

## 20 YEARS OF TERRORISM ACTS: 20 YEARS OF INJUSTICE

This report marks twenty years of the Terrorism Act 2000, which has been supplemented by many more ‘counter-terror’ laws. They have profoundly changed the criminal justice system in many unjust ways, in particular by

- Extending draconian police powers
- Legitimising widespread punishment without fair trial
- Introducing secret evidence
- Criminalising a wide range of non-violent activities
- Criminalising national liberation organisations
- Placing migrant and Muslim communities under surveillance
- Enhancing unaccountable executive powers of punishment without trial
- Securitising all aspects of life

Counter-terrorism powers have become so embedded and normalised that they are rarely questioned. Their injustices protect and extend many oppressive roles of the British state – its foreign wars, its support for state terrorism, its support for oppressive regimes, its politics of fear, its domestic counter extremism policy, its special emergency powers, its attack on previous norms of criminal justice, its growing apparatus of surveillance, and the criminalisation of communities.

The terrorism and counter-terrorism (TACT) regime is vast. This short report can only highlight some injustices and collective resistance to them.

-----

### **Campaign Against Criminalising Communities (CAMPACC)**

*The campaign was formed in March 2001 in response the banning of 21 organisations under powers of the Terrorism Act 2000. The Campaign brings together human rights activists, lawyers, journalists, and communities which find themselves targeted by so-called 'anti-terrorism' legislation. CAMPACC organises public meetings, petitions, Parliamentary lobbies, submissions to Parliamentary bodies, as well as protests at court hearings and prisons. Over the last two decades, CAMPACC has been a space for many of the communities directly affected by counter-terrorism legislation to come together and support each other. In the face of further escalating police and state powers, CAMPACC remains more committed than ever before to self-determination as a right specified in international law. We will continue as a network where communities come together, to act as a bridge to other campaigning organisations and pressure groups, and to demystify the content of counter-terrorism legislation and the underpinning securitisation project of the state.*

# Contents

CREATING A PERMANENT STATE OF TERROR.....	3
Criminalisation of liberation struggles.....	3
Terrorising communities .....	4
LEGISLATIVE CHANGES .....	4
Internment for over 3 years .....	4
Homes into domestic prisons .....	5
Financial strangulation .....	5
Schedule 7 interrogations.....	6
The PREVENT programme .....	6
Convictions without evident criminal act or intent .....	7
Creating a parallel justice system with no fair trials .....	7
Deprivation of citizenship .....	7
Extraditions .....	8
PERSECUTING ASYLUM SEEKER AND REFUGEES.....	9
Turning migrants and Muslims into suspect communities .....	10
Pervasive surveillance.....	10
The state's shifting narrative .....	11
Politics of fear created by the media .....	11
SECURITISING ALL ASPECTS OF LIFE.....	11
GLOBALISED 'SECURITY' STATE.....	13
Condoning and arming state terrorism.....	13
The roots of terrorism .....	13
The UN Security Council's role in counter-terrorism .....	14
COMMUNITIES OF RESISTANCE .....	14
Kurdish community.....	14
Muslim community .....	16
Somali community .....	16
Tamil community .....	17
Baloch community .....	18
Basque community.....	19
CONCLUSION: POLITICAL OPPRESSION AND COLLECTIVE RESISTANCE .....	21
Colonial roots of counter-terrorism.....	21
Fighting the injustices of 'counter-terrorism' .....	21
SOURCES.....	22

## **CREATING A PERMANENT STATE OF TERROR**

The Terrorism Act 2000 kicked off two decades of counter-terrorism legislation. It made permanent anti-terrorism powers which had been temporary since 1974 through the Northern Ireland conflict. It was a landmark primary legislation which underpinned all the successive anti-terrorism laws. It also served as a model for other countries to adopt in succeeding years.

Today the 2000 Act has many supplementary laws on the United Kingdom statute book, in particular; the Anti-Terrorism Crime and Security Act 2001, passed in the weeks after 9/11; the Criminal Justice (International Cooperation) Act 2003; the Prevention of Terrorism Act 2005; the Terrorism Act 2006, giving effect to Tony Blair's declaration, shortly after the London attacks of 7/7, that "the rules of the game have changed"; the Counter-Terrorism Act 2008; the Terrorist Asset-Freezing Act 2010; the Terrorism Prevention and Investigation Measures Act 2011; Counter-Terrorism and Security Act 2015, Terrorist Offenders (Restriction of Early Release) Act 2020 and the Counter-Terrorism and Border Securities Act 2019. This report analyses the overall Terrorism and Counter-Terrorism (TACT) regime as political oppression.

Over the years, these laws have created a vast catalogue of 'terrorism' offences and powers that form the UK regime of Counter-Terrorism Strategy. This has become so embedded and normalised that it is rarely questioned. It has become the most expansive counter-terror regime in history. The net result has been 20 years of mounting injustices meted out to innocent individuals and communities. This has been institutionalised through various state agencies, especially the Office for Security and Counter-Terrorism (OSCT), the National Counter Terrorism Security Office (NaCTSO) and Counter Terrorism Units of the police force, all within the Home Office.

The 2000 Act defined terrorism so broadly and vaguely to include simply 'the threat' of 'serious damage to property', in ways 'designed to influence the government' for 'a political cause, religious or ideological cause'. This definition blurred any distinction between military, political and civilian targets. It also made these laws 'catch all' laws which would cast a vast net over a wide range of people, most of them innocent as evidenced by the arrests since TACT statistics were recorded. Almost half of all those arrested, 2,329 (49%) were released without action, while just over a quarter 1,293 (27.3%) were charged with a terror offence. Of these, only 548 (11.6%) were convicted of terrorism offences.

In the name of national security, TACT legislation ramped up police powers; power to arrest, to detain, to search homes, to search vehicles on grounds of suspicion. A series of new crimes such as inciting terrorist acts abroad and directing, at any level, the activities of a terrorist organisation were created. Not disclosing information about terrorism became a crime.

### **Criminalising liberation struggles**

The Terrorism Act 2000 gave the Home Secretary the powers to proscribe (ban) any organisation which, in his view, threatens violence to advance 'a political, religious, or ideological cause'. At the stroke of a pen, the difference between freedom fighters and terrorists was erased. This criminalised the liberation struggles of those who fled the tyrannies of their own countries by stigmatising them as terrorists.

In early 2001, the Home Office banned 21 organisations. The list predictably included many organisations resisting oppression abroad – for example, the Kurdistan Workers Party (PKK), the Tamil Tigers (LTTE), the Basque party (ETA), Palestinian organisations, Sikh organisations, Egyptian and Algerian organisations amongst others. The list has now grown to include over 58 organisations, with most operating in the Muslim world.

The proscription list gave a legislative form to the existing economic and strategic links the UK has with countries such as Israel, Saudi Arabia, Sri Lanka and Turkey. By banning such organisations,

the government reduced a highly complex political situation to simplistic caricatures and gave tyrannical regimes a free pass to continue their oppression. These organisations were operating almost exclusively in their places of origin, so the government's political target was their legitimacy and support within the UK.

The first communities to be in the cross-hairs were the Algerians, Kurds, Tamils, Baloch, Somalis, and Basques. It sent a chill amongst these communities. To be associated with or a member of the banned organisation would carry a 10-year sentence. No symbols of such organisations can be displayed in public.

These communities dare not organise meetings to discuss politics. It became an offence to organise or speak at a meeting of more than three people with the knowledge that a member of a banned organisation will be a speaker. Freedom of association and freedom of speech so lauded in liberal democracies were cancelled for them.

It became illegal to support these organisations anywhere politically, financially or in any other way. 'Support' was conveniently left ambiguous; it could mean attending a meeting sympathetic to a banned organisation, giving funds to its humanitarian programme or simply wearing a t-shirt with its name. Under the statutory duty of disclosure, moreover, it became a criminal offence not to inform the police if you know someone who has engaged in such activities.

The list of banned organisations in the UK is very similar to the EU's general list. The bank accounts of banned organisation must be frozen by member states, without evidence that can be tested in public under due process.

The bans deter campaigns against oppressive regimes abroad, solidarity with resistance to such regimes and even discussion about how to resolve conflicts there. They crushed politics in the migrant communities and drove it underground.

