Edge Hill University

Countering Terror or Counter-Productive?

Comparing Irish and British Muslim Experiences of Counter-insurgency Law and Policy

Professor Mark McGovern
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with Angela Tobin

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Contents

Executive Summary

This report is a record of, and reflection on, two days of discussions that took place in Belfast in June 2009 between a group of Irish human rights and community activists and political ex-prisoners, with long experience of dealing with the consequences of counter-terror policy and law introduced because of the conflict in and about the North of Ireland, and representatives of a number of Muslim groups working on similar issues today.

These groups included; Cage Prisoners (Muslim prisoner campaign organisation) Committee on the Administration of Justice (Irish human rights organisation) Coiste (Irish republican political ex-prisoners group) Falls Community Council (Irish community organisation) Helping Households Under Greats Stress (Hhugs, Muslim prisoner support group), Hizb ut-Tahrir, Islamic Human Rights Commission (IHRC, Muslim human rights group) Relatives for Justice (RFJ, Irish victims' campaign and support organisation). A number of other participants, including several leading academics (for example, Professor Paddy Hillyard, Professor Bill Rolston) attended in an individual capacity.[1]

The aim of the event was to explore comparisons between Irish and Muslim experiences of the impact of counter-terror measures. Three key themes were established;

The Nature of Counter-insurgency Law and Policy

**Experiencing Counter-insurgency Policies:
Communities, Prisoners, Families and Young People**

Counter-insurgency, Campaigning and Communities

The idea to hold such a meeting emerged after initial conversations about the potential value of bringing together people from the North of Ireland and Muslim communities in Britain who had experience in dealing with the impact and consequences at a community level of state anti-terror (or counter-insurgency) strategies.

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[1] While the original intention was to have symposium participants from both republican and loyalist community organisations, as well as others, in the end none of the loyalist representatives invited were able to attend. This was a matter of great regret to the organiser and participants alike and it is hoped that any future meetings or developments will be able to include and reflect the important views and experiences from such loyalist community and political ex-prisoner groups.

1. The Nature of Counter-insurgency Law and Policy

The first key theme was to identify continuities and differences in the nature and scope of counter-insurgency policy and law.

1.1 Many of the counter-terror policies introduced in the North of Ireland were counter-productive in their effects and this was seen to be a process being repeated, albeit in somewhat different circumstances, for Muslims in Britain today. Some of the counter-productive consequences of 'extraordinary' measures included; the undermining of confidence in the rule of law, the deterioration of state-community relations leading (amongst other things) to poorer, not better, intelligence and an increased likelihood of the very 'radicalisation' such policies were ostensibly designed to prevent.

1.2 Continuities in the Acts and measures introduced as part of counter-terror strategies in the context of the North of Ireland conflict and the 'War on Terror' evidence the way emergency laws become the norm. Despite the use of 'sunset clauses' from the Special Powers Act (1922) onward, and including the introduction of the Emergency Provisions Act (EPA, 1973) and the first Prevention of Terrorism Act (PTA, 1974) the North of Ireland has always had 'emergency legislation'. Following the Terrorism Act (2000) and the raft of other measures since passed, counter-insurgency legislation has now become a permanent feature of the statute books.

1.3 Much discussion focused on the ways in which counter-terror laws and policies tend to undermine due process and accountability in the criminal justice system, accentuated by a lack of democratic control of agencies charged with implementing counter-insurgency policy. The ineffectiveness of various forms of oversight (parliamentary scrutiny, courts) to prevent the abuse of civil liberties in the North of Ireland was compared to problems facing Muslim communities today. Similarly, the reliance on other constitutional powers (such as Orders in Council) or the adaptation of existing legislation and regulatory mechanisms for counter-terror purposes were seen as shared issues.

1.4 A great deal of time was devoted to exploring the problems of detention, legal representation and 'dual track' systems within the criminal justice process. The (disastrous) use of internment in the North of Ireland and the power to detain people for up to 7 days without charge first introduced in the PTA in 1974 provided earlier examples of, and the 'architecture' for, current powers. Changes to the court system in the North of Ireland, and to rules over the admissibility of evidence, had created a 'dual track' system of justice in which fundamental human rights had been undermined.

Extending the power to detain suspects without charge from 7 to 28 days in the Terrorism Act (2006) on the supposedly 'qualitatively different' threat now posed was seen as deeply problematic. The lack of access to legal representation for those detained in the North had been a major problem and access to lawyers for those held today was therefore seen as an important and positive step. However, the use of the asylum system to detain a number of Muslim foreign nationals was seen as evidence of a new 'dual track' criminal justice system. In particular, the powers of the Special Immigration Appeals Commission (SIAC), which were greatly extended by the Anti-Terrorism Crime and Security Act (2001) and the secrecy in which they operated (including the lack of access to legal representation) were singled out for concern.

1.5 Recent legislation has extended stop and search powers and 'glorification' of terrorism has been made an offence creating problems that have impacted in a series of ways. Under Section 44 of the Terrorism Act (2000) the power to designate places where people can be stopped and searched without reasonable grounds for suspicion was introduced. It was argued that this power (problematic in itself) was being abused both by designating very wide areas, including whole cities, and the perfunctory and routine renewal of such powers. There was concern that the removal of grounds needed for stop and search could in itself constitute harassment, exacerbate islamophobia and demonise people with little discernible positive security outcome. The sometimes tense interchanges between (particularly young) Muslims and those detaining them for questioning (including, immigration officials and intelligence officers) was also identified as a problem generating a sense of vulnerability and fear. Such vulnerability, fear and a lack of clarity in the law were also seen to have been the main outcomes of the creation of 'glorification' as an offence.

Fears over the abuse of stop and search powers by security forces were echoed in the experiences of those from the North of Ireland who viewed this as having been an endemic problem that also particularly impacted upon the young. The experience of wide-ranging powers of stop, search and detention was also identified as having been a particular issue for the Irish in Britain, where such measures were often employed to trawl for low-level intelligence and render the community 'suspect'.

1.6 The issues of the state's use of torture and rendition were amongst the most difficult, contentious and opposed of those discussed and there were both areas of comparison and difference in the Irish and Muslim experiences. There is a long record of allegations of torture used in the North of Ireland from the cases of the 'hooded men' subjected to sensory deprivation techniques after the introduction of internment in 1971 to those of the systematic use of torture practices that subverted rule of law norms in order to obtain confessions, and thus convictions, within specially created interrogation centres.

Such a historical record was seen to undermine claims that Britain was not complicit in the use of torture and a continuity in this sense was identified with allegations of torture and 'extraordinary rendition' as part of the 'War on Terror' in recent years. As well as the cases of alleged torture having taken place at Bagram Detention Facility in Afghanistan and Guantanamo Bay it was also argued that there had been an 'outsourcing' of torture to secret detention sites across the world.

2. Experiencing Counter-insurgency Policies: Communities, Prisoners, Families and Young People

A key concern for the symposium was to explore some of the experiences of counter-insurgency policy and law for Irish and Muslim communities and for some particularly vulnerable groups within those communities.

2.1 There was a great deal of focus on what was seen as the misunderstanding of radicalisation evident in the Government's *Contest* strategy designed to 'counter international terrorism'. This was expressed first in contesting a necessarily negative meaning to the term 'radicalisation' that a number of participants wanted to reclaim and see more positively. Second, the emphasis upon ideology, indoctrination and psychological factors in engendering 'radicalisation' were viewed as of less importance than the impact and experience of alienation, not least as a result of counter-insurgency measures themselves. Similarly, parallels in attempts to silence dissent were viewed as ultimately counter-productive in a drive to reduce radicalisation.

2.2 Instilling a sense of fear, vetting communities and exacerbating 'divisions within' were viewed as negative consequences of such counter-insurgency strategies. The exaggeration of the 'Muslim threat' and an increasing sense of scrutiny and surveillance were viewed as contributing towards a growing sense of isolation for many within Muslim communities. This was also seen as exacerbating existing internal community fragmentation (given the diversity of cultures and countries of origin within and amongst Muslim communities). The *Prevent* strand of the *Contest II* strategy, directed at the 'prevention of radicalisation', was seen as producing particular problems in this regard. Attempts to use a range of state agencies, community development and public funding as part of this Prevent agenda drew direct parallels to the political vetting of community groups in the North of Ireland and what was seen as the 'securitisation' of the community sector. The need for developing an inclusive community infrastructure was viewed as an important lesson to be taken from experiences in the North of Ireland.

2.3 Given the emphasis of much counter-insurgency work upon the gathering of intelligence some salutary lessons concerning the socially corrosive impact of the use of informers, criminality and communities was discussed. In the North of Ireland the lack of democratic control or oversight combined with the pre-eminence given to counter-insurgency in policing was seen to have contributed directly to a series of profoundly negative outcomes; ranging from the vulnerability of young people caught up in anti-social behaviour being used as informers and the implicit condoning of criminality to the extreme of collusion with certain paramilitary activities. Some of these concerns, particularly around the vulnerability of young Muslims to attempts to recruit informers, were echoed as fears for the position of Muslim communities today.

