

LIBERTY

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**The Impact of Anti Terrorism powers on the
British Muslim population**

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Liberty (The National Council for Civil Liberties) is one of the UK's leading civil liberties and human rights organisations. Liberty works to promote human rights and protect civil liberties through a combination of test case litigation, lobbying, campaigning and research.

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Liberty provides policy responses to Government consultations on all issues which have implications for human rights and civil liberties. We also submit evidence to Select Committees, Inquiries and other policy fora, and undertake independent funded research.

Liberty's policy papers are available at

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Introduction

A suspect community has been constructed against a backdrop of anti-Irish racism. The community has suffered widespread violation of their human rights and civil liberties. As a consequence, the United Kingdom's reputation throughout the world in upholding human rights and civil liberties has been constantly compromised.¹

This was one of the conclusions of an extensive study Liberty published in 1993, looking at the operation of the Prevention of Terrorism Acts. A decade later, substitute 'Irish' for 'Muslim' and this could easily read as a description of the impact and operation of the Terrorism Act 2000, and the Anti-Terrorism, Crime and Security Act 2001. The similarities between the treatment and experiences of the Irish community at the height of the IRA threat and of the British Muslim community today, are striking.

Police powers have been used disproportionately against the Muslim population in the UK. The majority of arrests have been of Muslims, a large number of whom were subsequently released without charge, or charged with offences unrelated to terrorism. All of those detained indefinitely have been Muslim men.

The way in which anti-terror powers are being used has led to feelings of isolation amongst many of the 1.6 million Muslims in the UK. There is disillusionment with a Government which, rather than protecting them from this backlash, is effectively criminalising them as a community. The group as a whole is stigmatised, and Muslims have often described themselves as feeling 'under siege'.

This has had a serious impact upon the efficacy of anti-terrorism measures, and renders them to a large extent counter-productive. This is apparent on two levels. Key to tackling terrorism is the use of reliable intelligence. The way in which anti-terrorism measures have operated has alienated the one group which has a vital role to

¹*Suspect Community-People's Experiences of the Prevention of Terrorism Acts in Britain*, Paddy Hillyard, Pluto Press 1993

play in this context. The relationship between British Muslims and the authorities is at an all time low. The Muslim community is keen to tackle terrorism. The Muslim Council of Britain has, for example, recently written to mosques throughout Britain urging members of the community to help in the fight against terror.

The way in which Muslims are being treated by the authorities, however, is making them reluctant to come forward and assist. In addition, the mood of resentment which has developed can foster and encourage extremism amongst a small number of an increasingly marginalised group.

Internment

For many Muslims, the detention without trial of a group of Muslim men has now become symbolic. It is the starkest example of their unequal treatment under the law, with their rights being seen as less important than those of non-Muslims. A number of prominent Muslim figures have raised concerns about the effects of this measure, and its counter-productivity:

Dr Ghayasuddin Siddiqui, Leader of The Muslim Parliament of Great Britain:

“Muslims are one of the most marginalized and criminalized communities in Britain. By extending the provision of internment to British nationals on the basis of mere suspicion by intelligence agencies or the police will be seen by the community as a war on Islam, not a war on terror. This will serve no useful purpose except to fuel further extremism, which every sensible person wants to avoid.”²

Anas Altikriti, President of the Muslim Association of Britain:

‘This legislation will only lead to a society that is divided, shattered, rife with hatred, heaving with racism and with no promise of a prosperous future.’³

² Comments made by Dr Siddiqui to Liberty

³ Comments made by Anas Altikriti to Liberty

Ssamar Mashadi, Director of Projects at the Forum Against Islamophobia and Racism (FAIR):

*'The arrests under the legislation clearly illustrate that the legislation has been used to target the Muslim community, and that racial and religious profiling seem to be the prime motivators behind the arrests. The legislation fails to combat terrorism but instead controls asylum and immigration and impinges on civil liberties.'*⁴

Policing

It is clear that anti-terrorism laws have had a disproportionate effect against Muslims. They have been heavily targeted as a group, the message being sent out that all Muslims are to be regarded with suspicion.

A recent Metropolitan police survey found that the number of Asians stopped and searched by police rose 41% between 2000/01 and 2001/02, and searches on black people rose 30%, compared to 8% for white people in the same period.⁵

Lawyers and groups representing Muslims have noted an increase in complaints from individuals who have never been in trouble with the police before but who report being stopped and searched, and having their cars and homes searched. According to recent press coverage, all allege they have been targeted for no reason other than their religion.⁶

There is also a large amount of anecdotal evidence concerning the treatment of Muslims under arrest. A case which has been cited frequently in the press and by groups representing Muslims is that of a Muslim man who was detained by police in London. He was forced to prostrate with his arms in cuffs, and asked '*where is your God now?*' It is alleged that the detainee suffered over forty injuries including a black eye and severe bruising.⁷

⁴ Comments made to Ssamar Mashadi to Liberty

⁵ The Guardian, May 24 2004

⁶ The Guardian March 29 2004

⁷ Taken from www.stoppoliceterror.com December 2003

The statistics and anecdotal evidence do little to instil British Muslims' trust in the police. They seriously damage relations between the two groups and increase feelings of alienation.

