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Britain's Anti-Terror-Laws

Consequences for Civil Liberties and the Integration of British Muslims

Sabine Riedel

On October 12, in the wake of the London bomb attacks of July 7 and 21, 2005 the British government presented a bill that is supposed to tighten up existing counter-terrorism legislation. Critics from the ranks of the Liberal Democrats want clarification on whether the draft text fulfils international human rights standards. They are accusing the Labour government of disregarding basic civil rights such as freedom of speech and freedom of expression.

Regardless of that it must be examined what kind of repercussions the legislation and the recent anti-terror measures have on the integration of Muslim immigrants. After all, in the long run these can only be successful if they are in accord with a basic principle of integration policy: respecting the immigrants' religiosity. However, that respect must end where religion is drafted in to serve dangerous political ends. That the problems concerning the integration of Muslims have grown since the bomb attacks, can already be seen by the number of racially motivated acts of violence: after July 7, 2005 this figure increased sevenfold within a month in London alone.

On the day of the London bomb attacks of July 7, 2005 British Prime Minister Tony Blair announced new anti-terror measures. At a press conference at the side of the G-8 summit in Scotland he remarked: "We know that the people responsible claim to be acting in the name of Islam." Blair obviously saw himself forced to demonstrate his determination in the fight against international terrorism. An important element here is tightening up the range of legal measures.

Above all it has been the US that has expressed strong criticism of the British legal system since September 11, 2001.

The US criticised that extremist organisations and their leaders were granted asylum and left at liberty. Indeed, up until the summer of 2005 even internationally wanted terror suspects didn't need to fear deportation as long as they respected British laws. A call for violence abroad was not considered a violation of the law. An extradition of suspects to their home countries and/or their countries of origin was impossible, particularly where international human rights accords are flouted, and the people affected would be under threat of torture or even the death penalty.

The Anti-Terrorism Legislation of 2001

In the current debate about new anti-terror measures it often gets overlooked that the British government had an anti-terror law passed by parliament on December 14, 2001. This gave the authorities the right to imprison foreigners without legal proceedings, if they were suspected of acts of terrorism. This law is the basis upon which up until now eleven prisoners are being held without charge in the top security prison Belmarsh in the south of London.

The legal situation created hereby has been met with strong and widespread criticism. Initially civil liberty organisations initiated legal action against the new law. In mid 2002 the responsible legal committee found that the anti-terror law was incompatible with the European Human Rights Convention and turned to the Court of Appeal. However, after this instance turned down the appeal, the plaintiffs turned to the judges of parliament's upper chamber, the House of Lords. On December 16, 2004, the Law Lords agreed with the critics, but could not actually declare the law invalid and thus have it set aside.

Despite this criticism the newly installed Home Secretary (interior minister) Charles Clarke introduced an amendment into parliament. This foresaw the possibility that the preventive custody that was instigated by the executive could be extended to British citizens suspected of terrorism. This not only met with criticism from the Liberals, but especially opposition from Conservative members of parliament. They defended the current practice, whereby only judges were entitled to place suspected persons under house arrest without being charged. They rejected the legislative initiative as an attempt by the government to transfer competences from the courts to the Home Office.

Since it won the parliamentary elections in early May 2005 the governing Labour Party has put particular effort into reshaping the existing anti-terror laws. A good four weeks after the London attacks on

August 5, 2005 Tony Blair announced a twelve-point-plan that for the first time was to place the fight against terrorism and the examination of Islamist extremism in a wider context.

Tony Blair's Twelve-Point-Plan

The plan envisages the following measures: (1) the immediate deportation without appeal of foreign terrorism suspects, (2) new anti-terror legislation for the autumn of 2005, (3) the rejection of asylum seekers suspected of terrorism, (4) the divestiture of British citizenship of persons involved in extremist actions, (5) the more rapid extradition of terror suspects, (6) the introduction of special legal proceedings to convict them, (7) an extension of preventive custody of suspects, (8) an increase in the personnel capacities of the courts, (9) a ban of the terrorism-suspected organisations *Hizb-ut-Tahir* and *Al-Muhajirun*, (10) new conditions for the acquisition of British citizenship such as basic proficiency in the English language, (11) the closure of establishments which serve to recruit extremists, (12) the introduction of biometric visas in 2006 (see. <www.number-10.gov.uk/output/Page8041.asp>).