2.4 The experience of young people was a focus in much of the discussions, including the potential impact of using informers, stop and search powers, mental health issues and the effects of long term imprisonment on the families of prisoners. Criminalising the accessing of materials was seen as an additional issue particularly for young Muslims (and most notably for Muslim students). Similarly, hidden issues ranging from a sense of social dislocation, anti-social problems such as substance misuse or difficulties within families were seen as in part consequences of counter-insurgency measures that impacted particularly upon the young in both the Irish and Muslim cases.

2.5   The experience of prisoners and their families was a key area of concern. In both the Irish and Muslim cases prisoners' families were seen to have experienced a great deal of isolation and alienation, often most acutely felt within their own communities. The situation for the Muslim families of those held under control orders (introduced as part of the Prevention of Terrorism Act, 2005) was viewed as particularly difficult given a range of physical and mental health issues that many had faced. The potential was identified of developing practical strategies to support Muslim groups based on the long term insight and experience of Irish prisoner support organisations in dealing with the consequences of imprisonment on political prisoners and their families.

2.6   Similarly the impact on mental health of counter-terror policy and law was seen as a crucial area for potential mutual exchange of information and insight. That only limited research in this area had been undertaken was seen as a major problem and contributed to the mental health consequences of counter-terror measures remaining a largely hidden issue. This included the long term and cross-generational consequences for the children of political ex-prisoners. The negative social consequences of this 'taboo subject' were seen as deep and wide-ranging.

2.7   A concern for the use of language, in the context of 'terrorism' and racism was another theme that emerged in discussions. The construction of 'suspect communities' involved deploying language that framed actions and experiences in detrimental ways. Similarly, the 'othering' of minority communities as part of counter-terror debates was seen as a residual dimension of racism.

3. Counter-insurgency, Campaigning and Communities

The final key theme explored was the lessons that might be learnt and shared for those campaigning on human rights issues in the context of counter-terror measures.

3.1   Participants shared some of their own experiences about how they went about getting organised and providing information to campaign on human rights issues. The value of groups having deep roots in the community were discussed as well as having focussed campaigns that adopted a series of strategies including; legal campaigns, lobbying, publicity and protests.

3.2   The importance of documentation for developing human rights campaign work was seen as absolutely crucial. Documenting human rights abuses, even when there was little likelihood of any form of redress, was the means not only of being able to take campaigns forward but of providing the basis, in the Irish case, of recording an otherwise unseen history. Despite the efforts of activists to do so, difficulties in documenting the experiences of Muslims today was in part seen as a result of the culture of fear, isolation and intimidation that the counter-terror agenda created.

3.3   The importance of focussing on human rights compliance was highlighted by many human rights activists as a key means by which those working in the context of conflict were able to draw a necessary distinction between themselves and those engaged in the conflict. This was also linked to building a case on the basis of compliance with international human rights standards that were 'above local arguments'.

3.5   Developing legal challenges to the abuse of civil liberties was fundamental to taking campaigns forward. This included challenges through both domestic and international courts.

3.6   In the Irish case lobbying, Government interventions and international opinion were seen as having been hugely important for campaigning on human rights issues. Lobbying to develop support beyond the confines of the community itself, for example, amongst trade unions and the Women's movement were important while the limits of domestic courts made garnering international support (i.e. the Irish Government and opinion in the US) highly significant for Irish-based organisations. The different international context for Muslim campaigners, given the international dimension of the 'War on Terror', was seen as presenting particular issues in this regard.

3.7   The international dimension was also seen as important in developing human rights campaigns that called on unofficial international tribunals, international courts and organisations. In the North of Ireland a number of unofficial international inquiries, involving internationally respected human rights lawyers and legal experts, had drawn attention to issues such as 'shoot-to-kill' and the use of plastic bullets. International courts, such as the European Court of Human Rights, had also allowed people to seek redress on important issues, such as deaths in disputed circumstances. The importance of placing documentation before international bodies, such as the UN, was stressed, as was building up the technical capacity of campaigning groups in order to do so.

3.8 For those campaigning for prisoners there were many difficulties that had to be confronted, not least a lack of public interest in or support for such cases. Getting information into the public arena in order to 'break through the barrier' of disinterest and hostility was emphasised. So too was the ability to draw upon support beyond the immediate community and to place issues into different contexts. In this regard, the activism of women was seen as of particular importance.

3.9 A final theme discussed was the important contribution to peace of promoting civil liberties. The peace process in the North of Ireland was seen as ultimately being rooted in finding alternatives to the use of force and counter-insurgency approaches to dealing with political and social problems. Reforming various aspects of the criminal justice process, re-establishing the rule of law and promoting a human rights-based culture were seen as of central importance in moving beyond conflict. The exclusion of the experience of those in the North of Ireland from debates on the position of Muslims today could lead to the same mistakes made in the past being repeated.

Introduction:
Why Compare Muslim and Irish Experiences?

I have been coming to the North of Ireland since my release from Guantanamo. And one of the main reasons was to try and meet with former prisoners, particularly those prisoners who had gone through similar or worse experiences than I had, and to try and pull out the similarities and parallels and differences. I have come here many, many times and met every single time with former prisoners, and have tried to encourage people from the Muslim community to also engage in this process.

Because whilst I was growing up in the 70's and the 80's we used to see it on television every day, what was happening here. Little did I know one day I would be looking to this part of the world for a solution to what is affecting my world tremendously.
(Moazzam Begg: Cage Prisoners) [2]

Why Compare Experiences?

There may be those who argue that comparisons between the impact and experience of counterinsurgency law and policy on Irish people during thirty years of conflict and Muslims in Britain today are neither relevant nor helpful. Certainly there are some important differences in those circumstances and experiences; differences that also formed part of our discussions. But there are good reasons and much of value to be gained from drawing such comparisons.

The first and most obvious reason is that communities that find themselves at the sharp end of anti-terror legislation and policies tend to find much in common in what they experience and are made to feel. Many of the measures adopted by the state in the context of the conflict in the North of Ireland have provided a template and framework for some of the acts and actions introduced in recent years. As a result, it is not difficult to see comparisons and shared patterns of the impact and consequences that such measures have upon those subject to them then and now, whatever differences might also be discerned.

Second, and something certainly felt by many of the participants in the symposium was to see such conversations in themselves an act of solidarity; the opening up of a space to contest the social and political isolation which is often an intended (and counter-productive) consequence of counter-insurgency. The Muslim groups represented included a number who are often excluded from mainstream discussions; an experience that many of those based in the North of Ireland knew all too well.

Third, is that sharing experiences, and recognising those that are both common and unique, can be an important learning process. It can also support future efforts at contesting injustices and to project alternative perspectives into public debate on such issues. As one Muslim participant argued, 'it's very important for people from our [Muslim] communities to hear from you [Irish participants] and to learn from your experiences. It requires a bit of courage and determination. You've been doing it for 40 years, we've just started'.

[2] Moazzam Begg was kidnapped in Pakistan in February 2002, taken and held as an alleged 'enemy combatant' in the US prison at Bagram airport in Afghanistan for a year. He was then transferred to Guantanamo Bay where he was held for a further 18 months before being released in January 2005, without any charges ever having been brought. During his time in detention he witnessed acts of torture and abuse and the deaths of at least two fellow inmates (See: Begg: 2006).

The Irish as a 'Suspect Community'
The conflict in the North of Ireland lasted for 30 years and cost some 3,600 lives. Those three decades also saw the North go from having the lowest to the highest per capita prison population and to be the most heavily policed and militarised society in Western Europe (O'Leary & McGarry: 1993).

A raft of 'emergency' measures and counter-insurgency strategies were also introduced by the British Government through the years of conflict, including the Emergency Provisions Act in 1973 and the Prevention of Terrorism Act in 1974, the key precursors to the current anti-terror legislative and policy framework. Such measures were often criticised by civil libertarians, human rights groups and others as doing little other than exacerbate the conflict and undermining the basis of the rule of law.

The consequences of these laws and policies were felt most acutely by those communities most at odds with, and alienated from, the state; primarily nationalist/republican urban working class communities and those in border areas of the North. As the human rights lawyer Gareth Pierce, famed for defending both Irish people (such as the Guildford Four) and Muslims (such as Moazzam Begg) recently put it:

Over the years of the conflict, every lawless action on the part of the British state provoked a similar reaction: internment, 'shoot to kill', the use of torture (hooding, extreme stress positions, mock executions), brutally obtained false confessions and fabricated evidence. This was registered by the community most affected, but the British public, in whose name these actions were taken, remained ignorant: that the state was seen to be combating terrorism sufficed… We should keep all this in mind as we look at the experiences of our new suspect community. (Pierce: 2008)

Many people in the communities directly affected by state counter-insurgency in the North therefore have a long history of firsthand experience and familiarity with the corrosive and destructive impact that such state strategies have had. They also have a reservoir of knowledge and insight as to how, collectively, communities can cope with, campaign against and resist the same.

Muslims in Britain: The New 'Suspect Community'?

Since the September 11th attacks in 2001 on the twin towers and pentagon building in the US, the subsequent invasions of Iraq and Afghanistan and the bombings of July 7th 2005 in London, Muslims in Britain (as in other parts of the western world) have increasingly found themselves to be the new 'suspect community' (Hillyard:1993).