### **Terrorising communities**

By creating new crimes of association, the Terrorism Act 2000 cast a shadow of suspicion and intimidation over whole communities. Searching for the illusive terrorist suspect inevitably led to targeting whole communities. Specific communities that were actively engaged in liberation struggles, such as Kurds, Tamils, Baloch, and Palestinians, were subjected to stop and searches, undercover policing, police informers, home raids, and raids of organisations.

After 9/11, the Muslim community as a whole was cast as composed of potential domestic terrorists. Their mosques were monitored using police informers. Towns and cities with significant populations came under the umbrella of the PREVENT programme to identify any radicalisation of youth.

The new crimes of association affected their fundraising for their communities. The suspicion was that money raised could be used to fund terrorist organisations. Evidently humanitarian relief organisations were suspect. The bank accounts of such charities came under scrutiny and were frozen. They were investigated by the Charities Commission and their status as charities was questioned. Their operations were undermined and their reputation damaged.

## **LEGISLATIVE CHANGES**

### **Internment for over 3 years**

The Anti-Terrorism Crime and Security Act 2001, rushed through parliament following the 11 September attack on the twin towers, effectively abolished *habeas corpus*, melting the lauded article

in the *Magna Carta*, and brought in internment, or detention without trial, but only for foreign nationals suspected of vaguely defined 'international terrorism'.

According to the government, this special power was directed against individuals who 'threaten national security' but whose successful prosecution was unlikely and who could not be deported because of the risk of torture. Fifteen men of mostly North African origin were arrested and thrown into Belmarsh indefinitely without any right to a trial or judicial review.

When the legislation was challenged, the Law Lords ruled in 2004 that indefinite detentions of foreign nationals were discriminatory, incompatible with human rights and not justified by national security. The government hurried through the Prevention of Terrorism Act 2005 which introduced control orders.

The consequences of three and half years of detention in Belmarsh for the aforementioned individuals were devastating. Eight were driven into mental illness, and four of those into florid psychosis, leading them to be transferred to Broadmoor, the specialist psychiatric facility.

### **Homes into domestic prisons**

'Control orders' turned homes into domestic prisons. Individuals were electronically tagged and under continuous surveillance. Their freedom of movement was curtailed through curfews. Their contact with the outside world via phone or online using computers was forbidden. Their privacy was often violated by unannounced police searches.

No visitors would come to their home because any visit was required to be vetted by the Home Office. If the individuals were married and had children, their life was disturbingly affected. Families had to endlessly involve lawyers in the most trivial matters: to obtain permission to go into the garden, to attend a parent-teacher meeting, to arrange for a plumber, etc.

After campaigns against control orders, lighter restrictions were brought in by replacing control orders with the Terrorism Prevention and Investigation Measures (TPIMs). They continued severely to restrict an individual's right of movement, association and communication. The fact that they were to be reviewed and removed if necessary was an improvement.

### **Financial strangulation**

From 2001, the HM treasury unlawfully imposed UN Asset Freezing Orders on individuals without Parliamentary approval, which was obtained in 2010 through the passing of the Terrorist Asset Freezing Act (2010).

Any terror suspect subject to the order is deprived of any asset and any income. He can be given neither money nor 'benefit' without a licence. Even a meal cooked for him is considered a 'benefit' that requires a licence. Every penny spent in the household must be accounted for, including fruits and vegetables bought from a market, and, if there is a child in the family, every bus fare to school. Monthly accounts must be submitted to the Treasury and failure to do so constitutes a criminal and imprisonable offence.

Many are subjected to this mean regime where even a breakfast has to be accounted for. Of course, visits from relations and friends for tea or dinner, normal in social life, are out of the question. It strips the individual and his family of any autonomy and social dignity. This has nothing to do with national security but is intended to demoralise people. It demonstrates the power of the executive to curtail every aspect of an individual's life.

## **Schedule 7 interrogations**

Many migrants and Muslims have been subjected to arbitrary harassment when travelling abroad. Under the Terrorism Act 2000, Schedule 7 authorises draconian powers whereby the police can detain, question and search anyone for up to 9 hours at ports of entry. Refusal to answer even one question becomes a terrorist offence. The mobile phone and computer of a detainee can be seized and searched for information. A detainee can be subjected to a body search and collection of biometric data such as fingerprinting or DNA samples.

The official rationale for these powers is that they are necessary to determine whether or not someone is involved in terrorist activity. Yet the powers do not oblige officers to demonstrate any specific cause for suspicion against a detained individual. In practice, moreover, detainees are often asked questions about political activities or mundane personal details. What is sought is who their friends are, at which mosques they worship, why they are travelling, etc. These powers are used to harass and intimidate innocent individuals.

## **The PREVENT programme**

PREVENT (Preventing Violent Extremism) began in 2003 with the aim of preventing people becoming terrorists or supporting violent extremism. A decade later, the scope of such individuals was broadened to 'radicals' and 'non-violent extremists'. They were vaguely defined as those who oppose 'British values'.

The Counter Terrorism and Security Act 2015 imposed a legal duty to identify such individuals. The duty applied to local UK authorities, prisons, National Health Service trusts, the education sector (from pre-school to university) and youth clubs. Referrals of individuals are made to the Channel Programme, which screens the cases and identifies those which warrant further intervention through a tailored programme designed for 'de-radicalisation'. Hence the surveillance regime has penetrated all segments of civil society.

Of the thousands of cases referred to the Channel Programme every year, nearly 80 percent or so are false positives. Toddlers, schoolchildren wearing 'Free Palestine' badges and university students on terrorism studies courses have been referred to Channel. The effect on children and young people and their families is traumatic. Muslim families who are socially conservative and devout are ever in fear of their children being removed from their care, as has happened in tens of cases. It has alienated the Muslim communities as a whole and eroded trust between public servants and the community. The strategy has undermined children's rights to freedom of thought and expression. It is discriminatory and reinforces Islamophobia in society as a whole. PREVENT is based on an empirically dubious theory of the existence of a radicalisation escalator, whereby an individual goes through several stages, progressing from belief to associations to change in behaviour to violent extremism. There is very little evidence for that.

Launched as a partnership seeking to engage the Muslim community, PREVENT has always been police-led and the notion that it was a community initiative is greatly deceptive. PREVENT officers have been placed in every borough and linked to all institutions. They decide whether a particular meeting or event can take place or not. It opened the lucrative door to the ranks of CVE (Countering Violent Extremism) consultants and 'reformed extremists' to deliver strategy and training. The ultimate aim of PREVENT is to discipline the Muslim community, to silence it, to intimidate it and to make it police itself.

This public and private enterprise is not fit for purpose and there are widespread calls from many civil society and human rights organisations for it to be dismantled. Teachers and social workers are deeply concerned about the dangers it poses for their pastoral and educational work and their duty to the welfare and development of children. In 2019, the UN Special Rapporteur recommended that the government at the very least suspend the PREVENT duty and implement a comprehensive audit

of its impact on racial equality and on the political, social, and economic exclusion of racial and ethnic minorities, especially within Muslim communities. The recent independent review announced by the government – chaired by William Shawcross, an avowed Islamophobe – has been collectively boycotted by at least 17 reputable organisations including Liberty, Amnesty and The Runnymede Trust.

### **Convictions without evident criminal act or intent**

Nearly 70 percent of all prisoners convicted of terrorist offences are Muslims. More and more young British men and occasionally women are being imprisoned. The majority of them have been tried by the courts before conventional juries. The charges against them are generally vague: the defendants are said to be 'linked to terrorism' or 'linked to extremism and/or radical ideology'.

Time and again, the evidence before the court has been found after police searches of the defendant's residence and possessions or during a Schedule 7 stop at a port of entry. The defendant is charged with possession of an item or items which are believed to demonstrate his or her desire to glorify, encourage or incite terrorism. Such items could be literature, video, pamphlets or a notebook. They could be stored on a computer or viewed on a website, however briefly. Any internet search could provide material that puts the searcher at risk of prosecution.

