

Submission to Home Office Consultation on Schedule 7 of the Terrorism Act 2000 by NetPol (the Network for Police Monitoring)

The Network for Police Monitoring (Netpol) is a network of organisations with an interest in monitoring or observing policing. This includes those based within a set community, such as the Newham Monitoring Project, and those that work directly with protest, such as the Green and Black Cross, who train and support legal observers. Netpol acts as a focus for campaigns relating to aspects of policing that are viewed as excessive or oppressive.

We are aware that other organisations such as Cage Prisoners, the Campaign against Criminalising Communities and StopWatch are making submissions to the consultation and we defer to their expertise and experience in this area where it relates to the ethnic profiling of persons stopped and the targeting of migrant communities. We share their concerns that the power under schedule 7 is coercive and discriminatory in nature. Our submission is in relation to the targeting of political activists involved in campaigns for social or environmental justice. While we are opposed to the broad powers in schedule 7 we note that the Home Office is not seeking to consult on abolishing or replacing schedule 7. We therefore propose an amendment to the guidance to examining officers.

There have been a number of incidents over the last six years in which individuals have been stopped and questioned under schedule 7 in circumstances in circumstances that indicate that the power has been abused. The people targeted are campaigners in social justice or environmental movements. None of those groups are involved in activities that could remotely said to be "*concerned in the commission, preparation or instigation of acts of terrorism*". The detail of the stops, which we set out below, come from individuals who have told us of their experience in confidence or are collated from media reports. We are anecdotally aware of other reports but could not verify the facts and therefore have not included those examples in this submission. The identities of those who shared their experiences in confidence will not be provided.

Most of those targeted have been asked specific questions about the groups they work with; about particular protests; about their political beliefs; about people alleged to be part of their groups; and even about whether they were involved in the England wide riots of August 2011. None of these questions could have ever or were ever likely to have revealed information that would indicate that the person was involved in the commission of terrorist offences. We are concerned by reports that the broad definition of terrorism has been cited by examining officers by way of justification when objections were raised by those detained. This is highly disingenuous in the circumstances.

It is also clear that the examining officers knew the identity of the people detained prior to the stop as research had been undertaken which informed the subsequent questioning. These stops were not random or triggered by a travel pattern for instance.

The power under schedule 7 to compel a person to answer questions and/or provide documentation as requested or run the risk of being charged with an offence clearly

creates the conditions in which the power to detain can be abused. The professed need for this draconian power is to ensure that life and limb is protected by refusing entry to, or detecting, a terrorist threat. The examples we raise demonstrate that this power is being used to gather intelligence about political activity, unconnected in any way to terrorism, that could not otherwise be gathered through conventional police powers.

Although we note that under the paragraph 9 officers are reminded that “*the powers ... should not be used should not be used for any other purpose [other than in connection to terrorism]*” and further in the Notes for Guidance on paragraphs 9 and 10 that “*an examination must cease and the examinee must be informed that it has ended once it has been ascertained that the person examined does not appear to be or to have been concerned in the commission, preparation or instigation of acts of terrorism,*” it is clear that this is not being adhered to by examining officers. We therefore suggest that the Home Office consider adding a section to the Codes of Practice to ensure that the examples we cite below do not occur again.

Wording such as the following could be added:

“Examining officers are reminded that the power under schedule 7 is to be used to ensure that persons entering or leaving the United Kingdom are not concerned in the commission, preparation or instigation of acts of terrorism. The power should not be used to gather information or intelligence from persons involved in political activities which the examining officer cannot reasonably link to terrorism.

The decisions made and actions taken by examining officers can be challenged in the civil courts if a person has been stopped in circumstances that indicate the power has been used for purposes other than to which it was designed.

The exercise of the power to stop and detain a person can amount to a significant interference with the Right to Liberty under Article 5 of the European Convention on Human Rights as set out in Part I of Schedule 1 to the Human Rights Act 1998. When the power under schedule 7 is exercised it is essential that it is exercised in a non-discriminatory and proportionate manner which is compatible with the Right to Liberty under Article 5.”

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Examples of activists stopped since 2006

2012: An activist returning to the UK was stopped and held for 40 minutes. The examining officers demanded that he provide passwords for his phone and e-mail account. He was asked about what protest groups he was active in, and whether he had taken part in the London riots.

2012: Members of Anarchist Federation were stopped coming back from a conference in Switzerland and questioned on anarchism. They were detained for nearly two hours. They had their DNA, photographs and fingerprints taken.

2010/2011: An activist/researcher was stopped twice while travelling to carry out research for articles and a book on Palestine and Egypt. He was questioned on his involvement with Corporate Watch, a respected research organisation and Smash EDO an anti-arms trade campaign. On one occasion he was held for over an hour.

2008/2011: A peace activist was stopped returning from holiday in Germany weeks before a major anti-NATO demonstration, and again in 2011 returning from an anti-NATO meeting in Dublin. He was questioned on anti-nuclear and anti-militarist campaigns. The detentions lasted 45 minutes and 20 minutes respectively.

2009: Chris Kitchen and an unnamed other, both climate activists, were stopped on route to Copenhagen for the Climate Summit.

<http://www.guardian.co.uk/politics/2009/oct/14/climate-change-activist-held>

2006 – 2008: Another activist has told us he was subjected to frequent stops during which he was questioned generally on 'organising protest' as well as his role in Indymedia, 'No Borders' and protests against G8. In most cases detentions lasted for over an hour.