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Media Advisory

Concerns on proposed “anti-terrorism” legislation in the United Kingdom

Amnesty International, the Committee on the Administration of Justice (CAJ), British Irish Rights Watch, Liberty and Human Rights Watch have today issued a briefing for parliamentarians in the UK highlighting concerns about the proposed “anti-terrorist” legislation being debated in the House of Commons on Wednesday 2 September. The briefing is based on public statements by the government, since the bill has not yet been published.

In the briefing, the five organizations state that “the Good Friday Agreement, in its commitment to human rights, recognized that past human rights abuses have been part of the problem and have exacerbated the conflict. Indeed, the Agreement looked to the early removal of emergency powers. The proposals . . . represent the antithesis of this approach.

The governments of the UK and Ireland have publicly recognised that the intention of those who planted the bomb at Omagh was to undermine the search for peace and the Agreement. That must not be allowed to happen. A future for all the people of Ireland, underpinned by the human rights protections of the Agreement and international standards, is too precious a prize to risk by repeating the mistakes of the past.”

The main concerns detailed in the briefing are:

1) Membership of banned organizations

The organizations are concerned that the proposals will violate the **right to be presumed innocent, the right not to be compelled to incriminate oneself and the right to silence**. The specific concerns are:

- people may be charged with membership of a banned organization based on the opinion of a senior officer of the Royal Ulster Constabulary (RUC), effectively relaxing the rules of evidence.
- inferences of guilt may be drawn from a suspect’s silence when questioned, in violation of the right to silence and the presumption of innocence, and unacceptably shifting the burden of proof from the prosecution to the accused. This is unacceptable and could lead to the conviction of innocent people.
- a suspect’s refusal to cooperate with “any relevant inquiry” will be sufficient to corroborate the RUC evidence. It is almost impossible to limit the circumstances in which this wording could be used and is a blank cheque for the RUC.

The briefing highlights the specific provisions of the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the UK Human Rights Act which would be violated by these proposed measures.

2) Conspiracy to commit Terrorist Offences Abroad

The organizations are extremely concerned that proposed legislation would violate the **rights to freedom of expression and association**. The specific concerns are:

- that the legislation may well be so vaguely or broadly defined that in practice it could infringe on basic rights to freedom of expression and association, and would be open to abuse; at the very least, the legislation should mitigate against these risks by setting out a recognizable criminal offence, with a clear definition of terrorist offences and specify acts which would constitute conspiracy.
- the legislation should not be drafted so that the rights to freedom of expression and association are not “eviscerated in the name of such nebulous concepts as national security, territorial integrity and public safety”.

In general terms, the organizations urged the government not to make hasty decisions which would restrict fundamental rights and could lead to imprisonment of prisoners of conscience.

3) Evidence by Informers and from Telephone Taps

The organizations are concerned that the proposals may violate the **rights to a fair trial and privacy**, and stressed that the whole criminal justice system in Northern Ireland was brought into international disrepute by the use of informer evidence in the “supergrass” trials of the 1980s.

“To revisit that era would be a disaster when we are now trying to establish justice mechanisms that will command the respect and confidence of the entire community,” the organizations said.
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