In 2007, two young Muslim women were separately tried for having written works deemed by the prosecution to serve a terrorist objective. As their apparent 'crime', one defendant had written a poem and the other an essay. The prosecution offered no evidence of any threat or intent to bring about a violent act. Yet the defendants were stigmatised as potential terrorists in front of a jury, with at least one juror drawn from their own community.

### **Creating a parallel justice system with no fair trials**

An important principle of UK law is that anyone accused of a crime should have the right to be tried fairly in front of their peers. Today, this means 12 individuals are randomly selected to hear the evidence in a criminal case, determine the facts of the case, and to decide whether the accused is guilty or not guilty of the alleged crimes. The introduction of the Special Immigration Appeals Commission (SIAC) system under Tony Blair's government set up a parallel system for the purposes of 'national security', removing the right to a fair trial.

SIAC is a court where all cases are heard by three judges. It conducts hearings in both open sessions and in 'closed' sessions that allow the government to present 'secret evidence' on the grounds of safeguarding national security. The court also appoints a special advocate for the accused who cannot share the secret evidence with the client. As a result, the accused will never know the substantive evidence leading to his or her conviction to be in a position to challenge it. Such is the travesty of the justice meted out!

Cases before SIAC have been life-changing for individuals and their families – judgments include control orders (now called TPIMs), deportations and deprivation of citizenship, etc. Once the accused is under house arrest, he or she is stigmatised for life through isolation, and the resumption of normal life with a secure job is extremely difficult. Deportation to the accused's own country of origin risks being imprisoned there and possibly tortured. Deprivation of citizenship often happens when individuals are abroad, making it impossible for them to lodge an appeal.

### **Deprivation of citizenship**

In 2013 the Bureau of Investigative Journalism found that since 2002 the government has stripped at least 42 people of their British nationality. At least five of those were born in the UK. The rest were migrants with dual nationality. Most of these individuals are unidentified. Of the 18 identified individuals, 17 were stripped on national security grounds. The evidence for depriving citizenship

remains secret. Unlike other counter-terrorism powers, there is no official scrutiny of deprivation of citizenship decisions and no routine official publication of the orders.

The Home Secretary has the power under the British Nationality Act to issue a “deprivation of citizenship order” against an individual without any specific evidence if he believes their presence in the UK is ‘not conducive to the public good’, which is widely believed to be code for ‘suspicion of terrorism-related activities’. Changes to the law in 2002 allowed Britain’s Home Secretary to deprive dual nationality Britons of their citizenship on national security grounds. No judicial approval is required and the citizenship is immediately lost, along with all associated rights. The affected person’s passport is cancelled, they lose all rights to assistance from British embassies and consulates overseas, and they must apply for a visa if they wish to return to the country.

Those affected – or more often their UK relatives – only know of a decision when they receive a registered letter informing them of the fact. Individuals have just 28 days to challenge a deprivation order through a legal appeal to the courts. In almost every case, the government has stripped citizenship from people while they are out of the country making an appeal virtually impossible.

There are only two known cases where individuals have successfully appealed. All others are effectively exiled, with many caught up in lengthy court battles in an effort to return home. Two have been killed in US drone strikes, while one has been seized by the FBI and rendered to New York. The identities and whereabouts of 24 others remain unknown.

Critics have warned this practice could leave individuals at risk of torture and ill-treatment in their home countries. For those subjected to this cruel order it means a complete disruption of their life and being torn apart from their families and communities. For the migrant communities who are politically active, the threat of losing citizenship hangs over them like the sword of Damocles since anything they do could be associated with terrorism.

## **Extraditions**

The cases of Babar Ahmad and Talha Ahsan became emblems of the injustices committed during the war on terror. Both were accused by the US of providing material support for terrorism. These crimes were committed while they were in the UK and at no time were they charged or tried in the UK. The US requested their extradition under the UK-US Extradition Treaty of 2003.

Babar was arrested in December 2003 by the UK anti-terrorist police so violently that he suffered 73 injuries. For these injuries, in 2009, he was awarded £60,000 compensation by the High Court in London after the Metropolitan Police Commissioner admitted that he had been the victim of a “serious, gratuitous and prolonged attack”. He spent eight years in prison without trial in the United Kingdom from 2004 to 2012 fighting extradition to the United States through the European Court of Justice. In October 2012 he was blindfolded, shackled and forcibly stripped naked while being extradited to the US. He spent two years in solitary confinement in a US Supermax Prison.

He was accused of providing material support to terrorism via a website that he set up in the UK in 1996 to publish stories about the conflicts in Bosnia and Chechnya, but which in 2000–2001 allowed two articles to be posted on the site offering support to the then Taliban government in Afghanistan. Under a plea bargain, he pleaded guilty to "conspiracy and providing material to support to terrorism". He was sentenced to 12-and-a-half years in prison, which meant that after taking into account the time he had been in prison, he only had another 12 months to serve. He was released and returned home in July 2015. Overall, he had spent eleven years in solitary confinement and isolation in ten different prisons.

Talha was arrested at his family home in London on 19 July 2006. He was detained without trial or charge for over 6 years in high security prisons and refused bail. He appealed unsuccessfully to the UK High Court, the House of Lords and to the European Court of Human Rights.

Because Talha suffered from Asperger syndrome, his extradition led to accusations of racism and double standards against the Home Secretary, who had halted the extradition of Gary McKinnon after a medical diagnosis of Asperger syndrome. Whilst in prison, he continued writing poems and won the Platinum and Bronze Koestler Awards 2012 for his poetry.

He was extradited with Babar to the United States on 5 October 2012 and remanded into custody in Northern Correctional Facility supermax prison in solitary confinement. He was accused of associations with an allegedly terrorism-related Islamic news media website and London-based publishing house from 1997 to 2004 about Bosnia, the Chechen Independence War and the Afghanistan Islamic Emirate government.

He entered into a plea bargain with the US Government prosecutor on charges of conspiracy to provide and providing material support for militants in Chechnya and Afghanistan on 10 December 2013. All other charges were dismissed. On 18 July 2014, Talha Ahsan received a time-served sentence and was repatriated to the United Kingdom.

In both cases, there were active public campaigns for their release before extradition but the UK government remained immune to all pleas. Regarding both cases, US federal Judge Janet Hall stated in a 2014 judgment, "There was never any aid given by these defendants to effectuate a plot. By plot, I mean a terrorist plot... Neither of these two defendants were interested in what is commonly known as terrorism ...".

## **PERSECUTING ASYLUM SEEKER AND REFUGEES**

The war on asylum seekers and refugees in the UK started long before the war on terrorism. For more than three decades, migrants – and particularly those claiming asylum – have been demonised by both media and senior politicians. The front pages of right-wing tabloids are perpetually dominated by vicious anti-immigration rhetoric. Asylum seekers are deceitfully hounded as 'illegal' immigrants, the 'bogus asylum seekers'. What is wilfully omitted from this delegitimising narrative is that those awaiting a Home Office decision on their asylum claims are not doing so 'illegally'.

Despite the fact that seeking asylum has long been established as a right under the Universal Declaration of Human Rights and the Geneva Convention for refugees, UK immigration policy continues to criminalise refugees by impeding and punishing those claiming asylum at every step of the way.

As the first step in this process, the Home Office initially rejects an overwhelming number of the claims in the hopes that this will deter applicants, who would then leave the UK voluntarily, lacking any other option. This high rejection rate delegitimises asylum seekers by treating them as a problem to be sent elsewhere. But on appeal, a large majority win their case to stay. Ministers issue unlawful threats to 'send back' any asylum seeker reaching our shores and continue to hail 'reduced immigration' as a fundamental aim of governmental policy.

This deplorable maltreatment seeps through the entire asylum process. Indefinite detention is unnecessarily used in a cruel abuse of government powers; hundreds of individuals are wrongfully detained each year, many winning compensation from the courts. And yet thousands of asylum seekers who have escaped traumatic circumstances are locked up and stripped of their liberty and dignity under brutal conditions in detention centres and rat-infested asylum accommodation run by private contractors. Inevitably this has led to harrowing suicides and hunger strikes in a desperate attempt to demand better conditions. There have been incidents of deaths caused by the way prison guards have handled detainees.

Right wing news media and politicians portray migrants and asylum seekers as a threat to national identity and welfare provision, thus feeding the perception that they are an illegitimate presence and must be removed. The government obliges by setting up regular deportations of asylum seekers.

