

Counter-Terrorism Laws and Human Rights: The UK Example

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Abstract

This paper critically analysed the ways in which the UK Counter-Terrorism and Security Act 2014- 2015 and other recent Statutes provide the tools required to mitigate against a threat of terrorism posed by UK residents. The work considers the nature of terrorism in UK and a review of recent UK Counter-Terrorism Laws since 2000 before critically analysing the UK Counter-Terrorism and Security Act 2015. The paper observed among other things that the UK Counter-Terrorism Acts 2014-2015 infringes on the fundamentals rights of the of the UK citizens. The work therefore recommends among other things that the Act should provide clear definition of some vague terms and a narrower definition of terrorism.

Key Words: *Terrorism, Counter-Terrorism, Human Rights, Violations, Threats.*

1. INTRODUCTION

The threat which terrorism imposes on the UK residence cannot be underestimated as the fear is alarming. It is envisaged that an attack could happen any time and nobody knows the venue and could be carried out by any terrorist group or organisation. The manner and approach it could take beats everyone's imagination but the destructions carry far reaching consequences. The current threat level from international terrorism for UK is assessed as SEVERE¹. The aim is to exhibit a very crucial attack with the purpose of targeting mass casualties and cause damages to basic amenities like transport, communication, energy, among others².

The Northern Ireland related terrorism poses threat to UK as they attacked economic and political sectors and rejects peace agreement³. The Al Qaida and its associated networks also poses a major threat to UK citizens as they are capable of launching attacks like the one in London in July 2005⁴. Rowley, the head of specialist operations at Scotland Yard has released statement on the scale of threat posed to Britain by the emergence of Islamist extremism in Syria and Iraq, where the Islamist state (ISIS) has come to prominence with threat of brutality⁵. This is outside the UK home grown terrorism that can spring up surprises of attacks since their modus operandi is unpredictable. In fact, to the large extent, while co-ordinated anti-terrorism legislations and operations, the subject of this paper, have achieved a considerable success, the intelligence gathered by police investigations and subsequent trials revealed that terrorist groups,

¹ See Report of the Independent Joint Terrorism Analysis Centre (JTAC)

² "Terrorism" CPNI - Centre for the Protection of National Infrastructure
<http://www.cpni.gov.uk/threats/terrorism/>

³ Ibid

⁴ Ibid

⁵ "Threat of extremist attack in UK is escalating, say police" <http://www.theguardian.com/uk-news/2014/>

both home and abroad, continue to target UK citizens business and interest⁶. However, while the UK has encountered different types of terrorism threat in the past, certain factors are accountable for its setback in her bid to overcome this challenge. These factors include global reach, capability, resilience, sophistication, ambition and lack of restraint of Al Qaida(AQ) and ISIS as well as its associated groups⁷. The Al Qaida and the ISIS with groups identified with them have the interest on attacking UK, US and other western interest in addition to replacing Islamic governments which are not in agreement with their doctrine⁸. Many of these networks are multi-dimensional, manifesting operations without definite pattern and links across the world, bound by shared extremist views or belief (Berkowitz P, 2005). Most of which are guided by the Al Qaida and ISIS while others are independent but all shares the same philosophy of launching terrorist attack. Since the emergence of terrorism and its threat, UK has made serials of Anti-Terrorism legislations to fight and protect its citizens from terrorism (McGarrity N, Lynch A and Walliams G, 2010). The latest of the legislation is Counter Terrorism and Security Act 2015.

2 RECENT UK COUNTER-TERRORISM LAWS SINCE 2000: MAIN PROVISIONS AND CHANGES

The Terrorism Act 2000 and the Anti-Terrorism, Crime and Security Act 2001 both were designed to give police exceptional powers to deal with extraordinary circumstances⁹. For instance, the Terrorism Act 2000 created more offences like inciting terrorism, seeking or providing terrorism training here or abroad and providing training/instruction in weapons from firearm to nuclear weapons. It also proscribes groups seen as terrorist in operation¹⁰. The question then is, why the 2001 legislation? The Anti-Terrorism, Crime and Security Act 2001(ATCSA) was made in response of 11 September attack. The Act was introduced because government believed that there were persons in UK who were a potential threat but could not be deported back to regimes known for Human Rights abuses. Then Act arms the Home Secretary the power to detain indefinitely, without charge or trial of foreign nationals suspected of terrorism. It goes further to limit the appeals of foreign nationals detained under these situations to a closed special immigration commission¹¹. The Act also gives the police and security services the power to ask public bodies to disclose personal records during terrorism and criminal investigation (Sterba J P, 2003). In addition, ATCSA made provision that enables communication services providers to retain data that can be accessed by law enforcement personnel investigating terrorism activities (Cole D and Dempsey J, 2002). However, there are criticisms on definition of terrorism as contained by the Act as expressed by Liberty, the human rights law group posits that the Act now affects the rights to protest¹². Also the police abuse of power to stop and search posed a great threat to the citizens. The Metropolitan police was accused of a “draconian” misuse of powers to stop and search against protesters outside an international arms fair in 2003. The powers of the Home Secretary to detain infinitely foreign nationals suspected of terrorism without trials received condemnation as it is not only discriminatory but against the rule of law (Walker C, 2002). Then, of course the Criminal and

