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'You can't scrutinise what isn't there': JUSTICE response to latest government proposals on pre-charge detention

The Home Secretary today announced proposals to extend pre-charge detention up to a maximum of 42 days in terrorism cases, subject to a prior recommendation by the DPP and subsequent parliamentary approval.

Eric Metcalfe, JUSTICE's director of human rights policy said:

The latest proposals offer nothing new, least of all any evidence that further extension is needed.

The government keeps promising more scrutiny as a safeguard but you can't scrutinise evidence that isn't there.

The UK already has a greater period of pre-charge detention than Zimbabwe under Robert Mugabe. The government should be looking at reducing it, not extending it further.

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Notes to editors

1. In November 2007, JUSTICE released a 30-page report showing that the US pre-charge detention limit of 48 hours was no obstacle to charging suspects in complex terrorism cases. A pdf copy of the JUSTICE report, *From Arrest to Charge in 48 Hours: Complex terrorism cases in the US post-911* is available on request.
2. The current maximum period of pre-charge detention under the Terrorism Act 2000 in the UK is 28 days.
3. The current maximum period of pre-charge detention in Zimbabwe under the Criminal Procedure and Evidence (Amendment) Act 2004 is 21 days. In February 2004, President Mugabe used regulations under the Presidential Powers (Temporary Measures) Act 1990 to extend pre-charge detention to 28 days but this was later reduced by the later 2004 Act.
4. In October 2006, JUSTICE released a 75-page report showing that intercept evidence is used regularly in other common-law jurisdictions to prosecute suspected terrorists. A pdf copy of the JUSTICE report, *Intercept Evidence: Lifting the ban* is available on request. JUSTICE also gave evidence to the ongoing Privy Council Review on Intercept Evidence.
5. JUSTICE has consistently opposed the extension of pre-charge detention in terrorism cases on the basis that there are sufficient workable alternatives to extension, including lifting the ban on intercept evidence in criminal proceedings, allowing questioning of suspects post-charge (subject to safeguards), and greater clarification of the CPS threshold test in complex cases.

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