It is a sickening betrayal of humanity to treat those who have already escaped traumatic circumstances as criminals to be locked up and stripped of their dignity. Even for those who are eventually granted refugee status and may one day become British citizens, the government offers such restricted financial and emotional support that many are left in destitute conditions – further stigmatised and deprived of the care they need.

In the 1980s, many populist politicians opposed migration by arguing that migration destabilizes domestic integration and endangers public order. Since the 1990s, arguments are made linking migration with increased threats of crime and terrorism within a national security framework. After 2000, the two trajectories – the war on asylum seekers and the so-called ‘war on terror’ – have converged. Previously, many asylum seekers disclosed their association with a national liberation movement, as grounds for ‘reasonable fear of persecution’ by the regime that they had fled. Under the 2000 Act, however, such disclosure would lead to criminal charges. Their asylum claim becomes weaker without such disclosure. Thus, all political refugees face a double bind. Asylum claims were to be denied from those who were suspected of terrorist associations. Many decide not to claim asylum, thus joining an undocumented invisible underclass, even more vulnerable to exploitation.

### **Turning migrants and Muslims into suspect communities**

During the so-called ‘troubles’ in Northern Ireland, the British state turned the catholic community into a suspect community. Catholics were under surveillance continually. They were stopped and searched, their homes raided, their vehicles searched and they were detained and questioned at airports and seaports. They were likely to be wrongly convicted for crimes they did not commit. They were stigmatised by the media.

Once a community has been made a suspect en masse every organ of the state will feel entitled, in fact obliged, to discover proof of their suspicions. Much the same has happened to migrants and the Muslim community in the last twenty years under the ‘war on terror’.

More than a million people from refugee communities are associated with liberation movements. Anyone who associates with protest activity may be harassed or even criminalised for supporting ‘terrorism’. UK anti-terror laws have been used to discipline, intimidate, frighten, silence and isolate migrant communities. Surveillance has targeted specific groups, thus contradicting official denials that any groups are investigated ‘on grounds of their ethnicity’.

### **Pervasive surveillance**

Counter-terrorism has led to a massive and deep intervention in migrant and Muslim communities. Pervasive surveillance is so much easier than intelligence gathering and investigation to establish a charge arising out of criminal conduct.

Firstly, surveillance based on human intelligence is widely employed. Besides the use of undercover police officers, there is also the recruitment of informers. They have infiltrated community organisations and places of worship. Cafes and bookstores are spied on. As mentioned earlier, under the PREVENT programme, public service providers such as teachers, youth workers, doctors, etc., are involved in identifying individuals who are being radicalised. The police involve the whole of the public by inviting them to report on any suspicious activities through their terrorism 'hotline'.

Secondly, there is electronic surveillance based on the monitoring of emails, mobile phones, website browsing and the use of online platforms. This is a vast state funded enterprise which can trap anyone for any comment that can be construed as supporting or 'glorifying' terrorism.

### **The state's shifting narrative**

Since the beginning of the 'war on terror', there has been a continual shift in state media propaganda almost seamlessly to justify ever increasing police powers. The 'war on terror' abroad was expanded into counter-terrorism both there and here. Soon this grew into anxieties about home-grown domestic terrorism and how to contain it. This developed into the urgent need to prevent violent extremism. From there, the focus on extremism was not far off. Central to this came the need to identify tomorrow's terrorists and extremists, namely through 'counter-radicalism'.

Those involved in 'counter-radicalisation' work developed a theory that an individual passes through stages before committing a violent act. Holding religious beliefs and radical ideas, the individual identifies with certain behaviours – such as growing a beard, etc., and observing religious rituals – and in the penultimate stage before violence, associates with certain people and places where they get indoctrinated. Looking out for 'suspicious behaviour' as a signal becomes a preoccupation.

Lowering the bar further, key politicians went on to associate 'Islamic extremism' with being hostile to Western democracy and liberal values. This seeped into the nativist public imagination that Muslims do not share 'British values' and that they have failed integrate and live segregated lives in enclaves. The terrorist threat is kept ever alive by the daily talk of the 'Sharia conspiracy', 'Islamist takeover', etc.

### **Politics of fear created by the media**

Terrorism comes to stand for everything that is extreme, violent, secret, frightening and dangerous. A mutually reinforcing relationship grows between the terrorists themselves, who rely on publicity to promote fear, and the media which knows from experience that there is no better word than 'terror' with which to invigorate the front page.

Thus the mass media comes to play a pivotal role in creating the politics of fear through its front pages and news continually playing up the 'terror threat'. It continually broadcasts the existence of 'terrorist cells' in the country. Frequent 'terror raids' became spectacles for the public. These operations were intensified in the run-up to the March 2003 US-UK invasion of Iraq, especially by fabricating a 'ricin conspiracy' of North African migrants.

Front pages featuring rare 'radical' Muslim preachers were crafted to show that they were the fountain heads of the radicalisation of terrorists. Most of those imprisoned for terror offences are Muslims convicted not for violent terrorist offences but for non-violent offences such as accessing, downloading, recording and possessing information believed by the prosecutors to be useful in committing and preparing an act of terrorism. The media has repeatedly created the spectre of prisons as "breeding grounds for radicalisation" of Muslim prisoners.

This fear mongering has justified a harsh prison regime undermining the possibilities of rehabilitation. This punitive turn that favours keeping individuals trapped in an indefinite cycle of prisons and surveillance is reflected in recent legislation, such as such as the Terrorist Offenders (Restriction of Early Release) Act 2020, and the Counter terrorism and Sentencing Bill (2019).

## **SECURITISING ALL ASPECTS OF LIFE**

UK securitisation initiatives have targeted urban populations for several reasons. Cities host high-profile events, such as intergovernmental conferences or the Olympics, which inadvertently provide an attractor and mass-media platform for protests. As a global city, London concentrates links

between state agencies and multinational companies alongside migrant communities which have fled from oppressive regimes allied with the UK, as well as Muslim communities largely hostile to UK foreign policy. Their protests can embarrass or even impede the UK's global alliances, so security measures aim to intimidate and deter dissent.

As a supposed means to protect the public from violence, 'anti-terror' powers have been increasingly targeting political dissent. A high-profile example was the 2003 DSEI arms fair in London's Docklands, where protesters were detained under anti-terror powers. Such powers more generally target migrant-diaspora and Muslim communities.

Securitisation also has been privatised by outsourcing roles previously carried out by state agencies. The British-Danish company G4S was designated as the 'official provider of security and cash services for the Olympics'. The government outsourced responsibility and even made itself dependent on G4S for training police. Outsourcing makes 'security' measures even less publicly accountable.

Shortly before the 2012 London Olympics, military equipment was deployed to build public fear, justifying a quasi-military occupation. The MoD sought to put missiles in housing estates in East London, supposedly to protect the Olympics from terrorist threats. The High Court ruled that the MoD had legal powers to site missiles wherever necessary for 'national security' as defined by the state. These security measures were psychological warfare – targeting us in the name of protecting us – while protecting state-corporate alliances from protest.

For the state to implement the counter-terrorism legislation demands a bureaucratic framework to co-ordinate the activities of the various departments and agencies. The Government's Counter-Terrorism strategy CONTEST, revised over the years, is comprehensive and involves all government departments. The Office for Security and Counter-Terrorism (OSCT) has four main roles: to support the Home Secretary and other Ministers in developing, directing and implementing CONTEST across the government; to deliver aspects of CONTEST directly, e.g. legislation and protective security policy; to facilitate oversight of the Security Service, Secret Intelligence Services and the police counter-terrorism operations in the UK; and to manage counter-terrorism related crises.

The terrorism industry expands beyond the state to all sectors of civil society. It swells the budgets of military and intelligence services, publishers, universities and film studios. Private security firms can make considerable profits through government outsourcing. It can make the careers of police, intelligence operatives, embedded academics, securocrats, political leaders, prosecutors, journalists, lawyers and activists.