⁶ Ibid

⁷ Ibid

⁸ Ibid

⁹ Richard English, *Terrorism* (Oxford University Press 2009).

¹⁰ Nicola McGarrity, Andrew Lynch and George Williams, *Counter-Terrorism And Beyond* (Routledge 2010).

¹¹ .Anti-Terrorism, Crime and Security Act 2001

¹² Impact of UK Anti-Terror Laws on Freedom of Expression (ARTICLE 19, London 2006)

Justice Act 2003 amends section 41 of the Terrorism Act 2000, extending pre-charge detention from seven days to fourteen days¹³. It was strongly argued by human rights groups that the extension as contained in the new Act does not make any impact as the detention without trial is against the fundamental principle rule of law and violation of fundamental human rights. Many people went to court to seek redress (Elsea J, 2005).

The prevention of Terrorism Act 2005 was introduced in response to the court decision on December 2004 on the detention of foreign nationals without trial. The detention breach the European Convention on Human Rights incorporated into domestic law by Human Rights Act 1998¹⁴. The Act was discriminatory as it applied to foreign nationals and it breached the right to liberty as guaranteed under Article 5. As rightly put by the law Lord “indefinite imprisonment without charge or trial is anathema in any country which observes the rule of law”¹⁵. The Prevention of Terrorism Act 2005 grants Home Secretary power to create control orders against persons suspected of involvement of terrorism related activities that cannot be put on trial or deported. The Act places house arrest and restriction on place of residence. It also permits control orders to be conducted openly (Pious R, 2006). The changes introduced did not make much impact on the human rights claims as ruled by the court but rather the law was rebranded¹⁶. Then came Terrorism Act 2006, when passed into law did not only extend pre-charge detention to twenty –eight days but goes further to create new offences like encouragement or glorification of terrorism or dissemination of terrorist publications and grants the Home Secretary unlimited power to ban organisations glorifying terrorism (English R, 2009). There were criticisms as what amounts to encouragement, justification or glorification of terrorism as such terms are vague and require clear definition. The Act also infringes on freedom of expression against the global campaign for freedom of expression¹⁷.

The introduction of Counter Terrorism Act 2008 marked the commencement of enhanced sentencing of offenders who commit offences with terrorist connection and provides for post-charge questioning of terror suspects. It also marked the era of the use of intercept evidence in some cases (Tadros V, 2011). The law attracted a lot of criticisms as the post-charge questioning undermines the presumption of innocence, the right to silence and the privilege against self-incrimination. It also increases the risk of coercive questioning as expressed by Amnesty International¹⁸. There was campaign from civil liberties and human rights groups on the detention limits among others. These agitations led to the Review of Counter-Terrorism and Security Powers (January 2011) that made recommendations to government in this respect. Among the main recommendations made include replacement of control orders with Terrorism Prevention and Investigation Measures (TPIMs) with believe that TPIMs will be less intrusive and more focused. It goes further to recommend the reduction of pre-charge detention to 14 days and a more strict measures on the use of Regulatory and Investigatory Power Act 2000(RIPA) as well as to repeal section 44 of Terrorism Act 2000 and replace it with a strictly clear defined powers that shall empower the police to exercise stop and search on cases of terrorism attack in

¹³ Sener v Turkey (2000) paras. 40, 42; Incal v Turkey (1998) para 54; see also Criminal and Justice Act 2003

¹⁴ Secretary of State for the Home Department v JJ and others (2007) UKHL 45

¹⁵ Ibid. see also Secretary of State for Home Department v MB (2007) UKHL 46

¹⁶ Counter Terrorism Act 2008; Secretary of State for Home Department Respondent V E &Anor (2007) UKHL 46

¹⁷ Counter Terrorism and Human Rights – (ARTICLE 19, London 2006)

