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'Phoney safeguards are no way to fight terrorism': JUSTICE responds to the Counter-Terrorism Bill

Measures contained in today's Counter-Terrorism Bill to further extend pre-charge detention in terrorism cases have been criticised by JUSTICE as lacking safeguards and being unsupported by evidence.

The Bill would permit the Home Secretary to extend pre-charge detention up to a maximum of 42 days in terrorism cases, subject to a prior recommendation by the Director of Public Prosecutions. However, although the Bill contains provision for subsequent debate by Parliament, there is nothing to prevent the Home Secretary extending the maximum period of detention to 42 days without prior parliamentary or judicial approval.

The Home Secretary has also conceded that there has been no case in which a suspect held to the existing maximum of 28 days has ever been shown subsequently to be involved in terrorism. Both the Home Affairs Committee and Joint Committee on Human Rights have criticised the lack of evidence supporting the government's proposals.

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

Scrutiny is no safeguard when there's no evidence to scrutinise.

Nor can scrutiny prevent the injustice of being held without evidence for 42 days.

Phoney safeguards and a lack of evidence are no way to fight terrorism.

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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. 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.
3. 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.

Chairman of Council **Lord Goodhart QC** Director **Roger Smith**
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