The mental landscape of all these people under the vocabulary of terrorism is inhabited by Al-Qaeda, Islamic terrorists, terrorist cells, radical preachers, conspiracies and plots on one side of the fence, with Special Branch, undercover agents, Navy seals and drones on the other. Counter-radicalisation has become a mini-industry, providing entry for young scholars to model radicalisation in counterterrorism units, intelligence services, national security think tanks and university terrorism studies departments.

Over the past two decades and through the course of the war on terror, over £648 billion has been invested in military spending, the 2018 CONTEST strategy committed a further £1.4 billion investment in counter-terror for security and intelligence agencies and £2 billion for the UK Special Forces' counter-terror work, while the counter-terror policing budget alone was raised this year to nearly £1 billion.

## **GLOBALISED 'SECURITY' STATE**

As the official reason for all these laws and actions, they are necessary for enhancing national and public security, both in the UK and for its allies. So, the curtain of national security falls to justify everything, and at the same time keep the public in the dark.

The question is security for whom? It is about security for state power. It means more power for the police and security services. The public is not secure from state power. In the name of security, a massive surveillance network is used to monitor the entire population to identify terrorist activity. It is used to monitor the domestic population.

The public is also not secure from terrorist attacks that may happen as a result of government interventions and wars in a foreign country. Terrorist groups may attack civilians to seek revenge.

Britain's domestic counterterrorism was not confined to its borders; a network of intelligence agents and state prosecutors work alongside the other nations to identify 'risks' in faraway places and neutralise them before they reach British shores. Providing 'counterterrorism' support to many countries enhanced the capacities of uniquely oppressive governments to be more repressive.

### **Condoning and arming state terrorism**

States justify the use of terror in the name of 'counter-terrorism'. They have resources that enable them to be far more violent and destructive than individual political terrorists.

These laws do not make a distinction between individual/political terrorism and state terrorism. Not to distinguish between the two plays into the hands of authoritarian states and justifies state terror, which also avoids seeking a solution to conflicts.

The dominant focus in terms of human life and human property is on individual terrorism, the political terrorist. However, the highest cost to people is the result of state terrorism. The ratio of killing by state terrorism as compared with individual terrorists is conservatively one hundred thousand to one.

State terrorism can be seen in the serial U.S. wars – direct, joint and proxy – against Yugoslavia, Afghanistan, Iraq, Somalia, Libya and Syria, and the still more new wide-ranging drone assassination attacks. Additionally, in Israel's wars on Gaza and Lebanon and ordinary pacification efforts in Gaza and the West Bank, the war by Sri Lanka against the Tamils, Pakistan's counterinsurgency in Balochistan, India's counterinsurgency in Kashmir, Saudi Arabia's war on Yemen and Turkey's proxy war in Syria and war against the Kurds.

All the allies of the UK – such as Turkey, Israel, Saudi Arabia, Sri Lanka, Pakistan and India – are absolved of the atrocities they commit while the blame is placed on individual or group terrorism conducted by those who are fighting for freedom from tyranny and oppression. These nations are also purchasers of British weapons, a trade boosting the profits of British companies.

Meanwhile regimes abroad more easily continue or intensify their oppression of civilian populations by associating them with terrorism. The UK's domestic securitisation complements the military securitisation of its allies abroad. Such regimes protect access to their country's resources for multinational companies and Western governments.

### **The roots of terrorism**

The political classes and the media also avoid any discussion of how foreign wars have increased terrorism both in the invaded countries and domestically. The invasion and destruction of Iraq led to the 7/7 bombings in 2005 by four bombers who were integrated in society here but were prepared to

take revenge by taking their own lives and the lives of their fellow citizens. The government has not owned up the Iraq debacle and how it led to terrorism here.

The US, UK and Europe have played a historic role in spawning violent groups and individuals who are now denounced as “Islamic fundamentalists”. After 1979, when the Soviet Union intervened in Afghanistan, they supported the Mujahideen with an estimated \$10 billion. Thousands of young Muslims from places as far apart as Algeria and the Philippines, Sudan and Xinjiang, Britain and France, travelled to North West Pakistan. They received military training and ideological indoctrination into Jihadism. They also facilitated the growth of Al-Qaeda from an organisation with a few hundred adherents into a mass movement. Osama bin Laden was a key ally of the US at that time. Pan-Islamism grew on a significant scale in the financial, cultural, political and military aspects with a worldwide network of exchange and collaboration. This reinforced religious Islamic parties which were nurtured under the military regime of Zia ul-Haq's Pakistan with American and Saudi funding and the CIA's help. When the Soviet Union withdrew from Afghanistan and the Afghans fought amongst each other to control the country, the trained militants returned home well prepared to launch a bid to change their societies. Out of this ferment emerged ISIS, which at one point controlled a caliphate the size of Britain. Many terrorist attacks in Europe were carried out by these Jihadists.

### **The UN Security Council's role in counter-terrorism**

After the Cold War, following the 9/11 attacks, the global war on terror became the latest mechanism for organising and legitimising a world system of domination by the US and its allies. On September the 12th the UN Security Council rushed through Resolution 1368 unanimously, requiring all nations to increase efforts to suppress and prevent terrorist activities through co-operation and the implementation of anti-terrorist conventions.

On 28 September 2001, the United Nations Security Council unanimously adopted Resolution 1373, establishing the basis of the Security Council's response in countering the terrorist threat. The resolution also established the Counter-Terrorism Committee (CTC) as a subsidiary body of the Council to assess member states' compliance with the resolution's provisions. In the nearly twenty years since its adoption, the CTC has determined the international counter-terrorism responses, as it identified newly emerging terrorist threats, their nature and sources, and issued guidance documents for all states. It was the CTC that issued the UN's Asset Freezing Order, whereby the assets of any suspect could be frozen.

There were no safeguards in the resolution against the abuse of power or the suppression of legitimate freedom struggles and dissent. All nations passed counter-terrorist legislation, seizing the opportunity to crush opposition and dissent. This strengthened the hand of the executives in all nations and particularly in tyrannical authoritarian states, where there was no recourse to challenge these through campaigns and legal action.

## **COMMUNITIES OF RESISTANCE**

Despite being persecuted, UK migrant organisations have continued their political activities. To reinforce this defiance, CAMPACC printed t-shirts with the slogan, “We are all terror suspects.” Defiance gives practical content to the demand for the repeal of ‘terror’ bans, while helping to undermine the bans in practice. This persistence broadens and links communities of resistance. Here follows a brief sketch of persecution and collective responses by several communities of resistance; some have a more detailed briefing document on the CAMPACC website.

### **Kurdish community**

In the name of preventing terrorism, the UK ban on the PKK helps to protect Turkey's state terrorism against the Kurds. Nevertheless, protest and defiance have persisted from the start. When

the UK banned several organisations in early 2001, Kurdish groups mobilised 6000 demonstrators to protest. Some wore T-shirts which said 'I am PKK', i.e. Kurdistan Workers Party, thus challenging the police to arrest them. None were – until two years later.

In 2003 some Kurdish activists were prosecuted for supposedly raising funds for the PKK. One defendant was invited to become a police informer, in return for help with his refugee status; he refused this blackmail proposal. All the defendants were acquitted by the jury after hearing about Turkey's oppression of the Kurds.

Kurdish organisations faced greater intimidation from the police after 2008. Community centres have been criminalised for displaying pictures of a 'terrorist', i.e. the PKK leader Abdullah Öcalan, who has been imprisoned on Turkey's Imrali Island since his 1999 abduction. The police have attempted to prevent free expression at Kurdish demonstrations, e.g. by suppressing the Kurdish flag or pictures of Öcalan. Police used Public Order laws on the pretext that such symbols could incite public disorder; Kurds have been especially targeted by such powers. Nevertheless, community organisations persisted in their protests and organised legal observers with assistance from the Haldane Society.

A turning point came in October 2008, when millions of Kurds held protests throughout Turkey, Kurdistan and European cities in response to physical attacks on Öcalan. In London, the police initially refused to permit any demonstration, so community representatives warned them about the consequences if Kurds could not protest in a peaceful way. Eventually the police gave permission but imposed a condition banning any flags supporting Abdullah Öcalan or the Kurdish Freedom Movement. Attempting to enforce that rule, the police had a large presence and numerous photographers from the Forward Intelligence Team (FIT).

