort should be exerted to explain to those involved and their family what had happened and why.
- 2.3. The need for the police to be more informative in their communications with the community and its partners and proactively seek to dispel misinformation and misreporting by anyone regarding the matter.
- 2.4. Police training which should look at more direct input for counter-terrorists /specialist officers and the general police force from the Muslim Community and its key partners. This training needs to be available at recruitment stage as well as during their time in service. That is front line police officers, managers and senior strategic policing decision makers should have appropriate relevant education about the Muslim communities, their faith and the issues affecting them.
- 2.5. The Police to have Muslim police officers at the heart of Counter terrorism work, including operational, tactical planning and investigations.

### **3. Consultation Background**

- 3.1. The MSF would like to register its gratitude to the Home Office for facilitating two meetings to discuss the 25th July 2007 CT Bill proposal, the second of which Policing Minister Tony McNulty was present.
- 3.2. The Muslim Safety Forum (MSF) is the key advisory body for the Metropolitan Police Service and Association of Chief Police Officers (ACPO) on issues concerning British Muslims. We have been advising the police on matters on safety and security for over five years, and more specifically on matters relating to counter terrorism.
- 3.3. We would like to reiterate our point that an Equality Impact Assessment (EIA) be carried out prior to any further request is made for new or extension of existing counter Terrorism powers. Further, this assessment is shared specifically with the MSF and the wider communities. The MSF has offered at various times to work with the Home Office to carry out such an assessment that would be seen to be done in partnership with the community. We would recall our meeting with William Nye where a joint proposal to carry out such an assessment was submitted. We note from the minutes of the meeting on the 10th of September 2007 that the Home Office has agreed to carry out an EIA and the Police Minister Tony McNulty is in agreement with this.
- 3.4. Further the MSF would like to raise the issue of redressing the sense of injustice felt by those innocent people that are caught up due to the ambiguity and in some occasions imbalanced policing methods employed in implementing the raft of counter terrorism legislation. We strongly suggest that there be an exploration of compensation models, which do not necessarily have to be simply financial, that will help those innocent members of the public to retain dignity and have the opportunity afforded to them to return to "life as normal".
- 3.5. The MSF has chosen only to respond to proposals it feels are counter productive to the efforts being undertaken on a more joined up approach which includes the Prevent strand of CONTEST. Other proposals at this stage are deemed to be either acceptable or not likely to cause great impact upon police community relations.
- 3.6. We hope that the Home Office will recognise the willingness of communities, specifically the MSF, to work with the authorities to secure our way of life and to ensure that we do not slowly chip away at the very foundations of our society, that of Liberty, Equality and Due Process.

## 4. Pre-Charge Detention

- 4.1. The current limit of 28 days pre charge detention was introduced as a compromise from the initial 90 days that was lobbied for. This was because parliament was not convinced that the evidence and arguments for 90 days were neither justified nor conclusive. From our extensive work with the Police service, specifically with the counter terrorism command, which has national lead for all terrorism matters we feel the arguments or evidence to increase from the current limit are still unjustified and inconclusive.
- 4.2. The MSF fully appreciates the difficult task the police have and has extensive awareness of what is involved. The need for an extension comes about from the experiences of operation 'Overt' and the possibility of there being a number of similar operations at any one time. It is worth noting that there is not one single case where the police have felt that they need to go beyond the current 28-day limit, something acknowledged by both the Home Office and the Police.
- 4.3. However, we feel that this scenario is best served by looking at the wider issues of resources, coordination and improved relations with foreign security services and the communities. Indeed this is what we came to in our understanding through various meetings with police specialists in this area.
- 4.4. We believe that new and innovative methods of data interrogation and analysis needs to be considered to automate many tasks that computer forensic officers are carrying out routinely. Furthermore, there needs to be an investment made to increase the number of computer forensic officers. This is borne out from our discussions with the police and experiences of officers working in similar fields. To this end the MSF welcomes the increase in the annual spending on Counter terrorism.
- 4.5. The MSF has on record from its regular meetings with the Police at Scotland Yard, Deputy Assistant Commissioner Peter Clarke who feels that in his professional judgement there is no need to increase the limit to pre-charge detention.
- 4.6. From our discussions with the police we also feel that there are various agencies that need to work more closely with each other. We are aware that often the police rely on information that is sourced outside the UK and in particular with foreign security services. Our understanding is that this is currently not as smooth as it should be and the government needs to look at improving this process from a relational point of view to methods used to share information and data.

- 4.7. The MSF welcomes the change in language by both our new Prime Minister and Home Secretary where crime and criminality are the core focus instead of rhetorical language of “war on terror”. To maintain this development we feel it is essential, as do our colleagues in the police force, to do all that is possible to keep the communities engaged and proactive in helping to deal with crime and criminality. An increase from the current limit to pre-charge detention will work completely against this ethos and will prove to be counter productive.
- 4.8. We are already aware of cases where suspects have been kept for over 10 days and then released without charge who have then gone on to make comments in the media which spoke negatively of the police and conveyed their anguish and injustice that they felt through the ordeal only went to put further strain on police community relations. No doubt this reflects negatively on the police service and strengthens community fears and erodes confidence.
- 4.9. From our experiences over the last few years it is clearly evident that the Muslim community has felt a great sense of injustice in how counter terror operations are carried out. This feeling is augmented by sensational media headline grabbing news stories. By contrast whilst the great majority of people arrested who are later released with out charge do not have an opportunity to publicly clear the stigma that has been laid at their door. This redress of injustice is paramount to build the confidence of the communities to help proactively tackle the crime of terrorism. To this effect we suggest that a compensation model be explored where those held and released without charge have a mechanism for redress.