Even prior to those attacks the Terrorism Act in 2000 had made anti-terror legislation a permanent feature of the statutes book. That has been followed by a series of other pieces of legislation, including the Anti-Terrorism, Crime and Security Act (2001), the Prevention of Terrorism Act (2005), the Terrorism Act (2006) and the Counter Terrorism Act (2008). The impact of all these measures has been most keenly felt within British Muslim communities. To quote Gareth Pierce again:

Just as Irish men and women, wherever they lived, knew every detail of each injustice as if it had been done to them, long before British men and women were even aware that entire Irish families had been wrongly imprisoned in their country for decades, so Muslim men and women here and across the world are registering the ill-treatment of their community here, and recognising, too, the analogies with the experiences of the Irish (Pierce: 2008)

In addition, the Government's strategic approach to 'countering international terrorism' (Contest and Contest II)[3] has led to the increasing securitisation of policy-making with regards to Muslim communities in a wide range of areas including community development, the operation of the customs and migration systems and not least within the education system. In the latter case, for example, a culture of suspicion has confronted many young British Muslims going though the Higher Education system, particularly following the creation of the crime of 'glorifying terrorism' in 2005. Indeed this criminalisation of accessing certain kinds of knowledge and information has also impacted upon those working in universities on issues linked to the study of 'terrorism' and counter-terror.

It is the impact of these laws and policies on many Muslims living in Britain today that formed the basis of our discussions and of comparisons with the experiences of Irish people.

[3] Available at: http://security.homeoffice.gov.uk/news-publications/publication-search/general/HO_Contest_strategy.pdf accessed 9th November 2009.

Countering the Logic of 'New Terrorism'
In part, the symposium was also designed to challenge the idea that the issues of 'terrorism', political violence, civil liberties and injustice facing society today are of a completely different order and magnitude to what has been the case in the past.

Such a perspective is rooted in the logic of what has been termed 'new terrorism'. As Anthony Field (2009: 197) has suggested 'the dichotomy between "traditional" and "new" terrorism is the central analytical device of the "new terrorism" concept and is frequently deployed to highlight the revolutionary extent of the change in the nature of the terrorist threat'.

In Britain that tends to mean drawing a contrast between the armed campaign of the Irish Republican Army (IRA) and (in the words of the then Home Secretary, Charles Clarke) the 'qualitatively different' challenges of political violence today (Clarke: 2005: 330). As one North of Ireland-based participant argued, counter-terrorism experts now talk of the IRA in terms that would have seemed (to say the least) very unfamiliar through the years of the conflict; as a group whose aims '[the police] understood, there was a clear political objective, whereas with these Muslims you can't really tell what they want and can't deal with it'. Such a view, it was argued was 'remarkably dangerous' in that it presented the issue as if they were 'just about religion' and as if ideology and psychopathology could explain things.

This representation of a discontinuity with the past and the rise of a supposedly unprecedented threat has an evident instrumental purpose. It is one of the primary means by which new anti-terror law and policy is given justification, often giving more extensive and sweeping powers to the state. Challenging this juxtaposition of 'old and new terrorism' through seeing a continuity of experience, can also call into question the logic that lies behind anti-terror laws.

Certainly, the relevance of drawing comparisons between Irish and Muslim experiences seemed all too obvious to the participants. As noted in the quote earlier, for Moazzam Begg, who was detained for four years first at the US jail at Baghram in Afghanistan and later in Guantanamo, the parallels between Irish and Muslim experiences were clear. For a republican community representative listening to Muslim experiences felt, as he put, like déjà vu:

We [Irish people] had, attacks demonising communities, individuals, political parties, groupings associated with political parties; the whole of the West Belfast community. And I can see when you [Muslim participants] are speaking that it's all coming back to me. And I think that what we have been through, what we have seen, the divide and conquer, the demonisation, criminalisation, Ulsterisation, the whole policy to criminalise; all of that's starting to happen.

And I can imagine that down the line, unfortunately, these are tactics and methods they will put in place against your own community; dressed up in a different way, but ultimately it's the same thing. Stopped at the airport, stopped in the street, it's the same thing. Day in and day out, 24 hours a day, and your whole days revolved around that. Listening, it's like a mirror. (Irish community group participant)

The symposium and this report are therefore designed to reflect that sense of shared experience and to contribute to public understanding of some of the effects that the introduction of extraordinary powers and the curtailing of civil liberties can have upon communities that find themselves subject to them.

The Symposium and the Report
The symposium consisted of 5 two hour sessions of roundtable discussions, held over two days and involving around 10-15 core participants who were joined in different sessions by various other participants. The full list of participants is given below (see page 12). The sessions were each chaired by members of key participating groups and the sessions were recorded and transcribed in preparation for the publication of this report.

The report was authored by Mark McGovern and was based on identifying the key themes of the discussions and drawing these together, with some additional background information and material. In order to facilitate open and relaxed discussion it was decided that, in the main, any comments made during the conversations would not be directly referenced to specific contributors in the subsequent report, unless there was a good, clear reason to do so (for example, if someone was talking about a particular and unique personal experience). This was done in order to fully allow the free expression of thoughts and ideas of all involved. Similarly, once a draft of the report was prepared, those directly quoted and the main partner organisations were consulted prior to publication. The introduction of additional material to supplement and help illuminate the key themes of the discussions was researched, collated and written into the report by the author. However, prior to publication, drafts of the report including any support material were discussed for approval with representatives of the main partner organisations. Responsibility for contents remains with the author.

Professor Mark McGovern
Liverpool May 2010

Participant Organisations, Individuals and Thanks

The symposium was organised in collaboration with the Islamic Human Rights Commission, the Committee on the Administration of Justice and Relatives for Justice. It would simply not have happened without the active support, efforts and advice of a large number of people, and, as the author of the report, I would like to give special thanks to Claire Hackett, Arzu Merali, Mike Ritchie, Mark Thompson and Ahmed Uddin.

A special thanks to Angela Tobin for all her hard work in supporting the organisation of the symposium before, during and after the event.

Similarly, thanks also go to the Rowntree Charitable Trust whose support was vital in ensuring that the event (and this report) saw the light of day. Special thanks therefore to Celia McKeon, Steve Pittam and the members of the RCT Board of Trustees. Thanks also to the staff of Cultúrlann McAdam Ó Fiaich where the symposium was held, Seamus and others at Coiste for the walking tour of West Belfast and to Bob Brecher for comments on an earlier draft.

A final thanks, of course, to all those who gave their valuable time and energy to participate in the event and who, in bringing their often hard won insights, experience and knowledge to bear on the discussions made it worthwhile.

The list of participants was as follows:

An Fhirinne Robert MacMillan

Cageprisoners Abu Bakar, Moazzam Begg
www.cageprisoners.com

Coiste na n-Iacchimi Joe Austin, Roseanna Brown, Michael Culbert,
Evelyn Glenholmes, Danny Murphy, Pat Sheehan

Committee on the Administration of Justice Pat Conway, Aideen Gilmore,
Peter Madden, Mike Ritchie, Mick Beyers
www.caj.org.uk

Falls Community Council Niall Enwright, Claire Hackett

Hhugs: Helping Households under Great Stress Usman Ali, Waranga Sarwar
www.hhugs.org.uk

Hizb ut-Tahrir Jamal Harwood
www.hizb.org.uk

Islamic Human Rights Commission Arzu Merali, Massoud Shadjareh, Ahmed Uddin
www.ihrc.org

PiPs Project Phil McTaggart
www.pipsproject.com

Relatives for Justice Clara Reilly, Mark Thompson

There were also a number of academics who participated in various sessions including:

Professor Paddy Hillyard, Queens University, Belfast
Professor Mark McGovern, Edge Hill University, Ormskirk
Professor Bill Rolston, University of Ulster, Jordanstown
Angela Tobin, PhD Candidate, Edge Hill University, Ormskirk
Leah Wing, University of Massachusetts, Amherst, Mass. USA

1. Counter-insurgency Law and Policy

Introduction

The first key theme explored was comparative perspectives on contemporary counter-insurgency legislation and its impact on Muslim communities in Britain with the nature and scope of such measures introduced in the North of Ireland over the three decades of the conflict and before. The session was chaired by Mike Ritchie, the Director of the Committee on the Administration of Justice (CAJ). A number of key issues emerged that will be discussed in greater detail below including:

1.1 Counter-insurgency Policies are Counter-productive

1.2 Emergency Laws become the Norm

1.3 Undermining Due Process and Accountability

1.4 Detention, Legal Representation and 'Dual Track' Systems

1.5 Stop and Search Powers and 'Glorification'

1.6 Torture and Rendition

1.1 Counter-insurgency Policies are Counter-productive

In 2008 CAJ produced a report entitled *Lessons from Northern Ireland for the War on Terror* (CAJ:2008) for the Eminent Jurists' Panel on Terrorism, Counter-Terrorism and Human Rights following a visit of Panel representatives to the North of Ireland.[4] What these lessons were formed an important strand of our discussions. Three key lessons from the North of Ireland experience were identified; a) that counter-insurgency strategies were essentially counter-productive; b) that emergency legislation tended to become the norm and; c) that such measures tend to undermine public confidence in the law.