Using a megaphone, however, one activist denounced the police for collecting intelligence for the Turkish military and then raised the Kurdish flag, followed by other demonstrators. Thus they defied the police restrictions and the ban on the PKK. There have been weaker efforts to impose or enforce such a ban at demonstrations since then.

Meanwhile the anti-terrorism police intensified their harassment of Kurdish activists and potential ones. Distributors of the Kurdish newspaper *Özgür Politika* were stopped by police under anti-terror powers and were questioned about their activities. Several houses have been repeatedly raided for no apparent purpose other than harassment. Anyone visiting a Kurdish community centre is warned about the consequences of such activity, thus deterring attendance at events there.

Anti-terror police and MI5 have intimidated many Kurds against visiting the Kurdish Community Centres, especially against participating in their management. These centres have provided community services on housing, immigration, schools, etc., and they also have run projects helping the elderly, women, children etc. All these all services been harmed by state intimidation.

In September 2011, an extraordinarily large-scale operation targeted the renovation of the new Halkevi Community Centre in London. Anti-terrorism police confiscated all computers, financial records, and funds necessary for completing the renovation. They also arrested numerous staff and contractors on 'suspicion' that grant money for the renovation was being used for terrorism. After an investigation lasting almost a year, no evidence was found to justify the raids and arrests. Despite these severe obstacles, the renovation was completed; the centre's property was returned about a year later.

In parallel with greater UK harassment of Kurds, around 2010 Turkey escalated its detentions of anyone supporting Kurdish demands for democratic freedoms, thus intensifying 'its traditional politics of securitization'. Detentions soon reached 10,000 people – half the global total of detentions under 'anti-terror' laws. Many detainees were put on trial en masse starting in 2012.

Solidarity activists and lawyers who served as observers there reported back at public events in London and linked Turkey's terror campaign with its UK counterpart against Kurdish communities.

### **Muslim community**

Some UK migrant communities have been persecuted for their resistance against the oppressive regime from which they fled, as in the case of Kurds and Tamils outlined above. By contrast, Muslims have been subjected to a general suspicion of Islamist terrorism, variously indicated by political views, religious beliefs or vague associations. These indicators have been deployed for several purposes: to stigmatise individuals or groups as 'Islamist extremists', to intimidate others into disavowing such association and to motivate pre-emptive spying and detentions.

In such ways anti-terror measures have intimidated entire Muslim communities. Drawing on the experience of the Irish as a 'suspect community', a research project investigated comparisons with Muslims in the 'war on terror'. As the researchers note, UK counter-terror policy portrays special measures as an exceptional emergency, despite the powers being made permanent. Moreover, putative threats are identified through a vague association within suspect groups; rather than being based on a precise offence, they proceed along a logic of association, thus identifying as security threats markers of identity and behaviours that are specific to particular social groups, which could potentially become 'suspect communities'.

In addition to new criminal offences and special powers, the securitisation strategy was extended through the CONTEST programme: "CONTEST is intended to be a comprehensive strategy: Work on Pursue and Prevent reduces the threat from terrorism: work on Protect and Prepare reduces the UK's vulnerability to attack." The government funded such efforts with local programmes, especially those officially aimed at community cohesion, which were subsequently undermined through mass surveillance and community distrust.

Perhaps, but the description of CONTEST's aims naively assumes that the UK strategy aims mainly to prevent violent attacks; a greater priority is to strengthen 'national security', understood as suppressing dissent and resistance to UK foreign policy.

The Muslim population is now under siege and is completely exposed to espionage and surveillance by the police and intelligence services. Information collected and stored is used for political persecution and to create divisions within the Muslim community by recruiting collaborators and driving parts of Muslim community against itself.

### **Somali community**

Numerous UK Somalis have been stopped at UK ports for questioning under the Terrorism Act 2000. Through such regular stops visits to Somalia have been monitored and discouraged. Such intimidation reinforces the efforts to install a Somali client regime amenable to Western exploitation of its mineral resources.

UK Somalis are often pressurised to become informers. Going beyond persuasion or bribes, MI5 has made persistent threats against those who refuse the request. For several years, MI5 has intimidated many British Somalis, especially youth workers at the Kentish Town Community Organisation (KTCO). They were threatened with the label 'Islamic extremists' if they refused to become informers. MI5 warned them, "Work for us or we will say you are a terrorist" to foreign governments. Afterwards MI5 acted on the threat; some were detained as 'terror suspects' and interrogated on trips abroad.

After this abuse was exposed, the local MP and Council Leader met Home Office officials to demand a stop to these activities. Although illegal, MI5 blackmail continues, remaining unaccountable. According to long-time civil liberties solicitor Gareth Peirce, "Hundreds of Somalis

under suspicion of travelling to east Africa report that they have been blackmailed and harassed; this a national disgrace.”

A Somali-born UK citizen, Mahdi Hashi, was among the several KTCO care workers who refused to become MI5 informers in 2009. Later Madhi left the UK for Somalia, where he has family members. The Home Secretary revoked his citizenship in October 2012. After leaving Somalia he disappeared and was held at a secret detention site in Djibouti, which has been a notorious site for extraordinary rendition. He was rendered to a New York court and accused of terrorism, on the grounds that he supported the militia group al Shabaab.

By revoking Mahdi’s citizenship, the Home Office demonstrated its complicity in the earlier blackmail which led to the decision. As MI5 securocrats build their careers by recruiting informers, they gain cooperation from Home Office chiefs to punish those who refuse. Such decisions lack judicial accountability; “Legal protection is difficult when the decision is based on secret evidence; this is used as a cover for incompetence, corruption and outright dishonesty,” declared Mahdi’s solicitor.

This punishment aims to frighten UK Somalis from engaging with issues affecting their communities, especially in Somalia. CAMPACC organised protest events in 2009 and 2012 with Somali activists, thus giving the Somali community a high-profile platform. There KTCO community worker Mohamed Nur reported many young people complaining, “If I show any form of political activism, my UK citizenship might be revoked.” Somali communities have defied the intimidation by publicly exposing MI5 blackmail, in turn receiving solidarity messages from other migrant groups facing similar blackmail, especially Kurds and Tamils.

### **Tamil community**

In the name of preventing terrorism, international bans on the LTTE (Tamil Tigers) have helped to protect Sri Lanka’s racist Sinhalese-chauvinist regime, especially its genocidal anti-Tamil war, which intensified in the years preceding the LTTE’s 2009 defeat. The Western anti-terror framework distinguishes between ‘acceptable’ versus ‘unacceptable’ politics among diaspora Tamils. It favours Tamils who reduce the issues to human rights, as if Sri Lanka were a normal liberal-democratic state; those advocating Tamil self-determination are equated with the LTTE and labelled ‘terrorism supporters’. This oppressive role illustrates ‘the securitization of politics that the terrorism discourse entails’. Western bans complement the Sri Lankan strategy to construct a political dichotomy between ‘the moderate and the militant/terrorist’, as analysed by Sivaram, a journalist assassinated by Sri Lanka.

The UK Terrorism Act 2000 was the legal basis for arresting two Tamil activists, Chrishanthakumar (also known as 'AC Shanthan') and Goldan Lambert in June 2007. Shanthan was charged with materially supporting the LTTE. Goldan Lambert was accused of organising a Hyde Park rally in July 2006 commemorating the 1983 anti-Tamil pogrom which had provoked the war in Sri Lanka; his involvement was now treated as a crime.

The arrests came as a surprise because many Tamils had been openly supporting the LTTE for a long time. Based in the UK, Anton Balasingham had been representing the LTTE in peace negotiations around the world; his trips were financed partly by the UK and US governments. After Balasingham’s death in December 2006, a greater role was played by Shanthan, who attended peace talks in Geneva. Eventually Goldan Lambert was acquitted. Although Shanthan was convicted, the judge expressed regret and commended his efforts to send humanitarian supplies; indeed, DFID had sent similar equipment to help Tamil civilians.

Why were the two Tamil activists arrested a year after the July 2006 rally? During that period, peace talks broke down, the war intensified and UK government policy changed. A couple weeks before the June 2007 arrests, the UK Foreign Minister Kim Howells visited Sri Lanka. There he

reiterated that the UK would not lift its LTTE ban until the organisation renounces terrorism. A different standard was applied to the Sri Lankan government, which was criticised simply for violating human rights, e.g. by forcibly transporting hundreds of people to dangerous areas.