## **5. Forfeiture of terrorist assets**

- 5.1. We agree that anyone convicted of financing terrorist offences to forfeit their asset, as the logic holds the acquisition of such assets maybe have been for terrorism purposes. However the same does not hold true for someone who has been convicted of other terrorism related offences. In these cases, assets belonging to the convicted person may have been for genuine needs and not for the purpose of terrorism. We see this new proposal as one that will punish innocent members of the family for a crime that in all probability was not in their knowledge, nor one that they shared in any way.
- 5.2. Also we are not convinced by the argument put forward and we have not heard from the Police of any cases where they felt this type of forfeiture was necessary and needed. The proposal in our view is counter productive and will only go to further alienate the innocent family members caught up in the incident.

## 6. Control Orders

- 6.1. The MSF questions the wisdom and effectiveness of the use of Control Orders. In essence this has created a parallel legal system which has led the Home Office to continually ask for amendments to the legislations to allow for practical policing, such as powers of entry, search and seizure. Note; these powers already exists in the normal legal framework. Therefore the creation of additional powers is strategically an inefficient use of our scarce resources especially when exiting frameworks can adequately deal with the issues.
- 6.2. The Home Office is waiting for the forthcoming Judgement by the House of Lords on use of Control Orders. Consequently, it would be prudent at this stage to seriously reconsider the use of these powers and return to established criminal legal framework, which allows for transparency and due process of law without the need to set up a quasi-judicial process. We would quote the Policing minister Tony McNulty who said, rightly, “The rules of the game have not changed.”<sup>1</sup> Meaning that we should not go beyond the established legal framework to tackle the issue of terrorism, rather take on the learning we have achieved from the Irish troubles together with the ruling offered by the House of Lords on the previous powers to detain foreign nationals without charge. We urge the Home Office to afford every opportunity to win hearts and minds and resist powers that only take away our way of life, which is the very aim of terrorist and terrorism.

## 7. Terrorist notification requirement

- 7.1. This measure seeks to impose a monitoring system whereby a burden is imposed on those convicted of terrorist related offences to inform the police of movement, residence and travel. Our initial concern is that continuing measures that are perceived to continually treat those who have spent their sentence as suspect may have the effect of hindering integration and de radicalisation.
- 7.2. We have witnessed many convictions and acquittals of individuals who have genuinely regretted their involvement with terrorist related environments. It is important that such individuals are enabled to leave behind their past mistakes and move forward.
- 7.3. Furthermore, the MSF would point to the raft of monitoring directives that already exist in the current legislation.

---

<sup>1</sup> Labour Party Conference 2007

## **8. Terrorist travel overseas**

- 8.1. This provision further empowers stop and searches at ports. It is all too often that reports of Muslims seeking to travel abroad are held, questioned and released with the effect of the traveller missing his or her flight or holiday altogether. Given the high profile result of such operations and often quite damning and stigmatising effects we feel such practices could potentially have a far more disproportionate effect on the perceptions of community policing.
- 8.2. The argument outlined above regarding Terrorist notification holds true for this, we must allow for people who have spent their sentence to have an opportunity to leave the past behind and move on, otherwise we risk pushing individuals towards the periphery of society.
- 8.3. The MSF feel that if such a measure is deemed necessary, then it is important to recognise that such measures will disrupt personal and sometimes-expensive travel plans. Therefore it would be fair and proper to ensure that there is some form of compensation to return the innocent "suspect" back to the position he/she would be in if they were not subject to such powers. This is an excellent opportunity to develop a compensation model, which would absolve individual and community perceptions of disproportionality.

## **9. Conclusion**

- 9.1. The MSF strongly opposes any increase to the current 28-day limit on pre charge detention. It finds no evidence for this increase from either the Police or the Home Office, and fundamentally believes the scenario of multiple "Operation Overt" type incidents is not one that can be used as a basis of seeking this increase. The MSF believes that further investment in resources, both specialists as well as general, increased co-operation and co-ordination together with improved relations both with foreign security services as well as with communities within the UK and efficient working processes can alleviate much of the concern. This approach will ensure that the long term values of our society and the wider human rights agenda is not compromised by myopic reactions.
- 9.2. The MSF does not support the proposal to include Forfeiture of assets of those convicted of terrorist related offences that are not "financial terrorism convictions". It deems this to be unwarranted and not supported by any evidence, and believes it will disproportionately punish innocent family members.

- 9.3. The MSF ardently requests the Home Office to review the use of Control Orders. Evidence shows it is proving to be a difficult, costly piece of legislation to implement and that it is counter intuitive to winning hearts and minds; the core of the Prevent Strategy of CONTEST.
- 9.4. MSF opposes the proposal for both Terrorist Notification and the provision for notification when travelling abroad. It finds both of these proposals unnecessary and one that will make it difficult for those that have spent their custodial sentences to move on and integrate back in to society. All of which is against the ethos of Prevent Strategy.
- 9.5. The MSF would like to thank the Home Secretary and Police Minister (including the current Prime Minister) for the change in language and genuinely giving the Prevent strand an opportunity to succeed. It asks that this opportunity be further enhanced by avoiding further legislation that will only give a contradictory message to that sought by the change in language.
- 9.6. The MSF looks forward to receiving, as promised by the Home Office, the Equality Impact Assessment on how the cohort of anti-terror legislations has impacted on community cohesion and race relation amongst citizens of the UK. It is only through a sincere self audit and listening to the stakeholders in our society that we can become a more tolerant, more dignified and a more democratic nation.
- 9.7. The MSF wishes to thank the Home Office for undertaking this important consultation. We also look forward to working together in taking our nation forward to be an example for the rest of the world in balancing our security needs within the ethos of human rights and democratic principles.