To say that counter-insurgency policy and emergency legislation tended to be counter-productive in its effects is to argue that such measures made alienation and conflict more not less likely. A CAJ representative suggested that the emergence of the peace process in the North, where a focus on the political had replaced an earlier reliance on military and counter-insurgency options, evidenced that 'the counter-terrorism measures [previously employed] didn't work'. In this view what ended the conflict was:

Not the security and military response, it was the recognition of the need to engage in political dialogue and to try and restore respect for the rule of law and the protection of human rights. So they [counter-insurgency measures] were futile, and not just futile, they were counter-productive. (CAJ representative)

Not only did such measures fail to prevent conflict, it was suggested that they tended also to lead directly to (what has come to be referred to as) 'radicalisation'. Even within the terms of the aims of counter-insurgency itself this therefore tended to be counter-productive. For example, these policies and practices were understood to have actually undermined rather than enhanced efforts at producing meaningful intelligence-gathering. The 'constant harassment and intimidation and behaviour outside the law by the state forces radicalised people and encouraged people to get involved who might not have done so before'. If 'gathering intelligence is key to prevention' then, it was suggested 'you need good communications and relations which won't be developed by harassing and intimidating the very people you need to work with to get that intelligence'.

1.2 Emergency Laws become the Norm

In *Suspect Communities*, his ground-breaking work on the impact of the Prevention of Terrorism Act on Irish people living in Britain, Professor Paddy Hillyard argued that one of the key problems with 'emergency' legislation was that overtime it became 'normalised' and so began to permanently erode the due process of law and civil liberties (Hillyard:1993). It was a theme that was central to the discussions.

As one of the participants Professor Hillyard pointed out that the lineage of 'emergency' legislation in Ireland extends back beyond the foundation of the Northern state. In the nineteenth century, for example, 105 Coercion Acts had been introduced as successive British Government's principal response to Irish political and agrarian agitation. At the time of partition itself the Restoration of Order Act, introduced in 1920 was followed by the Civil Authorities (Special Powers) Act (Northern Ireland) in 1922. The latter allowed for extensive extraordinary powers, including arrest without charge and detention without trial (internment) as well as the power to ban organisations and publications. While initially this had included 'sunset clauses' requiring periodic review and renewal, the Special Powers Act (as it became known) was made permanent in 1933.

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[4] The Eminent Jurists Panel on Terrorism, Counter-Terrorism and Human Rights is an initiative of the International Commission of Jurists set up in 2005. For further information go to The Eminent Jurists Panel website at: http://ejp.icj.org/sommaire.php3

The outbreak of the conflict in 1969 witnessed the deployment of these powers, most obviously with the introduction of internment in August 1971. Internment resulted in the detention of around 2000 people, almost all from the Catholic/Nationalist community and nearly all of whom were subsequently released without charge. As one participant noted, internment also stands as one of the prime example of the 'futility and counter-productivity' of such measures, failing to do little other than 'radicalise a lot of people'. Another speaker noted that 'emergency' or 'temporary' measures were then 'renewed constantly throughout the 1970's, 80's and 90's' before being made permanent by the Terrorism Act in 2000'. Nor, indeed, had the end of the conflict in the North led to a total end to 'emergency powers':

While things have improved [since the Good Friday Agreement] many powers still remain. We still have wide powers of stop and search, we still have preventive detention, and we still particularly in Northern Ireland have non-jury trials, so that prosecutors have the power to designate a trial as non-jury. So the lesson from that is that emergency powers have become part of the normal justice system. And it is clear that once governments and law enforcement agencies have these powers they are reluctant to let them go.
(Irish community group representative)

Continuity in the introduction and exercise of 'emergency' legislation, as well as aspects of the form and nature such powers have taken, could similarly be charted from the experience in the North of Ireland through to the present. The Special Powers Act was removed in 1973 but immediately replaced with the Emergency Provisions Act and followed by the Prevention of Terrorism Act in 1974. These two key pieces of legislation, building on (and in certain important ways extending) what had existed before provided the 'architecture' for subsequent developments:

What was incredible about the Prevention of Terrorism Act in 1974 was that it was a very small piece of legislation a matter of 16 pages, but now we've got a vast amount of legislation under the various names of counter-terrorism, security, and so on. That particular Act, while drawing on some historical elements from the Acts of Coercion and also the Special Powers Act, has determined the future structure.

So it's worth reminding ourselves that it introduced a seven-day power of arrest. We tend to forget that, and of course, we know what the legislation is now [28 days]. It introduced proscription orders in relation to organisations, and it also introduced a system of internal exile. It gave an enormous set of powers to the Secretary of State to determine what should happen. It lifted these decisions out of any judiciary and placed it firmly in the hands of the Secretary of State. So that was the architecture. (Hillyard, QUB)

The Prevention of Terrorism Act also had to be regularly renewed. While such a 'sunset clause' tended to have little practical effect in determining or deterring the passage of the anti-terrorism bills it did at least provide a reminder that these powers were, ostensibly, temporary. Sunset clauses have however been dropped from the more recent swathe of anti-terrorist legislation, such as the Terrorism Act (2000), the Anti-Terrorism, Crime and Security Act (2001), the Prevention of Terrorism Act (2005), the Terrorism Act (2006) and the Counter Terrorism Act (2008) (See also Fekete: 2009; Hewitt: 2008; McGhee: 2008).

1.3 Undermining Due Process and Accountability

A key focus for the discussions was the extent to which, and in what ways, counter-insurgency or emergency legislation undermined both the due process of the criminal justice system and avenues ostensibly designed to ensure accountability and transparency. As one participant argued, at virtually every stage of due process, the impact of emergency legislation in the North meant that well-established rights were either restricted or removed, leaving the system open to systematic abuse:

[There was] an abuse of due process... prolonged detention without charge, the lack of access to a lawyer or a doctor, the use of unproven evidence in trial, and the use of non-jury trials, which continues to this day. And again, extensive powers of stop and search which was both widely drawn and abused, which led to people being stopped on their way to work, coming back from school, in shops, being stopped and searched. And really that is the harassment of innocent people. (Irish community group representative)

As noted above, procedures such as 'sunset clauses' were often regarded as ineffective at ensuring rigorous scrutiny and accountability for the impact of counter-insurgency law. However, the secretive way in which measures were often introduced or implemented tended to delimit further the effectiveness of the sorts of checks and balances which are held up as distinguishing features of democratic societies and the manner in which they carry out counter-terrorism.

Yet there were problems that went deeper than the nature of legislation. Parliamentary oversight, the testing ground of the courts and other mechanisms for exerting transparent control of state agencies engaged in policing and counter-insurgency measures were identified as areas where such control was found to have been lacking in the North. Several examples to demonstrate this point were given, including the (essentially internal) procedures established for investigating cases where the police and army were accused of abusing their powers.

This lack of due process and democratic control was seen as a particular problem where intelligence agencies were able to have a widespread influence on a range of policing measures. One example explored in some depth was the Walker Report. Produced in 1981 by a senior member of MI5 based in Northern Ireland the Walker Report, it was argued, 'fundamentally changed the position which had been in existence since the 1820s or the 1840s [that] the police are there for detection and crime'. It was also taken to exemplify the fact that what was often as important when discussing counter-insurgency policy and law was 'what went on behind the scenes'.

Secrecy and the avoidance of parliamentary scrutiny had been hallmarks of policymakers' actions and decision-making, it was suggested, and the Walker Report symbolised this in two particular ways. Following the Walker Report the authority to decide whether or not to investigate certain incidents in the North was given over to Special Branch who then controlled the work of CID. This, it was argued, opened up the potential of abuse within the context of a counter-insurgency strategy. In turn this demonstrated a fundamental shift in policing toward 'intelligence gathering'. As Paddy Hillyard argued;

the role of informers was crucial and absolutely fundamental to this strategy. What we then saw was the primacy of one particular body within the police force, the special branch. And the special branch was given complete control over all intelligence. So any piece of information from then on in was controlled through the special branch and they made the decision whether or not that information should be passed down or passed up. (Hillyard, QUB)

The Walker report was seen as just one example of the way that parliamentary and other forms of democratic oversight could be circumvented by an executive intent on pursuing counterinsurgency goals (see also O'Brien: 2005). It was also argued that this was a form of practice of direct relevance to the way in which counter-insurgency measures as part of the 'War on Terror' had been put in place.

As significant for another participant, were the ways in which powers reserved to the British Government had provided constitutional means by which parliamentary oversight could be surmounted, for example, through 'Orders in Council, which meant that the Secretary of State just changed the law, it didn't even have to be debated in parliament'.

The parliamentary process itself was also seen as being reduced to little more than a 'means of building up repressive and controlling law' where the Government 'changes the rules when it needs to [or] ignores the whole thing and goes another route'. Examples of rushing through legislation in order to meet such ends were discussed. These included retrospectively legalising arrests carried out by British soldiers in the mid-1970s when it appeared that such actions may not previously have in fact been legal; banning prisoners from standing as MPs in the wake of the election of the republican hunger striker Bobby Sands in 1981 and the more recent introduction of the inquiries act to limit the scope and powers of inquiries into allegations of collusion.

