

# Counter-Terrorism and Human Rights:

## Balancing Liberty, Security and the Rule of Law

Organised by JUSTICE and Sweet & Maxwell

- Royal Society of Arts, 8 John Adam Street, London WC2N 6EZ

**A one-day conference** examining the state of counter-terrorism legislation in the UK

- The Prevention of Terrorism Act 2005
- Control Orders
- Identity Cards
- Intercept Evidence
- Deportation

The implications for liberty and security – and the practical questions for lawyers.

Tuesday  
28 June 2005

Earn  
6.5 hours  
of Law Society  
/ Bar Council  
CPD Credit

### Keynote Speaker

Professor Conor Gearty, *London School of Economics*

### Plenary Session Speakers

Rt. Hon Alan Beith MP, *Chair of the House of Commons Constitutional Affairs Committee*

Louise Christian, *Christian Khan Solicitors*

Tom de la Mare, *Blackstone Chambers*

Professor David Feldman, *University of Cambridge*

Nicholas Howen, *Secretary-General, International Commission of Jurists*

Rick Scannell, *2 Garden Court*

Rabinder Singh QC, *Matrix Chambers*

Michelle Strange, *Doughty Street Chambers*

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# Counter-Terrorism and Human Rights

## Balancing Liberty, Security and the Rule of Law

*"The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these [Anti-Terrorist, Crime and Security Act 2001]"*

Lord Hoffman

*"For the safety of the vast majority, occasionally we will have to accept the infringement of the human rights of high-risk individuals"*

Sir John Stevens, former Metropolitan Police Commissioner

Your chance to clarify the key issues as the new regime takes shape

### Why you should attend this conference

Exactly what did change on 11 September 2001? The events of that day certainly did bring home fears that liberal societies are vulnerable to large-scale terrorist violence. Since then, the Bali and Madrid bombings have heightened those fears. But is security and liberty a zero sum game? Can liberal democracies protect themselves without abandoning the fundamental principles that define them – thereby doing the terrorists' work for them?

These questions lie at the heart of the fierce debate that has raged about the political and legal responses to terrorism. There are no easy solutions. **Counter-Terrorism and Human Rights** seeks to address these issues head-on.

It begins with a candid examination of current anti-terrorism legislation. It then goes on to consider, from both practical and principled perspectives, the implications of some of the latest proposals. Finally, it seeks to suggest workable solutions which will go some way to squaring the circle of the liberty versus security dichotomy.

- The new counter terrorism legislation examined
- Implications of the latest proposals
- Access to a panel of expert practitioners, academics and politicians
- The practical issues for lawyers

### Key issues examined

- What are the practical implications of the Prevention of Terrorism Act 2005 for civil and criminal practice?
- How will control orders interact with criminal prosecutions for terrorism offences?
- Will the proposal to deport terrorist suspects mean sweeping human rights under a foreign carpet?
- Will allowing intercept evidence in criminal proceedings untie the Gordian knot?
- Are ID cards an important weapon in the war on terror – or an unworkable, expensive threat to basic rights?
- What is the likely impact of allowing closed proceedings and special advocates in the High Court (Part 76 of the Civil Procedure Rules)?

The conference provides the ideal opportunity to stand back and assess all the issues bearing on the current debate – from general questions of liberty and security to the day-to-day implications for practising lawyers.

### Who should attend

- Lawyers
- Policy makers
- Prosecuting authorities
- Judicial authorities
- Security and intelligence professionals
- Academics
- NGOs

# Human Rights:

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## Programme

09:00 Registration with Coffee

09:30 Morning plenary session

Introduction from the Chairman  
Lord Goodhart QC

**Keynote speech:**

**Fighting Terrorism in a Free Society**

Professor Conor Gearty, *London School of Economics*

10:00 **Balancing rights and security: The Prevention of Terrorism Act**

Rabinder Singh QC, *Matrix Chambers*

Do the provisions of the Prevention of Terrorism Act strike the right balance between rights and security? What are some of the alternative measures that the government could put in place to ensure prosecution of suspected terrorists without compromising basic rights? A critical review of the progress of human rights protection under counter-terrorism legislation since 11 September 2001.

10:30 Questions & Discussion

11:00 Tea Break

11:15 **Control Orders: a parallel system of justice?**

Chaired by Eric Metcalfe, *JUSTICE*

This three-part session looks in detail at the proposed use of control orders as an alternative to criminal prosecutions for terrorism. The session will look at the compatibility of orders considered in the light of the jurisprudence of the European Court of Human Rights (such as *Labita v Italy*) as well as the likely practical difficulties of control order proceedings, such as the role of the judge, burden and standard of proof, and the use of closed proceedings and special advocates.