At the presentation of his twelve-point-programme Blair stressed how important the cooperation of British Muslims was to him, on whom he is especially dependent for putting into practice the measures contained in points 10 and 11: for example point 10 is generally aimed at promoting integration. In this context Blair announced the setting up of a commission that is to be headed by Hazel Blears, the minister of state for community security and counter-terrorism at the Home Office. Together with representatives of Muslim communities considerations are to be made as to how the integration of Muslims can be improved, while safeguarding the right to the free exercise of religion and the fostering of their own culture.

In the context of point 11, that will enable the closure of mosques in which

Islamic extremists preach, British Muslims' advice will be sought, especially in compiling of lists of so-called "hate preachers." In the future religious fanatics are not only supposed to be prevented from spreading Islamist teachings, but they will come under the threat of being extradited to their countries of origin.

First Consequences: The List of "unacceptable Behaviours"

Because the amending of the anti-terror law will presumably be drawn out until the end of the year, the British government tried to put into practice as many measures of its twelve-point-plan as soon as possible. For example Home Secretary Charles Clarke amended the 1971 immigration law by decree. The list of *unacceptable behaviours* that was released on August 24, from now provides the authorities on with specific criteria by which they can decide to initiate the deportation of foreigners from Britain or ban an organisation.

Accordingly those people or those organisations are deemed "unacceptable" that produce, publish or distribute material that legitimises, glorifies or incites to terrorist violence. The same applies to public appearances such as speeches or sermons. The list explicitly mentions the possibility that somebody could abuse a public office, the teaching profession or the position of a youth leader to incite others to violence.

This guideline is probably the result of one of the suspected suicide bomber of July 7, 2005 being employed at a youth centre in Leeds: Mohammad Sidique Khan is said to have used his job in this part-publicly financed centre for young immigrants, to recruit accomplices for the planned attacks. It is certain that he met up regularly there with two of the other rucksack bombers, Shehzad Tanweer and Hasib Husain.

The list of unacceptable behaviours (24.8.2005)

- ▶ Writing, producing, publishing or distributing material;
- ▶ Public speaking including preaching;
- ▶ Running a website; or
- ▶ Using a position of responsibility such as teacher, community or youth leader to express views which:
 - Foment, justify or glorify terrorist violence in furtherance of particular beliefs;
 - Seek to provoke others to terrorist acts;
 - Foment other serious criminal activity or seek to provoke others to serious criminal acts; or
 - Foster hatred which might lead to inter-community violence in the UK

Quelle: <www.ind.homeoffice.gov.uk/ind/en/home/news/press_releases/tackling_terrorism.html>.

Criticism of the Anti-Terror-Measures

Tony Blair managed to convince the Conservative opposition with his twelve-point-plan, in contrast to the debate over the amendment of the anti-terror law in February 2005. He tied the Tories, especially their shadow Home Secretary, David Davis, into the consultations about the list of *unacceptable behaviours*.

The Liberal Democrats however stood by their principal criticism even after the London attacks. As a result of the Labour government's anti-terror legislation they saw the balance between individual liberties and the need to maintain domestic security disturbed. In particular they complain that the wide scope for interpretation of the list of unacceptable behaviours opens the door to arbitrary exercise of state power. The leader of the Liberal Democrats, Charles Kennedy also raised the issue that the closure of mosques, bookshops or internet sites could lead to the radicalisation young Muslim believers. A rise in inter-cultural tensions could possibly result from

this. Britain's Liberals received backing by a high-ranking official from the UN human rights commission. The special emissary for the investigation of torture, Manfred Novak, criticised the British government's plans in an official statement, and raised the threat of an investigation report, that could be presented to the UN General Assembly in October. It would not be acceptable that suspicious asylum seekers were sent to a certain death.

So far these critical voices have left Home Secretary Charles Clarke cold and he has defended the envisaged deportation of suspected terrorists. To prevent international reproach the Blair government is currently working hard to arrange treaties with different countries of origin such as Jordan and Algeria. Hereby these countries are supposed to guarantee treating deported asylum seekers in accordance with human rights standards. In addition Charles Clarke has also opened talks with representatives of the UN to discuss details and to dispel critical objections.