In that way, anti-terror powers have been used selectively as an instrument of foreign policy. The UK arrest of Tamil activists has parallels in many other countries supporting the Sri Lankan government. Governments have deployed a few exemplary prosecutions, with the threat of many more, to intimidate Tamil communities into silence over the genocide.

Restrictions on charities also have been used against Tamil activists. A former leader of the LTTE, now based in London, came under pressure to dissociate himself from the organisation; after he refused, the Charities Commission ruled that he could no longer serve as trustee of a Hindu temple. He was also accused of visiting senior LTTE members – who happened to be his relatives. As these examples illustrate, the ban on association under vaguely defined ‘terrorism’ is used to attack community solidarity and family relations.

The anti-terror framework has also been deployed to suppress public protest and debate. Whenever UK Tamil activists tried to book venues for public events, the Sri Lankan Embassy told the venue that the organisers are LTTE supporters, the organisers were asked to prove otherwise, and their booking was often denied or cancelled for vague ‘security concerns’. Such intimidation effectively limits what it is possible to say. Yet the intimidation has not stopped protest against Sri Lanka’s genocidal war and the UK’s complicity. An activist from the Tamil Campaign for Truth and Justice was threatened with prosecution under UK anti-terror laws, as a supposed supporter of the LTTE, yet he has continued the campaign.

Regular London protests against Sri Lanka’s genocide have attracted over 100,000 Tamils. At even larger demonstrations in January 2009, thousands carried Tamil liberation flags, thus undermining the UK ban on symbols of a proscribed organisation. Tamils initiated a petition to the UK Prime Minister; the text concluded, “As a law-abiding citizen of this country, I demand HM’s Government de-proscribes the Liberation Tigers of Tamil Eelam (LTTE) immediately.” Moreover, amidst police attacks on anyone protesting in Parliament Square, a Tamil protest liberated that space, also attracting numerous Kurds to speeches and films there.

In May 2009, the war ended with large-scale massacres of both refugees and fighters by the Sri Lankan military. Having annihilated the LTTE, state forces then intensified their attack on democratic freedoms. Western countries have likewise restricted liberal-democratic freedoms for Tamil activists, mainly on the pretext that they seek to promote or revive the LTTE. Tamils demanding accountability for Sri Lanka’s genocide, and especially those demanding the right of self-determination, continue to be targeted by counter-terror powers, which thereby help legitimise a genocidal state.

The Sri Lankan state and its allies continue their transnational war against the Tamil diaspora that enables the continued repression of political aspirations both in Sri Lanka and abroad. This is evident in the deportation of Tamils by European states to Sri Lanka exposing them to detention and torture by the Sri Lanka security services. The UK government continues to attempt to exclude the senior level ex-LTTE members from international protection. Despite the history of severe torture and persecution, these people were accused of being involved in the alleged war crimes committed by the LTTE (not even proven) or having knowledge of such crimes and excluded on that basis due to their high profile or seniority in the LTTE. Such individuals are refused refugee status and remain at risk of deportation.

### **Baloch community**

On 17 July 2006, under pressure of Pakistan’s military government, the UK Labour Government proscribed the Balochistan Liberation Army (BLA) as a terrorist organisation (see box on terror

bans.) The BLA is a separate organisation to the Balochistan Liberation Front, which is not listed by the UK. The UK also colluded with the Pakistan military regime in its attempt to extradite two Baloch nationalists and human rights activists to Pakistan. Under the Terrorism Act 2000 the Metropolitan Police arrested Faiz Mohammed Baluch and Nawabzada Hyrbair Marri on 4th December 2007.

Evidence had been provided by Musharraf's dictatorship, whose Internal Security Services (ISI) is well known for framing political opponents on spurious charges. In reality the Pakistani government wanted to stop their role in exposing Pakistan's crimes in Balochistan. For its part, Britain wanted the extradition of a Pakistani Taliban terror suspect, Rashid Rauf, for an alleged plot to blow up transatlantic airlines. So the UK's collusion with Pakistan was part of a plan for a prisoner swap between the two countries.

By the time of the trial in early 2009, the new Pakistani government had dropped accusations against the defendants. The trial went ahead anyway. Faiz Baluch and Hyrbiyar Marri were eventually tried at Woolwich Crown Court in London. As one absurdity of the prosecution's case, both the London activists were charged with 'preparing acts of terrorism' and were described as Islamic fundamentalists. In fact, they were exposing the alliance between the Pakistani establishment and such Islamist groups. At the trial, the defence team challenged the accusations and highlighted their source in UK foreign policy. According to barrister Helena Kennedy, "This case is about classic self-defence, not regime change."

As recognised by international law, the Baloch people were exercising their right to defend themselves from oppression, and the accused were contributing to that defence. The jury acquitted both defendants. When it became clear that they would not be extradited to Pakistan, Rashid Rauf mysteriously escaped from the Pakistani jail.

Despite the prosecution's failure, the UK and US governments have continued their collusion with Pakistan's state terror. Under the same pretext of 'terrorist' activities, Noordin Mengal, another Baloch human rights campaigner, was detained and deported by US immigration on 7th July 2008. The Interfaith International, an NGO which was accrediting Mehran Baloch to represent the Baloch people at UN Human Rights Council, was suspended on Pakistan's request on 25th January 2010.

The Balochistan Liberation Army is a national resistance movement fighting for independence. Pakistan's terrorism in eastern Balochistan necessitates Baloch armed self-defence; the BLA's activities have always been within the boundary of Balochistan, against the occupying forces of Pakistan. While civilian casualties have been caused by both sides, the Pakistani state is responsible for far greater civilian deaths; of course, Pakistan's allies have not accused that state of terrorism.

By banning the Balochistan Liberation Army as a terrorist organisation, the UK criminalises any political 'association' with the BLA anywhere in the world; the UK also denies the legitimate right in international law to self-defence in pursuit of national liberation. The Baloch experience illustrates how the 'War on Terror' has been manipulated by the Pakistani establishment and military to crush the Baloch resistance.

Whilst Western powers say that they are promoting democracy and freedom across the world, they collude with the oppression and occupation of the Baloch. At the same time, they criminalise Baloch political representatives and human rights activists abroad through 'terrorism' bans. We should oppose such bans and defend the right to self-determination.

### **Basque community**

The 'war on terror' started in Basque Country long before September 2001. In 1997 the entire leadership of Batasuna were accused of collaborating with terrorism. Each member was sentenced to 7 years in prison for disseminating peace proposals from ETA (Euskadi Ta Askatasuna).

However, after 2001, the repressive actions against the pro-independence movement increased drastically. Batasuna was finally outlawed in 2003.

The banning of Batasuna by the Spanish Courts has received support from all European governments. Consequently, Spain has increased its repressive policies against Basque civil society, legitimated by the EU proscribing most of the organisations working within the pro-independence movement. The EU and Spain banned a long list of political parties and civil society organisations, affecting newspapers, youth and cultural organisations, and international solidarity groups. These organisations are accused of being part of ETA, based on the Spanish government's frequent claim that "Everything is ETA".

These bans have seriously undermined international solidarity and support for Basque independence and efforts towards peaceful resolution of the conflict. Institutions designed to support fundamental human and civil rights, such as the European Court of Human Rights (ECtHR), appear to have been influenced by the security rhetoric, which insists that non-violent groups should be pre-emptively repressed. In June 2009, the Court supported the ban against the Basque party Batasuna (formerly Herri Batasuna) on the basis that its activity was part of the strategy of the terrorist group ETA because they follow the same political objective; that is, the independence of the Basque Country.

The ECtHR found that the bans did not constitute a violation of the rights to freedom of assembly and association, stating that they could be justified as necessary in a democratic society in the pursuit of the legitimate aim of preventing terrorism. The court has accepted the Spanish government's contention that Batasuna was declared illegal for reasons of 'public security'. However, this decision has been interpreted by legal scholars as being entirely at odds with the functioning of democratic society.

