

JUSTICE PRESS RELEASE

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No safeguards possible against excessive pre-charge detention

The Prime Minister Gordon Brown today announced a series of proposed counter-terrorism measures, including a review of the current ban on intercept evidence in criminal courts and further consultation on extending pre-charge detention in terrorism cases beyond 28 days.

In particular, the Prime Minister suggested that one safeguard for extending pre-charge detention beyond 28 days would be to require further judicial scrutiny and additional parliamentary oversight.

Eric Metcalfe, JUSTICE's Director of Human Rights Policy said:

At 28 days, the UK already has the longest period of pre-charge detention of any western country. While we welcome the government's continuing efforts to consult and seek consensus on this important matter, it should strive to work within existing limits instead of pushing to achieve ever-longer maximums.

In particular, the government should be under no illusions about the possibility of additional safeguards for those held beyond 28 days.

No amount of additional scrutiny by the courts and Parliament can hope to prevent the injustice of an innocent person detained without charge for over a month.

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Notes for editors

1. The UK already has the longest maximum period of pre-charge detention in any EU or Commonwealth country. Maximum periods of pre-charge detention in other EU countries include France – 4 days; Germany – 2 days; Spain – 5 days; Greece – 6 days; (source: Foreign and Commonwealth Office, *Counter-Terrorism Legislation and Practice: A Survey of Selected Countries* (October 2005). Maximum periods of pre-charge detention in other common law countries include the US – 3 days; Canada – 3 days; New Zealand – 1 day.
2. As an alternative to increased pre-charge detention, JUSTICE has identified several steps to enable suspects in terrorism cases to be charged more swiftly: (i) lifting the ban on intercept evidence; (ii)

allowing questioning of suspects post-charge; (iii) bringing into force the power under Part 3 of the Regulation of Investigatory Powers Act 2000 to enable police to obtain court orders against suspects to provide encryption keys for computer evidence; and (iv) clarifying the 'threshold test' for prosecutors in terrorism cases.

3. In particular, JUSTICE's October 2006 report *Intercept Evidence: Lifting the ban* showed that the UK is the only western country to prohibit completely the use of intercept evidence. Intercept evidence is used regularly by prosecutors in Australia, Canada, France, Germany, New Zealand, Israel, South Africa and the United States, without interception methods being compromised. A copy of JUSTICE's report is available at www.justice.org.uk/inthenews/index.html

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