¹⁸ Amnesty international on terror laws: Dangerous. Ill-conceived. An assault on human rights (The Independent by Ben Russell and Nigel Morris, November, 2005).

conjunction to intelligence report¹⁹. In addition Terrorism Act 2000(Remedial) Order 2011 was introduced mainly with the singular aim of redefining the stop and search power of the police in order to curtail the abuse of the power by the police. By January, 2012 Terrorism Prevention and Investigation Measures regime came into force and brought to an end the regime of Control Orders. Control orders places restrictions on person's access to information technology, its movement physically from one place to another and a ban on whom that person can meet among others²⁰. Civil campaign groups widely criticised it that the innocent may fall victim of such law because it does not guarantee fair hearing. More so, the evidence upon which the decision is taken is not made public for the interest of national security which is a position that left much to be desired²¹. Thus UK Terrorism Laws moved from Control Orders to Terrorism Prevention and Investigation Measures. Among the changes brought by TPIMs include placing close human surveillance on suspects under the jurisdiction of the legislation instead of limiting the person's access to freedom of movement and freedom. However, it has been argued that these measures are not totally different from Control Orders. Civil rights groups and human rights groups criticise the Act that infringes on people's human rights and increases the rate of awareness of the crime it came to prevent²². Many UK citizens are now recruited to join the fight at Syria and Iraq. Considering this high threat of terrorist attack that is highly likely, the Counter Terrorism and Security Act 2015 was introduced which is the latest UK Terrorism legislation.

3 COUNTER TERRORISM AND SECURITY ACT 2015: PROVISIONS AND CRITICISMS

The Act was introduced as government efforts to reduce terrorism threat that confronts UK. This is sequel to the report of Independent Joint Terrorism Analysis Centre (JTAC) that the UK threat level has raised to SUBTANTIAL to SEVERE²³. The implication being terrorist attack is highly likely, more so when close to 600 UK citizens were deployed to Syria and a large number of them have returned to UK. In the light of this, the country faces a serious national security challenge and the intelligence bodies and law enforcement agencies need to be properly equipped legally to contend this trend so as to disrupt the activities of terrorism and save the UK citizens from the threat of being radicalised by the terrorist²⁴. The Act in order to reduce the threat of terrorist attack to UK citizens aims at stopping people wishing to travel abroad to fight terrorism groups or involve in terrorism-related assignment and at the end return to UK. It also deals with those persons who are domiciled in UK already but constitute a great risk to the public. The Act has widen the scope of operational powers of the law enforcement and intelligence agencies to monitor and control the programs of persons in UK who constitute threat to UK citizens and to a large extent help to fight the ideologies that promote terrorism²⁵. The UK Counter Terrorism Strategy: CONTEST is retained in the Act. This acts as a way to reduce the risk of the UK citizens and its interest overseas from terrorism in order to restore confidence to people to live their normal life²⁶. The Act in order to strengthen the ways to safeguard UK

¹⁹ Review of Counter-Terrorism and Security Powers (January 2011)