Another area discussed was the use and adaptation of other legislative or regulatory mechanisms for counter-insurgency purposes. One participant argued that the vagueness of emergency legislation was often a deliberate strategy that worked in tandem with the re-interpretation of existing laws and policies in order that they could be adapted for counter-insurgency ends. The adaptation and 'securitisation' of such things as the migration and customs systems in relation to Muslim communities today was a particular focus for discussion here. One participant drew attention to comparisons with contemporary practice in the US as well as past practice in the North of Ireland. The use of 'homeland security' and 'customs and immigration' measures, rather than purely 'counter-terrorism legislation' in order to 'hold, harass and exclude people' was indicative of this tendency. These were practices that also tended to 'be below the radar' and out of public debate on civil liberties.

A Muslim group participant drew parallels here with the manner in which such processes are operating in contemporary Britain:

If you look at it statistically at the amount of people who have been arrested under the terrorism laws and not actually convicted under terrorism laws, but convicted by immigration, or some such, you find that the policy is to pick out the people they've got a check list for, and convict them for whatever you can. You arrested them first for terrorism offences, but then convicted them on something else. (Muslim group participant)

One final element that was discussed in this context was the role of the media, often presented as another important potential check on the abuse of power within democratic systems (see also Ameli *et al*.: 2007). However, here too there was a great deal of scepticism. For example, the media was seen as having a 'self-imposed ban' during the years of the conflict in the North of Ireland, never mind official limits on reporting that prevailed, on discussing issues in the North likely to raise difficult and critical questions of the State (such as allegations of collusion between loyalist paramilitaries and the RUC and British military intelligence agencies). From a Muslim perspective, the sense that the media was used as a means of creating an atmosphere of fear and panic around high profile arrests was discussed. It was also argued that little coverage was then given to the fact that many of those arrested were subsequently released without charge.

1.4 Detention, Legal Representation and 'Dual Track' Systems

The powers of detention and rules governing interrogations have been amongst the most controversial aspects of the impact of counter-insurgency law and policy upon the due process of law. Counter-insurgency strategies have the goals of garnering intelligence and/or obtaining convictions at their core, yet these are also key areas where longstanding civil liberties are regarded as central elements of human rights. As a result the extent and nature of State powers to detain people without charge and how they are then interrogated are crucial areas of debate.

As one participant argued, what might be seen as the most common feature of the measures introduced to 'deal with our "troublesome" communities' was that basic and supposedly sacrosanct civil liberties could be undermined in a manner that was ultimately not only wrong in itself but also counter-productive. So for example, the right of *habeas corpus*, intended to ensure that 'no man will be detained without charge or trial' could be 'done away with when the government introduces these anti-terror measures' in both the Irish and Muslim cases. For one of the Muslim group representatives the potential negative consequences of such an approach today could be seen by looking at the example of what happened following the introduction of internment in the North of Ireland. The events of Bloody Sunday in Derry, when 13 unarmed civilians were shot dead by members of the British Army (a 14th died later from his wounds) while on a march protesting against internment were discussed in this context. Bloody Sunday, it was argued, was a key moment of the conflict that radicalised Irish nationalist opinion and led directly to an upsurge in violence. As the same participant noted, '[on Bloody Sunday] they were marching against internment, against people being detained without charge or trial. And look what that unleashes'.

Indeed, the extension of the period that a suspect could be held without charge was regarded as a particularly problematic issue. Aside from the policy of internment itself, as already noted the PTA introduced the 'architecture' of a system whereby suspects could be held for up to seven days without charge. However, the Terrorism Act of 2006 raised that limit to 28 days (indeed the government was originally arguing for it to be 90 days and the potential of an extension to 42 days remains as a bill on the stature books). Several participants challenged the premise that such a power could be justified on the grounds of a supposed 'qualitatively different' threat evident today and again suggested that, as in the North of Ireland, such measures were more likely to be counter-productive through engendering a sense of alienation and grievance. Increasing the maximum period of detention in such a manner was regarded as introducing a form of internment in all but name. It was also argued that this sort of measure was underpinned by the language and logic of 'new terrorism' promoted within mainstream academic accounts as well as media coverage and Government statements because this sought to draw such a sharp contrast between the issues at stake today as compared to the past.

The potential impact of a lack of access to legal representation during interrogations on the rights and experiences of people subject to detention was identified as a key issue. In the North of Ireland designated interrogation centres were established following the introduction of the Diplock recommendations. These combined with the operation of the new non-jury courts, changes to the rules over the admissibility of evidence and the new criminalising regime instigated within prisons to produce what was often referred to as the 'conveyor belt' system.

Within the interrogation centres conviction rates on the basis of uncorroborated confessions became the norm. For example, between 1975 and 1979 approximately 1,000 people were charged with scheduled offences per year and over 90% were found guilty either on plea or after a Diplock Court trial (Boyle et al: 1980: 44). In 85% of these cases the evidence against defendants was 'substantially or exclusively' based on confessions obtained in special interrogation centres created as a result Diplock's recommendations. It was within this context that the lack of access to legal representation was seen by a number of participants as so significant. The aim of 'instilling fear and confusion' and to obtain confessions was pinpointed as the central goal of this approach. That those held under contemporary 'terrorism' legislation had access to legal representation was therefore regarded as highly significant:

This [access to lawyers] is very important in relation to what is happening now in the UK where people are being arrested [and are] being subjected to long periods of detention. The only difference is that anybody arrested now, including in this jurisdiction, under this terrorism legislation will have a solicitor present during the questioning. It's covered under PACE, the solicitor can be there during the course of the questioning. The key point is that the solicitor can prevent any brutality or ill treatment. The other thing is that the solicitor can be there to advise as to whether or not the questions being put are reasonable or fair, and can advise on whether the questions should be answered at all, or whether they're even relevant. It's key to the whole issue [in Britain today] that anybody who is arrested should have the right to get somebody who would have the legal knowledge to protect their rights while they are in custody. (Irish group participant)

The lesson from the Irish experience, it was suggested, was that making sure that 'very solid legal expertise and advice [were] available immediately' was an absolute key priority precisely because it had been a matter of policy that duress and undue pressure could otherwise be brought to bear on those held:

The whole objective of lifting people and holding them for long periods of time is to break them down. If you're in custody for any length of time and there's a continuing relentless questioning then people are tired and it's bound to have an effect even if solicitors are present to protect the rights of people. A lesson to be learned is that the police in the UK, who are very knowledgeable in the law, are very aware of what their objective is when they arrest somebody, because what they want to do is get a confession. And there's no doubt about that, the whole purpose of an interrogation in any case, the objective of the police interview, is to get a confession. (Irish group participant)

While legislation granting access to legal advice was recognised as an important potential protection for those subject to detention and interrogation if held under terrorism legislation, it was pointed out by other participants that in other parts of the criminal justice system, and most notably in the procedures governed by immigration policy, such rights were not present and such protective procedures were not followed.

Key here was the role and powers of the Special Immigration Appeals Commission (SIAC). Originally established in 1997 the SIAC is the 'sole court of appeal for foreigners living in Britain whom the Home Secretary wants to deport on national security grounds, but evidence of whose cases is considered too sensitive for disclosure in open court' (Fekete:2009: 168). The powers and remit of the SIAC were substantially extended by the Anti-Terrorism Crime and Security Act (2001). It was noted that the right to legal representation was often absent for those subject to the SIAC and that much of its business was exempted from standard procedures of the legal system:

In terms of legal access, there are a group of people in the UK who do not have access to legal representation and those are the people arrested as cases of the Special Immigration and Appeals Commission (SIAC). Most of the people there are non-British citizens, mostly dissidents from their countries. They have a lawyer who people in England and Ireland also have; Gareth Pierce. She is not allowed to see any of the evidence. She is not allowed to be present at any of those court proceedings that take place. And that is the reason, because there is secret evidence as to why they are kept in detention or on control orders. So I think that is just one of those things where lawyers have no access. (Muslim group participant)

Gareth Pierce has herself written about the manner in which the SIAC undermines rights through the secrecy of its procedures in the name of 'national security' and how this and other measures demonstrate that Muslims, like the Irish before them, are the 'new suspect community' (Pierce: 2008).

The secrecy and lack of legal access in the proceedings of the SIAC were also seen as a problem in being able to identify the potential source of evidence and whether this had been obtained by means contravening human rights standards, such as through torture or as a consequence of extraordinary rendition. This was part of a theme that emerged throughout the conversations; the intimate inter-connection between the challenges facing Muslim communities within the UK, international issues and UK foreign policy. This was evident in a number of ways but was certainly seen as crucial to understanding the treatment of asylum seekers and foreign nationals by the immigration and criminal justice systems.

The circumstances of the detention of some of those held under Section 4 of the 2001 Act also evoked comparison with the record of detention without trial in the North, though, as was noted, on a significantly different scale. The cases of over a dozen detainees (all asylum seekers) who continue to be held in maximum security prisons (such as Belmarsh or Long Lartin) or under control orders were discussed in this context. As one participant noted, while none have been 'officially charged or even interrogated' they are essentially being held in a 'form of internment… they [British Government] don't like to use the word internment, but there is no other way to describe it. How else do you describe detention without charge or trial? Nobody has been charged with a crime amongst those people'.