The Bill of October 12, 2005

Although the Home Secretary had initially threatened that he was willing to disregard the European Human Rights Convention if necessary, he declared in the draft of October 12, 2005 that: "In my view the provisions of the Terrorism Bill are compatible with the Convention rights." (Bill-55-eng, 12.10.2005.) The international pressure seems to have had an effect.

However, in respect to the actual content the government has made no concessions to its Liberal Democrat critics. It is still adhering to the immediate deportation of asylum seekers as soon as there is a suspicion of terrorism. Another goal that has remained is the extension of preventive custody of suspects without legal proceedings, from hitherto two weeks to ninety days. Now a number of Conservative members of parliament are also taking objection particularly to this regulation. Because the Labour Party depends upon

solid majorities in both houses of the British parliament, there could be a compromise within the coming weeks. For example this could mean that charges might be brought during the extended preventive custody. That way the role that the British judiciary has had up to now would be confirmed and the potential for political meddling by the Home Office would be limited.

The Consequences for Integration Policy

Even if the government agrees a compromise with the opposition, principal reservations against the terror-legislation remain. It remains problematic to link the fight against terrorists willing to use violence so strongly with Islamism. Basically the question ought to be clarified as to where the political instrumentalisation of Islam as a religion begins and where the line of crossed and it gets misused by extremists to the detriment of democracy. British society is going to have to debate the position and influence of religion in the coming years, if it seriously wants to put real effort into the integration of Muslim immigrants.

Despite these weaknesses some measures of the twelve-point-plan nonetheless have a positive effect on integration policy. For across the party benches politicians agree on one thing: A great barrier for the social integration for the roughly 1.6 million Muslims lies in the fact, that there are too few imams who are educated and trained in Britain. As even the *Muslim Council of Britain* stresses, the dispatch of clergy from Saudi Arabia and Pakistan for example, must be viewed sceptically. For due to a lack of English language abilities they preach in Arabic or Urdu; something which hampers not only the linguistic integration of Muslims into British majority society.

In many instances imams are appointed by the governments of their countries of origin and therefore support their official teaching views. Imams from Saudi Arabia

advocate Wahabism, a fundamentalist variant of Sunni Islam, which is in complete contradiction to the social reality that British Muslims experience. As long as the majority of religious teachers are recruited from Islamic states, immigrants will remain in a permanent state of tension. How are they going to integrate into a secular society, when they are being instructed by teachers that have, or indeed must have, a very different view on the relationship between state and religion and thereby fixate their students on the religiously defined national identity of their parents? The problem intensifies with the attendance of an Islamic private school of which there are now more than 80 in the United Kingdom (see Sabine Riedel, *Muslims in der EU*, SWP-Studie 10/2005).

Viewed from this perspective of integration politics, the secular state must have instruments at its disposal that allow it to fend off any external influences immediately affecting the conflict situations within society. The latest twelve-point-plan makes such instruments available to the British government for the first time. In this sense the banning of organisations or closure of institutions would be justified if their involvement in terrorist activities can be proved. Neither of which after all limits the religious freedom of Muslim immigrants. It will instead put an end to the instrumentalisation of Islam by political extremists.

Whether these and other stipulations of the anti-terrorist legislation could be abused by institutions of the state to silence or deport awkward oppositional immigrants, is at the end of the day a question of interpretation and dependent on the functioning of democratic rule of law. For this reason the objection made by critical journalists that the British laws would even put accepted resistance fighters like Nelson Mandela on the same level as Islamist terrorists, is unconvincing. After all his partly-violent resistance was the reaction to a dictatorial and repressive system of power.

Furthermore it must be judged as positive that the British government continues

to stay with its intention to set up a commission for integration. In this committee, which convened for the first time on September 21, 2005, it will not least be the voices of those concerned and affected that will be heard. Based on personal experiences, their representatives are supposed to develop specific proposals on how the other goals of the twelve-point-plan that are more closely linked to integration policy, are to be realized. To the authorities the improvement of English language knowledge seems to be particularly urgent. Support for language tuition could help immigrants to better find their way into British society and beyond that could develop a sense of political belonging to the United Kingdom.