²⁰ Terrorism Prevention and Investigation Measures Act 2012

²¹ Ibid

²² 'Terrorism control order system ends at midnight', BBC News, 25 January 2012

²³ Ibid

²⁴ <http://www.legislation.gov.uk/ukpga/2015/>

²⁵ Counter-Terrorism and Security Act 2015

²⁶ Ibid

citizens from threat posed by terrorism extended the powers and scope of pursue, prevent and protect without much on prepare. The provisions of the Act are contained in seven parts. Part 1 deals on restrictions on travel, part 2 deals on terrorism prevention and investigation measures, part 3 deals on data retention, part 4 deals on aviation, shipping and rail, part 5 deals on risk of being drawn into terrorism, part 6 deals with amendments of or relating to the Terrorism Act 2000 and part 7 deals with miscellaneous and general matters²⁷. Indeed, since February 8, the Act came into force like the hitherto mentioned anti- terrorism laws; it has been controversial and has been hosting criticisms right, front and centre. Many see it as a good move by the government to provide ways of protecting UK citizens from threat of terrorism since the scope and operational powers of law enforcement and intelligence agencies have been strengthened. However, others argue that the new law infringes on the rights of UK citizens and threatens the very foundation of UK values. The part 1 of the Act that places restrictions on travel and part 5 that centres on risks of being drawn into terrorism have generated a lot of dust and has received wider criticisms. The Act provides “for the seizure and temporary retention of travel documents where a person is suspected of intending to leave Great Britain or the United Kingdom in connection with terrorism-related activity”²⁸. This section of the Act is worrisome because it is broad and unclear as one could not define what amounts to “terrorism-related activity”. However others argue that “the important legislation will disrupt the ability of people travelling abroad to fight and then return, enhance the actions of those who pose threat, and combat the underlying ideology that feeds supports and sanctions terrorism²⁹”. In the same vein, chapter 2 states the government’s power to temporary exclude persons from UK by bestowing powers to the Home secretary to impose temporary exclusion order, this is an order which requires a person not to return to UK if the secretary of state is satisfied that the following conditions are met; the secretary of state reasonably suspects that the individual is, or has been, involved in terrorism related activity outside the United Kingdom; the individual is outside the United Kingdom; the individual has right of abode in the United Kingdom; and the court grants power or state permission or secretary of state reasonably considers a temporary exclusion order to be imposed without obtaining such permission³⁰. This broad vested powers given to the Home secretary has generated a lot controversy and has caused criticisms among many civil rights groups. The group oppose that the powers vested on the Home secretary by the Act to invalidate passports exclude British nationals from returning to their home countries as it “push the boundaries of international law”. In addition, the law oust the powers of the court by giving the secretary of state powers to issue exclusion orders with or without the permission of the court thereby reducing the power of the court as the watchdog³¹. The court is the last hope of the common man in any democratic society and when the powers and functions of the court are relegated to the background, the fundamental rights of the citizens are no longer guaranteed. Such absolute powers vested to the secretary of state by the Act stands to be abused because “power corrupts and absolute power corrupts absolutely”³². Furthermore, the Act has received great agitation on the grounds that it infringes on the citizen’s fundamental right to freedom of expression. For instance, part 5 section 31 of the Act centres on the freedom of expression in universities. It

²⁷ Ibid

²⁸ Part 1, Chapter 1 of Act

²⁹ Alexis Flynn, “Tougher Anti-Terror Law to Take Effect in UK”, (The Wall Street Journal Feb. 12, 2015)

³⁰ See chapter 1, section 1 of the Act that deals on temporary exclusion orders

³¹ Ibid

³² Baron de Montesquieu’s Theory of Separation of Powers when drafting the “constitution”.

gives more authority to the government to stop freedom of speech in the guise of preventing vulnerable students from being drawn into terrorism. By virtue of this section, the universities are statutory bound to “take seriously their responsibility to exclude extremist speakers, including requiring advance notice of the content of events”³³. Failure to comply with this statutory provision, the government has been empowered to charge the university vice-chancellors with contempt of court backed by criminal sanctions. It would be recalled that more than 520 university Dons signed a letter sent to the Guardian, describing the Act as “unnecessary and ill-conceived”³⁴. The question, then is whether the Act is now a threat to UK citizens it sought to protect or a threat to terrorism it targeted or whether the scope of the Act is over stretching? The Islamic Human Rights Commission argues that the Act imposes a threat to the UK citizens and goes too far. It would be recalled that the group early this year before the passage of the Act described the proposed bill as “Orwellian”, agitating that the passage of the Bill into law would amount to consolidation of a police state³⁵. The Act is yet another attempt by the government to erode civil liberties and further demonise the Muslim community. Then shortly a month after the Act came in force the group accuse government of criminalising Islam through the passing into law CTSA and condemned the exploitation of the “terror threat” for political reasons³⁶. The Act they argue “threatens to create a Mc Cityite witch-hunt against Muslims, with nursery workers, school teachers and universities expected to look for signs of increased Islamic practices as signs of “radicalisation”. They believe that “such narrative will only further damage social cohesion as it incites suspicion and ill feeling in the broader community”³⁷. The use of undefined and politically charged words like “radicalisation” and extremism is unacceptable and it criminalises legitimate political discourse and criticism of successive government. More than 60 signatories of the Muslim community say that the Act is a “witch-hunt” against Muslim living in UK, a backlash against Muslim women, a negative deception of the religion as a whole. It is estimated that 2.7 million Muslims live in UK and Wales³⁸.