Commenting on the stop and search figures, Iqbal Sacranie, Secretary General of the Muslim Council of Britain (MCB), raised concerns about the impact of such policing:

*“Just as an entire generation of young black people were alienated through stop and search practice, we are deeply worried that the same thing could occur again, this time to young Muslim men...we have been urging Muslims to work in partnership with the police, to help combat a common threat facing all of us, but this is made difficult when these very same people or members of their family may well have been stopped or searched just last week, for no justifiable reason.”*⁸

These findings did not come as a surprise to many Muslim groups, who have long been arguing that the operation of anti-terror powers is exacerbating, rather than solving, the problem. Dr Siddiqui, leader of the Muslim Parliament of Great Britain, has spoken of the problems faced by young Muslims who are becoming increasingly alienated:

*“We have been telling young Muslims that as long as you are law abiding nothing will happen to you. But they are coming back to us to say ‘I was arrested and did nothing wrong.’ Every day more and more young people are losing confidence in the system and in the rule of law.”*⁹

Khurshid Ahmed, of the Commission of Racial Equality, recently highlighted the danger of increasing extremism amongst young Muslims, alongside a failure to combat alienation and poor operation of anti-terrorism powers. Arguing that alienation from community and family pushed such individuals onto ‘the laps of extremism’ he noted that the *“responsibility (to act) lies within the community, but also within the government and others. The community cannot do it alone.”*

⁸ Muslim Council of Britain Press Release, 20 May 2004

⁹ *A Community Under Siege* Asian Times Live, 6 April 2004

Speaking of the impact that the operation of anti-terrorism law has had, he continued:

*“There is tremendous disquiet within the community... it has given licence to racist and religious bigots employed within the security services to unleash a form of terror on innocent people up and down the country...the community has the responsibility to co-operate with security agencies to ensure our own safety - but the way to get that co-operation is not by terrorising people and by allowing, without accountability, some within agencies to peddle their race hate among the communities.”*¹⁰

The impact of anti-terrorism measures goes beyond those detained or arrested. The British Muslim community as a whole has come under heightened suspicion, with research showing an increase in ‘Islamophobia’ and anti-Islamic sentiment.

A study conducted by the European Monitoring Centre on Racism and Xenophobia¹¹ found an increase in ‘Islamophobia’ in the UK during the period of September 11th 2001 to December 2001. There was a significant increase in assaults on Muslims, vandalism of mosques, and ‘Islamophobic’ messages being transmitted via email, internet and telephone. The Committee on the Elimination of Racial Discrimination has also raised concerns about reported cases of ‘Islamophobia’.¹²

Conclusion

The way in which anti-terrorism powers are operating in the UK is undeniably counter-productive. The British Muslim community is becoming increasingly alienated and their relationship with the authorities seriously damaged. This makes tackling the terrorism threat in this country more difficult.

Key to improving this situation lies in the repeal of the internment provisions of the ATCSA 2001. The indefinite detention of a group of Muslim men has come to be a

¹⁰ *UK Extremism Threat Growing*, BBC News Online, 23 April 2004

¹¹ Summary Report on Islamophobia in the EU after 11 September 2001, European Monitoring Centre on Racism and Xenophobia, May 2002

¹² Committee on the Elimination of Racial Discrimination Sixty-third Session 4-22 August 2003 CERD/C/63/CO/11 18 August 2002

powerful symbol of the injustice Muslims are facing under this counter terror regime. Whilst the detention remains indefinite, with no prospect of trial, the authorities assertion that Muslims are not being treated differently and harshly will remain wholly unconvincing.

More ethnically sensitive policing must also be practiced if relations between British Muslims and the authorities are to improve. The current situation has been widely compared to the policing of the Irish in the 1970s, and to the disproportionate use of stop and search on the black community.

A positive example to draw lessons from would be the approach taken by the authorities in setting up Operation Trident, a Metropolitan police initiative aimed at tackling crime amongst the UK's black community. Commenting at the launch of the initiative, Lee Jasper, policy advisor on equalities to the Mayor of London and chair of the Operation Trident advisory group, noted the significance of this strategy:

“Operation Trident represents a genuine effort by the Black community and the Metropolitan Police Service to tackle serious gun crime... we have no alternative but to work together to defeat the men of violence.”¹³

Operation Trident has proved successful in reducing crime, and in promoting better relationships between the community and the police. The existence of an Independent Advisory Group encourages members of the community to come forward and assist the police. We believe that to effectively tackle terrorism, the authorities must make considered attempts to gain the trust and cooperation of the Muslim community, rather than alienating and discriminating against them.

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¹³ Taken from the Metropolitan Police Service website