Unresolved Problems of Integration

The current debate over the amendment of the anti-terror laws should be an opportunity for the British government to reconsider the principles of its integration policy. For until now this has followed a concept, which is based on the ideas of communitarianism. Initially developed in the US and Canada as an opposing concept to liberalism, communitarianism has sought the creation of a multi-cultural society. So far Britain has given the different ethnic groups a high degree of cultural autonomy without demanding a contribution to integration. The latest debates about the proper policies on immigration and integration have revealed the weaknesses of the multicultural concept: it does not automatically lead to people from different cultural backgrounds living together, but rather to living side by side and in the worst case living in conflict with each other. Without any doubt respect towards religious, ethnic and linguistic difference is an important element in any democratic society. But it is the business of politics to ensure that among the different groups a sense of unity develops that is oriented towards common political values. Otherwise immigrants would be thrown back to

the cultural traditions of their respective parallel societies.

One of the negative phenomena accompanying a mere living side by side of different religious and language groupings is the ghetto formation in the cities. So all of about 38 per cent of Britain's 1.6 million Muslims live in the Greater London area, only about 13 per cent in Yorkshire, the West Midlands and the North West respectively. The biggest social problems can be observed amongst immigrants from Pakistan, the 1.03 million of who make up about two thirds of the Muslim part of society. Because 40 per cent of women and 28 per cent of men of Pakistani origin have no vocational training they belong to the poorest parts of British society.

Big deficits in integration can be found especially in the realm of political participation and representation. Although it must be evaluated as a positive sign that the three major parties fielded Muslim candidates in their ranks at the last elections to the House of Commons on May 5, 2005, it was only four representatives of the Labour Party that managed to get into parliament. Proportional to the share of the population the expectation would have suggested about 20 members of parliament from immigrant backgrounds.

This disproportion demonstrates clearly, that the fight against terrorism has a domestic drawback. It can only be won if integration policy also makes good progress. But this requires willingness for integration on behalf of the majority population. And for this the conditions have markedly worsened since the terrorist attacks on London. For example, three weeks before the official release of the names of first suspects, the perpetrators had already been condemned as Islamic fanatics in public debate.

The following figures show how this makes latent concepts of an enemy turn dangerous: alone in the three days following July 7 the London police registered 68 crimes against Muslims, from simple violence to vandalism and arson attacks

against mosques. Four weeks later the number of incidents motivated by hostility toward foreigners and Islam had risen to 269; statistically this represents a seven fold increase on the previous year.

Figure 1 illustrates the increase in racially motivated acts of violence since September 11, 2001, especially bodily harm and harassment that were recorded in the United Kingdom (England and Wales). The data on which this figure is based were published in a new report by the European Monitoring Centre on Racism and Xenophobia (EUMC), and in turn were based on statistical data from Britain.

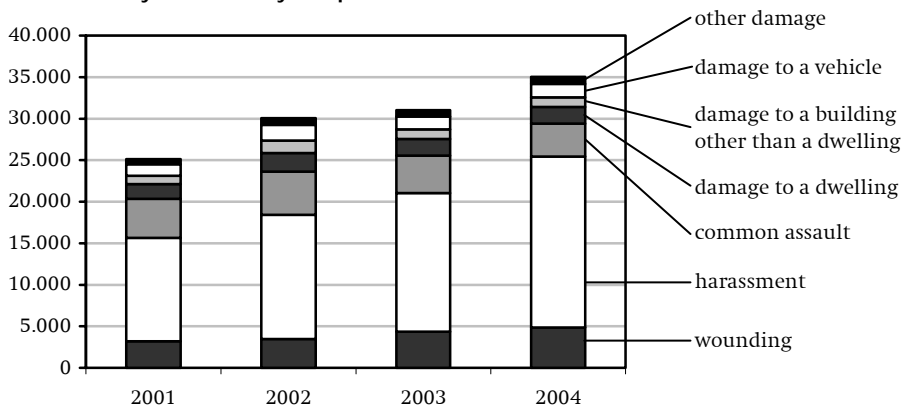
Additionally disquieting is that racist attacks have not been limited to perpetrators from nationalistically minded fringes of society. The London police were gradually suspected of treating foreigners especially roughly during raids. A particularly dramatic incident was the shooting of a Brazilian on July 22. The sequence of events and background to this were covered up for four weeks.