In both the case of emergency legislation in the North of Ireland and such processes as the SIAC it was argued that a 'dual-track system of criminal justice' was established fundamentally undermining key protections for those subject to such measures. The introduction of no-jury trials and changes to the rules of evidence as recommended in the Diplock Report in 1973, it was suggested, established a framework for a dual-track system, reinforced by the introduction of the Prevention of Terrorism Act (PTA) a year later. This also provided the roots of the current manifestation of a 'dual-track justice system' in contemporary anti-terror law and practice.

1.5 Stop and Search Powers and 'Glorification'

The raft of anti-terror legislation introduced since the Terrorism Act in 2000 has established significant powers of stop and search as permanent features of the criminal justice system. This built on the existing body of powers enshrined in both the Prevention of Terrorism Act and the Emergency Provisions Act. There have also been some important extensions of the scope and nature of activities classified as offences, including the provision in the 2006 Terrorism Act of the offence of 'glorifying terrorism'. Both these areas formed an important point of discussion, not least in relation to the experiences of young Muslims.

Under Section 44 of the Terrorism Act (2000) certain areas can be designated as places where people can be stopped and searched, such as airports, without any reasonable grounds for suspicion having to be demonstrated. Concern was expressed over these powers and the use to which they were being made in a number of ways. First, that while supposedly restricted to relatively limited geographical locations this power was being used to designate much wider areas (for example, the whole of London). Similarly, while authorisation of powers under section 44 is subject to periodic review the renewal of the powers applying to many locations was being 'automatically reviewed and renewed'. Removing the requirement to establish 'reasonable suspicion' on the part of police officers undertaking stop and searches was also felt to open the way to the potential of abuse and Islamophobia. People being repeatedly stopped could in itself, it was suggested, constitute a form of harassment, coupled with the increasingly fractious and confrontational nature of some such encounters. Finally, despite the large number of people stopped under Section 44 (estimated at around 180,000) the consequences were again seen to be counter-productive' leading to no arrests of 'terrorists [but having] demonised a whole lot of people'.

The other element of stop and search powers discussed were those granted by Schedule 7 of the Terrorism act. These apply specifically to ports and airports and allow police officers, immigration officials and intelligence officers to detain and question someone for up to nine hours. A key concern here was that the sorts of questions routinely asked (and failure to answer could result in three months imprisonment) appeared to have little to do with generating intelligence in relation to specific incidents or threats. Rather, they appeared more concerned with asking general questions about people's religious habits and political views. Again, this was seen to do little other than contribute to an already existing sense of vulnerability and fear and more likely to contribute to a sense of alienation amongst many Muslims. Representatives of the Islamic Human Rights Commission noted that they were increasingly having to deal with the issue of people from vulnerable groups, including young people, being subject to stops and searches at airports, and sometimes additional checks (such as the taking of DNA) under the threat of possible arrest. The lack of information on how many people (and who) had been stopped under such powers was seen as a problem in monitoring their use.

Here again participants found echoes of earlier Irish experiences. The widespread and habitual use made of stop and search powers (under the Emergency Provisions Act) in the North was noted for having contributed significantly to tense and antagonistic relations between the police, the army and (particularly young) people in nationalist working class areas. This, it was pointed out, constituted a frontline experience of oppression and harassment. Indeed, as a Human Rights Watch Report noted in 1992, the street harassment of children was 'endemic' in parts of the North and one of the most frequent causes of complaint and resentment they received, although 'lodging harassment complaints against security forces [was] generally seen as useless' (Human Rights Watch:1992: 18).

As one participant noted, it was young people who 'bore the brunt' of stop and search powers, as well as their abuse while held in custody and interrogation centres, where they might be 'broken and put under pressure'. Another alluded to the incidence of the mistreatment of young people when held in custody and in interrogation centres. In this context specific reference was made to the case of Damien Austin, who as a 17-year old in 1991 was subject to brutal mistreatment in Castlereagh Interrogation Centre before a writ for *habeas corpus* was presented and he became the first and only person in Ireland or Britain for whom an urgent action order was issued by Amnesty International on his behalf (Human Rights Watch: 1992: 6-8)

For the Irish in Britain, as Paddy Hillyard (1993) noted, the Prevention of Terrorism Act also provided the police and others with wide-ranging powers to stop, search and detain people, particularly at ports and airports. A familiar pattern of interrogation methods, threats and the use of these powers against specific groups (i.e. students and young people) was similarly evident. Hillyard also found that of those detained under the PTA (just over 7,000 people by 1992), 86% were subsequently released without any further action being taken. The purpose of such practices was to trawl for low-level information (in itself an infringement of civil liberties) to build up a portrait of, and at the same time apply disciplinary control over, the 'suspect community' (Hillyard: 1993: 5).

Introduced in the wake of 7th July 2005 London bombings the Terrorism Act of 2006 also introduced, for the first time in British law, an offence of 'encouragement' either 'directly or indirectly', of 'acts of terrorism'. Such 'indirect encouragement' could include materials or statements that were seen to glorify' acts of terrorism. This 'glorification bill', as one participant called it, has evoked a great deal of public criticism that was echoed in our discussions. One deeply problematic issue noted was that of cases where members of the Muslim community were prosecuted and imprisoned for downloading material from the internet. Linked to this the lack of clarity about what constituted such offending material, even amongst those charged with implementing the policy (i.e. the police), was seen as another example of the broad sweep of policy that impacted negatively on community experiences and perceptions. Indeed, the very imprecision of the law was seen as contributing to a general culture of fear.

2. Experiencing Counter-insurgency: Communities, Prisoners, Families and Young People

A key concern for the symposium was not only to consider what continuities and differences could be identified in the character of anti-terror legislation and policy but what might also be learnt by comparing the impact and experience of such measures at a community level. Two sessions were given over to discussing these broad themes with a particular focus on two areas. First, the experiences of Irish people and British-based Muslims imprisoned for conflict/terror-related offences and the impact that such imprisonment had upon their families and the wider community. Second, the specific impact of counter-insurgency measures on children and young people.

Again, differences as well as similarities of experience were the subject of wide ranging discussion that explored the effect of the Government's attempts to police community activism via the '(de) radicalisation' agenda, the impact of intelligence strategies based on the use of informants within the community and the generation of a culture of fear. A particular area of concern, and one identified as requiring a great deal more research and action, was the effect of counter-insurgency policies on mental health. The sessions were chaired by Moazzam Begg of Cage Prisoners and Massoud Shadjareh of the Islamic Human Rights Commission.

A number of key themes emerged that will be discussed in greater detail below including:

2.1 Misunderstanding Radicalisation

2.2 Fear, Vetting Communities and 'Divisions Within'

2.3 Informers, Criminality and Communities

2.4 The Experience of Young People

2.5 The Experience of Prisoners and their Families

2.6 The Impact on Mental Health

2.7 Language, 'Terrorism' and Racism

2.1 Misunderstanding Radicalisation

The theme of 'radicalisation' and the way it is conceptualised and problematised in contemporary Government policy was one taken up by a number of contributors. British Government emphasis on the theme of radicalisation as an issue, evidenced in the *Contest 2: Pursue, Prevent, Protect, Prepare* 'strategy for countering international terrorism' formed the backdrop to this discussion and so may be worth outlining in some detail introduced in 2009 (Home Office:2009).

In the *Contest 2* strategy document, radicalisation is understood as 'the process by which people come to support terrorism and violent extremism and, in some cases, then to participate in terrorist groups' (Home Office: 2009: 43). Radicalisation is also understood as the fourth key driver of contemporary international terrorism' along with 'conflict, ideology and technology'.

While the strategy document argues that there is 'no single cause of radicalisation' grievances borne out of 'conflict and the failure of states', the invasion of Muslim countries (Iraq and Afghanistan) and the 'perceived role of the West' in such conflicts are identified as potential issues that might sow the seeds of radicalisation (Home Office:2009: 44). However, while such grievances may make people in the UK 'vulnerable to radicalisation' and 'open to the ideology' of 'radical Islamism' a range of other 'social and psychological factors' are also identified.

Such factors include a 'crisis of identity and, specifically, to a feeling of not being accepted and belonging' which, it is suggested, may be linked to the experience of racism and a lack of social mobility (Home Office: 2009: 44). In turn radicalisation is understood as a 'social process' involving 'extensive interaction with an influential and a supportive peer group, often including a charismatic role model and ideologue'. Other identified factors include 'adventurism and the lure of conspiracy' and 'criminality'.

On the other hand, and somewhat contradicting the 'new terrorism' logic that lies behind much recent Government thinking, which emphasises the importance of 'religious justification' for contemporary 'terrorism', *Contest 2* also suggests that while 'many contemporary terrorist organisations… purport to have explicitly religious objectives… people do not join them only or often mainly for simply religious reasons. Indeed many terrorists who associate with Al Qa'ida have little or no religious understanding or knowledge' (Home Office: 2009: 44).