**11:15 Criminal prosecutions and 'acts preparatory to terrorism'**

Michelle Strange, *Doughty Street Chambers*

**11:45 Civil orders and restrictions on liberty**

Tom de la Mare, *Blackstone Chambers*

**12:15 Closed proceedings and special advocates**

Rick Scannell, *2 Garden Court*

12:45 Questions & Discussion

13:00 Lunch

14:00 **Afternoon breakout sessions**

[choose one session from the following three]

**1. Deportation and diplomatic assurances**

Guy Goodwin-Gill, *Blackstone Chambers*

Raza Husain, *Matrix Chambers*

The Home Office proposes to deport foreign nationals suspected of terrorism back to countries where they are at risk of being subject to torture and ill-treatment, by seeking special 'diplomatic assurances' from the countries concerned. This session details the human rights issues surrounding such proposals, including the most up-to-date case law on the UK's obligations under Article 3 of the European Convention on Human Rights and the UN Convention Against Torture.

**2. The use of intercept evidence**

Anthony Arlidge QC, *18 Red Lion Court*

Kingsley Hyland OBE, *Crown Prosecution Service*

The UK and Ireland are the only two countries in the world to ban the use of intercept evidence in court. This session will examine the arguments for and against continuing the current ban, and discuss the practicalities – and potential difficulties – involved in handling such evidence.

**3. Identity Cards**

Richard Thomas, *The Information Commissioner*

Roger Smith, *Director of JUSTICE*

The government has proposed a compulsory national ID card for every UK resident by 2012, claiming that they will be an invaluable tool in the fight against terrorism. The Identity Cards Bill, expected to be reintroduced after the general election, creates the legal framework for their introduction. This session examines the details of the ID cards scheme and identifies potential difficulties, both in terms of practical effectiveness in the fight against terrorism and in terms of compatibility with basic rights including the right to privacy.

15:30 Tea Break

16:00 **Panel Discussion**

**Eternal vigilance and the price of liberty**

Chaired by Roger Smith, *JUSTICE*

Rt.Hon Alan Beith MP, *Chair of the House of Commons Constitutional Affairs Committee*

Louise Christian, *Christian Khan Solicitors*

Professor David Feldman, *Rouse Ball Professor of English Law, University of Cambridge*

Nicholas Howen, *Secretary-General of the International Commission of Jurists*

In 1852, Wendell Phillips said that 'eternal vigilance is the price of liberty'. In light of recent counter-terrorism measures, is vigilance the only price? What other burdens may legitimately be imposed in a democratic society facing the threat of serious terrorism? Does it make a difference when the threat is open-ended and indefinite?

17:00 Questions & Discussion

17:30 Close of Conference

To book your place complete the order form overleaf >>>>

# The Counter-Terrorism and Human Rights Conference

Tuesday 28 June 2005 • Royal Society of Arts, 8 John Adam Street, London WC2N 6EZ

## Delegate Fee: £295 + VAT £51.63 (total £346.63) per delegate

Members of JUSTICE are entitled to a 10% discount at £265.50 + VAT (total £311.96), saving £29.50 (annual membership £50). 10% discount for three or more delegates when booked at the same time.

Prices include the conference, your comprehensive conference folder (containing papers relating to the conference sessions, which serves as a useful reference and as an *aide-memoire* afterwards), lunch, coffee/tea on arrival, mid-morning and mid-afternoon.

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Full payment must be made prior to the date of the conference, unless specific arrangements have been made to the contrary. A VAT invoice will follow acknowledgement of booking. Once submitted this booking form constitutes a firm booking which can only be cancelled in accordance with our cancellation policy set out below.

Once we receive your booking form we will send you a booking acknowledgement. If you have not received this acknowledgment prior to date of the conference, please contact us.

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given. Failure to attend the conference will constitute late cancellation and payment will still be due or forfeit if already paid. We reserve the right to change the programme, date, content, price, speakers and venue as necessary; or cancel the conference totally in which case we will refund any payment made in respect of the cancelled conference.

### Substitute delegates

Substitute delegates can be accepted at any time, without charge. Please telephone the Conference Administrator on 020 7393 7859 to let us know the name of the substitute.

Please allow up to 28 days for delivery in the UK. Prices, specifications and details are subject to change without prior notification. Registered offices: Sweet & Maxwell Group, 100 Avenue Road, Swiss Cottage, London NW3 3PF. Registered No. 1679046 (England). Sweet & Maxwell

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