Dubious Preachers of Islam

The rise of racist incidents does not only reflect the tense situation in Britain after the terror attacks. It also stands for a changed perception of Muslims in Britain, one that allows little space for differentiation and which is increasingly shaped by radical Islamists and so-called hate preachers. The biggest share by far of the British public gets its information second hand about Muslims and their relation to violence. Only a few have first-hand experience of their own. Out of fear of the terrorist threat many avoid direct contact with their Muslim neighbours. These factors make it possible that a small number of people, who—well covered by the media—call for violence, are seen by the wider public as the spiritual leaders of British Muslims.

A particularly memorable appearance is that of Abu Hamza al Masri, a man of Egyptian origin who has held British

Figure 1
Racially motivated incidents in the United Kingdom (2001–2004)
 – as officially recorded by the police



Source: European Monitoring Centre on Racism and Xenophobia (EUMC) (ed.), *Racist Violence in 15 EU Member States, Summary Report*, Vienna 2005, p. 27.

citizenship since 1981. According to his own statements he lost one eye and both hands fighting Soviet troops in Afghanistan. The hook he uses as an artificial limb on his right arm puts off not only people of a sensitive disposition. Although he styles himself as a religious leader these days, Abu Hamza has never read the Islamic sources as part of a course of studies. Until his arrest in 2004 his mission was an entirely political one: he recruited members for the extremist organisation *Al-Muhajirun* from amongst British Muslims. Nonetheless, and despite having no professional qualification, it was possible for him to appear as a preacher in a London mosque and win over many followers there. For this he must have received help from established Muslim circles.

Abu Hamza's biography is typical of those with an Islamist background turning to violence, who have become publicly known so far. The same went for the suspected London bombers. For many years most of them lead a modern western life style and held the citizenship of a Western country. Hardly any of them is able to read the Koran or other religious Islamic sources in classical Arabic language. The politically motivated turn to their fathers' religion can therefore be interpreted as an attempt—while lacking any real knowledge about the

linguistic and historical facts—to reconstruct an imaginary religious past with the goal to mobilise religious sentiments for political ends (see Navid Kermani, *Süddeutsche Zeitung* of 5.8.2005).

Muslim Reactions

The appearance of *preachers of hate*—in itself an extremely problematic term as it implies a religious legitimisation—raises the question, how Islamic organisations and establishments should deal with them. Hereby considerable contradictions have become visible. In official statements they often take a clear stand against the use of violence. The reaction by the *British Muslim Forum* (BMF) to the London bombings exemplifies this. This umbrella association, which brings together more than 250 individual organisations, published an Islamic legal opinion (*fatwa*) against the use of violence. Nationwide more than 500 religious dignitaries as the representatives of more than 300 mosques have given their signature. Amongst other things this read: "Islam strictly, strongly and severely condemns the use of violence and the destruction of innocent lives. There is neither place nor justification in Islam for extremism, fanaticism or terrorism."

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Other umbrella organisations such as *The Muslim Council of Britain* (MCB) also distanced themselves from the attacks. The attacks were even condemned by those kinds of organisations who are toying with Islamist teachings, such as *The Muslim Association of Britain* (MAB). They obviously fear the influence of extremist forces on their young followers and have been demanding the banning of organisations like *Al-Muhajirun* or *Hizb-ut-Tahir* for a long time. So it is not just sensible, but in fact it is absolutely necessary to differentiate between Islamic traditionalism on the one hand and pseudo-religious terrorism on the other hand.

At the same time though, the career of Abu Hamza and the fact that he was supported by appearances in mosques, show that condemnation of attacks are not sufficient. The Muslim communities must actively get to grips with the radical fanatics in their own ranks, deny them free space and when there are infringements of the law, cooperate with the state's authorities.

One can therefore hope that British Muslims take up the offer of the Home Office and join in the work of the newly founded commission for integration policy. In this respect the debate which has already ensued about the line-up in personnel, especially in regards to Hazel Blears' chairmanship, should give way to a debate about the issues. For in the spring of 2006, the commission is scheduled to present its first report.