On the other hand, the abuses of human rights by the Spanish Government have been widely criticised. Amnesty International (AI) regularly reports on the persistence of torture by the Spanish state. In its annual report for 2006, AI points to the unacceptability of detaining people for five days incommunicado, extendible up to thirteen. AI reports that "persons arrested on charges of alleged connection with ETA claimed to have suffered torture during the period of incommunicado detention."

Spain has ratified the Optional Protocol of the UN Convention against Torture, but "continued to resort to practices, especially incommunicado detention, condemned by the special rapporteur of the United Nations on the grounds that they increased the risk of torture and mistreatment." AI reports that, "in many cases," acts of torture and mistreatment "remain unpunished and [they] do not even investigate systematic and independent investigations on their perpetrators." This impunity is documented in a November 2007 report 'Salt in the Wound'. Referring exclusively to the Spanish state, Amnesty International records the absence of judicial inquiry or accountability, lack of disciplinary measures against perpetrators of violence and impunity for acts of torture.

One of the most critical issues is the lack of legal guarantees for individuals that seek protection in other European countries. While Batasuna is not banned in the UK, there have been several cases of people facing extradition orders to face spurious charges in Spain. UK criminal lawyer Gareth Peirce commented on the extradition of Inigo Makazaga: "We have seen reports from the UN rapporteur of torture and realised there's systematic use of torture and inhuman and degrading treatment of Basques. There's a pattern here of fabrication of evidence that's shocking. He would not receive a fair trial."

Most people in the Basque Autonomous Community are in agreement with a resolution adopted by the European Parliament on the 25th of October 2006 in support of resolving the Basque conflict through dialogue, and believe that a peaceful settlement is the only democratic solution. This

settlement would be based on the respect for self-determination as well as the recognition of the diversity of cultures, political ambitions and national projects that coexist in the Basque Country.

## **CONCLUSION: POLITICAL OPPRESSION AND COLLECTIVE RESISTANCE**

### **Colonial roots of counter-terrorism**

Britain's counter-terrorism laws and programmes have deep historical roots in the UK's colonial history. The methods and principles used to govern the British Empire over a century have produced a body of knowledge and expertise of repression, dissent-management and suppression of the aspirations for freedom and self-determination around the world. At a time when South Asian soldiers were fighting Britain's wars around the world, the British colonial government introduced the Defence of India Ordinance 1914 which first formalised many features of anti-terrorism laws and suppression of dissent and struggles for self-determination that we see today. Collective punishments for communities, arrests and imprisonment on mere suspicion, exemptions from regular criminal procedures including special trials, torture, criminalisation of criticism of government as sedition, proscriptions, property confiscations are some of the measures that have continued since colonial times.

The 1914 ordinance was regularised as law in the Defence of India Act 1915, and later replaced with the Anarchical and Revolutionary Crimes Act 1919, which was invoked during the now infamous Jallianwallah Bagh massacre. In this massacre, General Reginald Dyer ordered troops of the British Indian Army to open fire into a gathering of unarmed Indian civilians in Jallianwala Bagh in Amritsar, India, killing 379 people and injuring over 1,200 other people, on conservative estimates. These counter-terrorism laws were exported to other British colonies to suppress the struggles for self-determination.

For example, the Indian law was exported to Northern Ireland after the partition of Ireland as the Civil Authorities (Special Powers) Act Northern Ireland 1922. After independence, the counter-terrorism laws during the colonial era continued with training and weapons from the British government for the post-colonial states. Since the so-called "War on Terror" these colonial-era laws have returned "home" to the mother country Britain, to be used against the same communities and nations that were targeted during colonial rule: the Balochis, Tamils and Irish discussed above being some of them. Counter-terrorism laws have eroded the civil liberties of all communities. Counter-terrorism legislation helps the state isolate migrant communities and deter them from political protest against oppressive regimes abroad, especially those allied with the UK government.

### **Fighting the injustices of 'counter-terrorism'**

Counter-terrorism laws contradict the fundamental principles of justice – the presumption of innocence, *habeas corpus* and a fair trial by jury. They treat suspicion as guilt, impose punishment without trial, and allow arbitrary executive decisions. Such powers have been extended by a cascade of counter-terrorism acts passed by the Parliament. All these powers could be used even more extensively against any of us, bringing this country closer to a police state.

All of these injustices, which have been severely affecting migrants and other ethnic minority communities are justified as protecting the security of the British public, which is kept in the dark because of the mass media's complicity with the state's claim of combating terrorism. There has been a growing realisation amongst these communities and the lawyers who represent individuals within them that the British courts would neither offer protection nor justice.

Britain's violence abroad and at home cannot be understood without the role of modern counter-terrorism, as well as the anti-immigration powers. Together these powers have had a central role in expanding, militarising and legitimising mass policing and surveillance. Special anti-terror powers

label resistance abroad as ‘terrorism’ and likewise stigmatise mere verbal support at home as threats to national security.

The counter-terror framework serves to legitimise oppressive regimes allied with the UK and its own global military intervention, in pursuit of global plunder and domination. By blurring any distinction between liberation movements and terrorism, and likewise between civil resistance and violence, the UK impedes a political route to conflict resolution abroad, while persecuting those who oppose oppressive regimes. Moreover, when such regimes come under criticism for political oppression, they can cite the UK's counter-terror laws as models legitimising their own laws. This has enabled anti-democratic standards to proliferate globally

Various methods extend ‘low intensity operations’ from UK colonial counter-insurgencies to the UK itself. Securitisation has elaborated new existential threats, defence imperatives, additional legal weapons, punishment without trial, systematic surveillance and mass intimidation. By defining terrorism in broad ways and targeting recalcitrant populations, special powers have turned migrants and Muslims into suspect communities. Securitisation has become a pervasive strategy turning political conflicts into ‘security’ threats.

Despite those severe powers against targeted groups, they have persisted and developed communities of resistance. They often have gained solidarity from each other, from fellow opponents of UK foreign policy and from civil liberties activists. This mutual support must be extended to oppose the entire anti-terror regime, its supposed rationale, its bans on organisations and the broad statutory definition of terrorism. Affected communities must build the broadest possible alliance for civil liberties, human rights and universal values with civil society at large to defend democratic freedom of dissent and to resist oppression. Resistance and solidarity are essential to protect our rights

We should all demand that TACT and all the subsequent counter-terrorism laws should be repealed. These special powers are not necessary to protect the public, as the ordinary criminal law is sufficient to prosecute any violent threats. We should oppose all measures which could criminalise mere association with a political organisation, or which involve detention without charge, or restrictions on freedom of speech, association or publication. Everyone must be treated as innocent until proven guilty, the right of *habeas corpus* be restored, and there should be no punishment without trial before a jury. The pervasive surveillance of targeted communities including PREVENT must be brought to an end.

## SOURCES

A. Sivanandan, *Race, Terror and Civil Society* (2005). <<https://irr.org.uk/product/race-terror-and-civil-society/>>.

Arun Kundnani, *The Muslims are Coming* (2014). <<https://www.versobooks.com/books/1765-the-muslims-are-coming>>.

CAMPACC, *A Permanent State of Terror* (2003). <<http://campacc.org.uk/index.php?page=a-permanent-state-of-terror>>.

CAMPACC, “Anti-Terrorism Laws: Unjust Powers Serving the Politics of Fear” (2013).

<<http://campacc.org.uk/index.php?page=campacc-statement-anti-terrorism-laws-unjust-powers-serving-the-politics-of-fear-2008&phpMyAdmin=I8srdJ5PC9Q2-jYJb4LpEkCqV17>>

CAMPACC, “Briefings on Communities of Resistance” (2010).

<<http://campacc.org.uk/index.php?mact=News.cntnt01.detail,0&cntnt01articleid=89&cntnt01returnid=93>>.

Frances Webber, *Borderline Justice, The Fight for Refugee and Migrant Rights* (2012).

<<https://irr.org.uk/product/borderlinejustice/>>.

Cage. *20 Years of TACT*

<https://www.cage.ngo/20-years-of-tact-justice-under-threat-report>

*For information contact:*

Campaign Against Criminalising Communities [CAMPACC]: <http://www.campacc.org.uk/>

Email: [estella@gn.apc.org](mailto:estella@gn.apc.org) Mobile: +447846666804