When making the case for policy responses to the 'threat of radicalisation' *Contest 2* identifies 5 factors that need to be addressed, of which only the last are the 'real or perceived grievances' both in terms of foreign policy and domestic issues such as racism and inequality (Home Office:2009: 83). Given far greater prominence are; a) the perceived role of a 'persuasive ideology' which uses an 'interpretation' of religion, history and politics to 'legitimise terrorism'; b) 'ideologues and social networks' that promote the ideology; c) individuals considered 'vulnerable to violent extremist messaging' for personal reasons such as 'issues of identity, faith, frustrated ambition, migration and displacement' and; d) an 'absence of resilience' in 'vulnerable communities' (Home Office:2009: 83).

For the participants from both Irish and Muslim groups such perspectives represented a fundamental misunderstanding of what radicalisation was and what could lead to it. A number noted that they did not regard the idea of 'radicalisation' as in itself a problem; that is to say, that holding a 'radicalised' political outlook could be regarded as a positive thing. Reference was also drawn to an event previously held in Belfast with representatives from the North and Muslim groups in Bradford that explored this problem of 'criminalising radicalisation'[5].

Similarly a number argued that radicalisation was far more likely to be the result of alienation and anger produced by the abuse of civil liberties and the denial of legitimate political goals than it was by some of the factors outlined above. So, for example, in the North of Ireland internment was understood to have been counter-productive precisely because 'what it did was radicalise a lot of people'. This was echoed by others who pointed to Muslims being labelled as 'extremists' if they voiced their opposition to British foreign policy and opposed British military interventions in Iraq and Afghanistan.

Indeed, the closing down of spaces within Muslim communities to talk about a range of issues, such as the cause of Palestine, was seen as having a negative effect and only likely to increase a sense of alienation for many. A number of participants argued that the ability to openly raise a range of international issues of concern to Muslims (as others) had been substantially curtailed in recent years. This, it was argued, reflected a growing culture of silencing dissent that (suggested some) was formalised in policies introduced as part of the *Prevent* strand of *Contest 2*. Further, it was argued, the 'de-radicalisation' agenda rested on a particular (and erroneous) understanding of what led to radicalisation in the first place, that it was problem of 'ideology and Islam' rather than, for example, British foreign policy. In so doing, it was suggested, the causes of 'radicalisation' were fundamentally, perhaps wilfully, misunderstood while those within the Muslim community who argued that the source of the problem lay in what was happening in places like Iraq and Afghanistan were more likely to be silenced.

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[5] Various Authors (2007) Criminalising Radicalisation: Conversations Between Belfast and Bradford, NIACRO, Institute of Conflict Research and Department of Peace Studies, University of Bradford, available at:
www.conflictresearch.org.uk/cms/index.php?option=com_content&task=blogcategory&id=30&Itemid=44;
See also: Various Authors (2008) Responses to Radicalisation: Conversations Between Belfast and Bradford, NIACRO, Institute for Conflict Research and Department of Peace Studies, University of Bradford, available at:
www.conflictresearch.org.uk/cms/index.php?option=com_content&task=view&id=163&Itemid=43,
accessed 13th November 2009.

2.2 Fear, Vetting Communities and 'Divisions Within'

Contest 2 was seen to evidence a policy position on the part of the British Government that was contributing to a 'culture of fear' (as one participant put it) that also accentuated a sense of isolation, division and fragmentation felt by many to characterise the contemporary British Muslim experience.

This sense of fear and its effect of silencing discussion, debate and public engagement within the Muslim community was illustrated in several ways. A number of participants noted a growing reticence of many within Muslim communities to report incidents of abuse to the authorities or to be seen to be taking part in activities that were often innocuous enough and had little or nothing to do with politics or 'terror'. A fear of signing petitions, or in the case of Muslim students, of being seen to be undertaking certain kinds of studies or working with certain materials was cited as evidence of the 'psychological state of many Muslims living in fear'.

As well as the problem of silencing discussion of international issues noted above (which was an over-riding concern for many participants) reference was also made to the tendency to exaggerate the nature and extent of the 'Muslim threat' as a means to further instil a 'disciplinary culture of fear'. A couple of speakers argued that the sort of numbers quoted in the press (supposedly based on intelligence sources) of several thousand 'Muslim militants' waiting to carry out attacks presented an absurdly exaggerated version of reality. Similarly, the evidently co-ordinated, high profile media coverage of arrests (often resulting in minimally reported releases without charge sometime afterwards) was viewed as part of a deliberate counter-insurgency strategy to create a particular public atmosphere of threat.

The focus on 'radicalisation' in Government policy was closely linked to what was viewed as the deeply problematic vetting of community groups and the silencing of dissenting voices within Muslim communities. The *Prevent* strand of *Contest 2* pinpoints the need to support elements within the Muslim community that are regarded as amenable to State policy. This is viewed, in a very direct way, as part of the construction of 'resilience' and has implications for a wide range of aspects of community life, development and funding.

Parallels were drawn between this focus of the *Prevent* strategy and the 'political vetting' of community groups in the North, an issue that first emerged in the mid-1980s and continued to be a problem for years to come. As one community group participant put it, what he called the 'hunt for the Good Muslim' was analogous to State attempts to 'split nationalism and republicanism and to locate and fund [only certain groups]'. Vast sums had been spent by the State, it was argued, in an effort to 'separate out what were considered to be "extremists", i.e. active republicans'.

Another Belfast-based contributor noted how wide-ranging the impact of 'political vetting' was felt in the community sector in the North, and more particularly in nationalist working class areas. Cultural groups and organisations were affected with (amongst others) 'Irish language groups who had funding withdrawn'. Indeed, the evident lack of transparency over funding decisions that appeared to be primarily politically-motivated were ultimately the subject of legal challenges that 'eventually forced a change of policy'.

A community worker also viewed political vetting as a means by which the State could frame a community sector that was 'politically and social compliant'. From this perspective the State deployed community development strategies 'not so much to empower but create weakened communities', in which the key aim was to 'maintain control through institutionalisation and co-option, identifying malcontents and then bringing them into the framework of governing the people' and creating a 'new kind of community leadership'. The 'trend' amongst community and voluntary organisations in the North, it was suggested, had drifted from an agenda of promoting radical social change to 'delivering services on the cheap on behalf of the state'. This, it was argued, could be said to the case for Muslim groups in Britain as well.

The parallel between *Prevent* and political vetting was echoed by another participant who also suggested that there this needed to be linked to the use of community structures as part of intelligence gathering. Guidelines for community programme funding within *Prevent* was seen as a clear and 'problematic elision of community development with counter-insurgency strategies'. Such an approach, it was argued, could also be seen to potentially impact upon 'a whole series of aspects of the state structure, the social welfare system, the education system, community development processes'. These in turn, it was feared by one participant, could be implicated in a 'clear stated aim of acting as intelligence processes'.

There was some concern expressed that the various elements of the State's structure could somehow be integrated into a 'policing nexus', with the welfare system, education system as well as the asylum seeker system becoming increasingly 'securitised' and 'teachers and social workers given advice in order to provide information to the State about people who might be seen as problem for it'. For one Belfast-based participant, who had experience of police attempts to develop profiling as a means of attempting to identify 'extremists', such a strategy also represented a 'dangerous development' because it was likely to rest on a deeply flawed notion that the authorities could somehow use 'psychological profiles as a means to prevent extremism'.

The political vetting of cultural groups in the North of Ireland was seen by a number of Muslim group participants to bear comparison with what they regarded as a core aim of *Contest 2* and *Prevent* to 'not only define Islam for us, but to choose and select our leaders'. A number of instances of attempts to replace or oust community leaders on the grounds of a 'supposed radical background' were discussed, including that of Doctor Daud Abdullah of the Muslim Council of Britain. The stated aim of focusing funding on certain kinds of Islamic groups was regarded by some participants as accentuating divisions not only in the community but within the faith group as such; as one person put it there was an attempt to suggest that 'you can be "this" kind of Muslim and that's okay, but if you're like "this" then you're a "radical extremist"'. The identification of mosques and imams as supposed key agents of radicalisation was also viewed as an erroneous attempt to frame an understanding of issues in order to legitimise the vetting of community funding (i.e. through the Charities Commission given the charitable status of most mosques).

For one of the Muslim community representatives a chief concern was that the atmosphere created by what was regarded as the 'policing of dissent' was undermining the capacity of those seeking to challenge anti-terror measures on human rights grounds. A speaker from the IHRC argued that they were finding a problem of a lack of an understanding of the 'architecture of anti-terrorist laws' within Muslim communities and that one result of this was that, while government polices were impacting upon some in the community, for others 'they think you are paranoid for pointing them out'.

The outcome of these processes, several participants suggested, was a tendency for 'divisions within' to be accentuated and create further problems within the community. For a representative of Coiste this was regarded as a prime aim of counter-insurgency policy and something that needed to be avoided by creating a context within the community in which a wide range of views could be heard. Internal divisions needed, wherever possible, to give way to 'common ground' and 'steps had to be taken to resolve your own differences internally [by being] mature and understanding of other people's point of view, even if you don't think they have the right'.