NUT expressing concern on the Act argues that the governments prevent strategy stifle discussion of sensitive issues in schools. This is because school should be a place where people can discuss events in a spirit of inquiry and openness. The conservative spoke man said “the battle against extremism begins at school where young people learn to be active, resilient and tolerant citizens, ready to seize the rich opportunities of modern Britain”³⁹. The Act now poses threat to teachers as they fear to report pupil’s expressing views about extremism to police. Teaching about the fundamental British values of democracy, the rule of law, individual liberty and tolerance and respect for others is part of the school promotion of British values and is at the heart of what every school has to deliver for children. The schools have the primary responsibility to promote these values in her curriculum, not just as a barricade against extremism, but as a vital part of preparing young people to get on in life. For instance the guidance in the Act makes it clear that no teacher or school leader should feel unable to talk

³³ See chapter 6, section 31 of the Act.

³⁴ Alan Travis, Universities Told Counter-Terror Bill Will Not Endanger Freedom of Expression, (The Guardian, Feb. 4 2015)

³⁵ Proposed Counter Terrorism and Security Bill: An Orwellian Possibility, (Islamic Human Rights Commission, Jan. 13, 2015),

³⁶ Ibid

³⁷ Ibid

³⁸ www.bbc.uk/news/uk-31834549 (11th March 2015)

³⁹ “Teachers ‘fear having to report pupils’ for expressing views about extremism”, (The Guardian, April 6, 2015)

about difficult or sensitive issues, indeed teaching about fundamental British values activity encourages such discussions, but no one should be using schools to promote views, opinions or beliefs that discriminate against other people on basis of their background⁴⁰. The Act infringes on the people's freedom of expression as what amounts to extremist view is nebulous and undefined, putting people at risk of being cut up by the law, they prefer to remain bury their thoughts. One would have opined that a situation where schools have evidence that students are likely at risk or vulnerable as a result of being exposed to extremism, such case should be handled by the existing child protection arrangement rather than new procedure which mandates schools to report directly to the police or law enforcement agencies which may eventually criminalise the young person⁴¹. In fact, Counter Terrorism and Security Act 2015 places increased responsibilities on the schools as government surveillance agents terrorism, a task which they must dutifully obey or face criminal charges. But the question is, are they trained counter terrorism experts? Is the Act really protecting their rights? Or posing threats to their rights? These people are not counter-terrorism experts, and do not engage in conducting surveillance on young people and should not be threatened by the Act. Lord Hoffmann strongly argued that, "The real threat to the life of the nation...comes not from terrorism but laws such as these"⁴². It would be recalled that the law Lord said this in response to the government argument that the Anti-Terrorism, Crime and Security Act 2001 was necessary to protect the life of the nation. This statement is also true of this present Counter Terrorism and Security Act 2015. The court ruled in that case that the detention of foreigners without trial breaches the European Convention on Human Rights incorporated into domestic law by Human Rights Act 1998⁴³. It goes further to declare the Act as discriminatory as it applied to foreign nationals and it breached the right to liberty guaranteed under Article 5⁴⁴. In the words of the law Lord, "indefinite imprisonment without charge or trial is an anathema in any country which observes the rule of law"⁴⁵. These statements were made to serve as a note of caution against passing into law anti-terrorism legislations that violates the principle of rule of law which freedom of expression is inclusive but the present Act did not consider the case law⁴⁶. While the former is discriminatory to foreign nationals the present has expanded its threat net to both foreign nationals and UK citizens it sought to protect. Indeed, we are now living in a terror village going by the law. The passport seizure and retention powers given to the Home secretary by the Act provides a gateway for discrimination and does the same role like the repealed section 44 stop and search, in fact it is a disguise to remove attention from the police powers of arrest. The exclusion orders contained in the Act has the tendency of exposing the British citizens to untold hardship, torture or delivering them to the waiting palms of the terrorist groups (Alex T, 2015). The inclusion of public bodies like universities and schools, professionals like teachers and lecturers in counter-terror surveillance breeds mistrust and alienation. The law provides for the interception without warrant all post sent from, and received in, the UK, a provision that has been widely criticised as an infringement to fundamental human rights. The CTSA 2015 provides for new data retention powers contrary to Data Retention and Investigatory Power Act, a position which the court of

⁴⁰ Ibid. www.theguardian.com/education/2015/apr/06

⁴¹ Ibid

⁴² Ibid

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid

Justice of the EU rejected⁴⁷. Angela Patrick director of human rights policy at JUSTICE raised the question that is begging for answer when she declared, “Do we need to start again and build an effective legislative framework for surveillance, workable for a digital age? Of course, her answer to the above question sounds like a caution as she “warns that CTSA 2015 is untargeted and inconsistent with the latest case law on data retention”. The TPIMs regime has been widely criticised and discredited for inability to handle serious criminality and CTSA 2015 does not only retain TPIMs but injected new life by widening its scope⁴⁸. The provision for the creation of new “authority-to-carry” schemes that grants power to the Home secretary to refuse authority to whole categories of passengers on grounds of nationality is not discriminatory but crude. In addition, the insurance sector is not left out in the exercise⁴⁹. The most significant change in this sector is the amendment to the Terrorism Act 2000 (“2000”), contained in section 42 in respect of insurance against payment made in response to terrorist demands. Section 17A(1) makes it an offence for an insurance company to make payment which they have the knowledge the money is meant for terrorism related activity or reimbursement of money previously handed over for the same purpose⁵⁰. The effect of section 42 CTSA 2015 is to create a new offence within part 111 of the TA 2000 that makes it a criminal offence for any company or person convicted of such act and other minor changes that relate to commencement date. The changes became necessary in the Act as a means to provide a way of putting it “beyond doubt that UK insurance firms cannot reimburse payments made to terrorists in response to ransom demands”⁵¹. This is a sure way of protecting the UK citizens from threat of terrorism attack and kidnap for ransom that has taken the order of the day by the terrorists against their victims. It has been argued that the reimbursement of terrorist ransoms by insurers would have been covered by the existing “funding arrangement” offence in section 17 TA 2000, however the amendment closes any potential loophole that may have existed previously⁵². The CTSA 2015 has failed to address the lingering controversial issues raised by the previous anti-terrorism laws before it as the definition of terrorism as contained in section 1 of TA 2000 remains overbroad and could not be narrowed down as widely criticised. Also the use of vague terms that need clarifications and definition were found in the Act. For instance the Act did not define in clear terms what amounts to expressing extremism or encouraging extremism or terrorist-related activity. Such vague terms like encouragement, justification and glorification of terrorism has attracted wide criticisms in the 2006 Act by human rights and civil liberty groups as forming extraordinarily broad and vague offences that fail the three-part test for restrictions of human rights as set out in section 2 of Human Rights Act 1998⁵³. The CTSA 2015 does appear to be an old wine in a new jar.

4 CONCLUSION/RECOMMENDATIONS

Counter Terrorism and Security Act 2015 like other anti-terrorism laws that came in force before it, were introduced by government as a way to reduce terrorism threat in UK. There is doubt that the Act has positively provided ways through its provisions avenues by which several attacks coming from individuals or groups who may wish to carryout spontaneous deadly assignments to

⁴⁷ See Angela Patrick’s argument on www.lexisnexis.co.uk/en-uk/

⁴⁸ Ibid

⁴⁹ Hansard, 2nd reading House of Commons, (2nd December 2014)

⁵⁰ Terrorism Act 2000

⁵¹ Section 42 CTSA 2015

⁵² Ibid

⁵³ Ibid

more complex ones directed by or instigated by terrorism overseas have been disrupted. Many have welcomed the strict measures of the Act as capable of matching the new trends in terrorism considering the report by the Independent Joint Terrorism Analysis Centre (JTAC) that the UK terrorist level has raised from SUBTANTIAL to SEVERE. One cannot but agree that the terrorists are threatening the lives and properties of UK citizens as well as posing a great threat to UK national security and its citizens. The threat from the sprouting terrorist organisations like ISIS and other associates groups is indeed worrisome. More so, when as at June 2014, it was estimated that closely 400 British citizens were fighting in Syria and more are still going to Syria like the case of the three sisters that left to Syria⁵⁴. Also the Charlie Hebdo attacks in France, call to mind⁵⁵. The government must discharge its statutory responsibility to protect its citizens by passing laws. However, such laws should not only aim primarily to protect and respect the rights of the citizens but should accord with best international human rights practices. Any law that places the judiciary as a second fiddle should be condemned. Any law that does not guarantee rule of law should be set aside. Any law that does not respect freedom of expression and fair hearing should be jettisoned. Counter Terrorism and Security Act 2015 has been criticized to fall short of the above basic ingredients of life. Although appears to be a good law in principle, in practice it seeks to pose threat to the citizens it sought to protect. There is need to amend part 1 and Part 5 sections 35 of the Act. The Act should provide clear definition of some vague terms and a more narrow definition of terrorism among others. It should come up with a precise and binding guidance on the use of anti-terrorist powers as to guarantee the citizens' rights. In confronting terrorism that promotes arbitrary violence, one would expect government to fight vigorously, demonstrate such as rule of law, human rights and equal treatments. On the contrary the CTSA 2015 plays into the hands of the terrorists in a manner that undermines the core British values and democratic principles⁵⁶.

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