This problem of 'divisions within' was seen to be a particularly acute issue for Muslims in Britain because (contrary to external perceptions) there was already a high degree of fragmentation within and amongst Muslim communities. The diversity of the countries and cultures of origin and geographical dispersal throughout Britain were just two of the aspects cited that contributed to a weak sense of solidarity and which, in turn, left many Muslim communities and individuals isolated and vulnerable. This was contrasted by some to what they saw as the relatively higher degree of cohesion (in terms, for example, of community organisation, 'social capital' and indeed spatial concentration) of communities in the North of Ireland. Some speakers urged a note of caution here, and drew attention to the real divisions within nationalist communities that had existed throughout the years of the conflict and beyond (as well as the more obvious significance of inter-community division).

On the other hand, it was also argued that what community infrastructure existed was something that had to be built and worked for often in the face of the consequences of counter-insurgency. The example of the development of the West Belfast Festival was cited by one participant. The festival is now one of largest and most successful community-based cultural festivals in Europe. It owes its origin to the description of West Belfast as a 'terrorist community' by the then British Secretary of State in 1988. In reaction, it was suggested, community activists started to organise the festival 'as a complete slap in the face to anybody that says, they're all just mindless terrorists', and as a means to build the sort of community life that could combat enforced marginalisation.

2.3 Informers, Criminality and Communities

The gathering of intelligence is clearly an important aspect of counter-insurgency and the recruitment of informers within communities was widely discussed. A number of participants pointed to the socially corrosive impact on communities of using informers as part of a counterinsurgency campaign.

The strategies introduced via the Walker Report and other measures in the North of Ireland placed an emphasis upon the use of informers and here too there was seen to be little or no system for democratic accountability. The oversight of handling informers was also noted as being wholly inadequate. Home office 'rules were merely guidelines [and] certainly didn't apply in Northern Ireland anyway'. The result, it was argued by an academic participant, was the setting up of a system that was ultimately 'contrary to the rule of law' because it led to 'collusion with loyalists by the security force, members of the police, and also the army'. This was an aspect of the history of the conflict that had, as yet, still to fully come out.

The issue of informers was also linked to the potential for undermining the judicial process through the widespread and systematic use of informers. This was related to the 'supergrass system', employed as a means of attempting to obtain mass convictions for conflict-related offences in the North in the early to mid-1980s.

There was also a great deal of focus on the impact that a reliance on informers as part of counterinsurgency policy could have on other aspects of policing and the effect this in turn had upon the community. A number of participants were particularly concerned with the impact this could have on young people. One community representative with long experience of working with young people, argued that the drive for low level intelligence within communities in the North often led to the police employing young people as informers. Such young people, became vulnerable if they had been discovered being involved in anti-social behaviour (for example, petty crime or drug use) and were then pressured to act as informers.

Rather than financial gain, one speaker argued, it was 'brute force and scare tactics' that tended to be lead most young people to start acting as informers. This, in turn rendered them at risk of physical harm likely to be visited upon them by armed groups if their role as informers was discovered. This was then used by police handlers to exert control and ensure their compliance as informers in the future. Indeed, as far as the North of Ireland was concerned this was seen to be an ongoing issue and one which continued to place many young people in socially excluded communities in a highly vulnerable position.

The vulnerability of young Muslims to the abuse of intelligence strategies predicated on the use of informers was also a significant concern for Muslim group representatives. Discussions focused on attempts by MI5 to recruit from several sections of the Muslim population, including students, prisoners and asylum seekers.

The potentially corrosive effects of a strategy premised on the widespread condoning of criminality in pursuit of counter-insurgency aims was a fear expressed by both Irish and Muslim community representatives. This was particularly discussed in terms of the prevalence of illegal drugs within communities. One Muslim group participant noted a fear that 'the police are turning a blind eye to drug dealing' both in his view to 'weaken the community' and as a means of developing intelligence. A community activist from Belfast saw clear parallels here and argued that it could be 'fairly easily evidenced that the police in particular used the importation of drugs as a means to gather intelligence'. In turn this also fed into a strategy where 'the police did recruit intelligence from kids, basically trying to get them to keep an eye on things and let them know what was going on in the area'. In both cases a number of participants felt that such strategies again contributed to a pervasive culture of surveillance and fear that had a wide range of consequences for community life.

A number of speakers argued that the repercussions of the state adopting policing strategies reliant on the widespread and systemic use of informers could be extremely serious, including the encouragement of collusion. Reference was made to the recent report published in January 2007 by then Police Ombudsman (Nuala O'Loan) into allegations of collusion involving loyalist paramilitaries and members of Special Branch of the RUC. The report illuminated how open to abuse an informer system could become. O'Loan found evidence of extensive collusion between Special Branch and Loyalist paramilitaries in North Belfast in 15 murders, 10 attempted murders, attempted bombings, drugs, armed robbery, punishment shootings and hijackings (O'Loan:2007).

2.4 The Experience of Young People

The experience of children and young people was a concern that arose in a number of areas of discussion throughout the two days and is dealt with in other sections of this report. For example, the extent and nature of stop and search powers, the impact of the use of informers on community life, mental health issues and those facing the families of prisoners were all explored with their effect on the young to the fore. However, a number of additional issues that emerged included the particular problems facing young Muslim students and (most discussed in the Irish context) links between counter-insurgency policies and anti-social behaviour and the treatment of young people in custody.

A number of participants drew attention to specific issues confronting young Muslims (and students in particular) resulting from the provisions on the Terrorism Acts of 2000 and 2006 that have criminalised accessing material. The case of Rizwaan Sabir was discussed in this context. Rizwaan Sabir was a PhD student at Nottingham University who was arrested in 2008 under Section 58 of the Terrorism Act, which created the offence of collecting material 'useful to terrorism' (Fekete: 2009: 110). The material he downloaded was an edited version of an Al Qaeda handbook accessed via the FBI website. Held for 6 days then released without charge Rizwaan Sabir had his mobile phone and computer confiscated, his home searched and family questioned.

For a representative of the IHRC this case reflected a more pervasive and wide-ranging problem where the criminalisation of accessing information, combined with things like the use of stop and search powers, was having a destructive impact on Muslim students and young people. It was argued that a 'degree of paranoia' was being generated amongst young Muslims. This was evidenced, for example, in the sort of calls increasingly received by organisations such as Muslim Youth Helpline. Consequences ranging from 'poor school performance, extreme mental disorder, self harm' and 'paranoia… people phoning in and saying "I'm being followed" were noted, as well as the pressure placed on Muslim students. It was suggested that some young Muslims have been approached by MI5 'on campuses who tried to blackmail the students to work for them'. For some students the result is a desire to distance themselves entirely from their own Muslim identity and deter any sort of political involvement, for example in the NUS. For others, it was argued, the sort of radicalisation that Government policies are ostensibly directed against may be the outcome.

While young people had often been at the forefront of social, political and cultural movements in the North, a youth worker from West Belfast drew particular attention to a series of issues that arose in part because of the 'void of policing communities' from the mid-1980s onwards. As in many other cities characterised by high levels of social exclusion at the time, widespread problems began to emerge including 'everything from high levels of youth drug and alcohol misuse, the joyriding phenomenon, anti-community activity, suicide, self harm'. Issues that were often then heightened by the context of the conflict and the activities of armed groups, the use of young people caught for anti-social activities as informants (as already discussed) and the 'still unspoken issue of family generational trauma, those young people whose parents were in prison, whose family members were murdered and the impact all that had'. Marginalisation, even within their own communities was the consequence for many young people and, it was suggested, the increasing acceptance of a 'criminalisation agenda' in relation to the young' in such spheres of life was, if anything, coming more to the fore in the years of the peace process.

2.5 The Experience of Political ex-Prisoners' and their Families

The specific issues facing political ex-prisoners' and their families was a key topic of discussion, particularly for many of those present who were either political ex-prisoners themselves, had family who had been imprisoned on conflict-related matters or who worked closely with prisoners' and their families.

If a sense of isolation and a 'culture of fear' was felt to prevail in the wider community as a result of counter-insurgency policy and law this was seen to be an even more acute issue for such groups. A representative for Hhugs, an organisation specifically dedicated to supporting the families of Muslims arrested, awaiting trail or convicted under anti-terror legislation, argued that families immediately felt a sense of isolation and distance, that 'a barrier went up' as people in the community 'did not want to go near the family, or assist them, in case they were being watched and they too get arrested or whatever'. This was also seen in a reluctance of people getting involved with support groups or giving donations in case 'the authorities see'. The result was that the difficulties facing prisoners' families were exacerbated as they felt 'alienated within their own community'.

A representative of Coiste echoed this view but also suggested that the experience of republicans in the North was that the isolation and duress felt by many of the families of republican prisoners was the result of conscious decisions and a strategy on the part of the State designed to 'break the resistance of prisoners'. Another participant remembered that as a relative of a republican prisoner, and one who was actively involved in the work of the Green Cross (an Irish republican prisoners support organisation) the reaction of many was to try to keep a distance for fear of being identified as republicans themselves. As this participant put it 'once people started to be arrested and tortured the fear set in. Doors were closed, and the blinds were drawn down'.

Some of the issues confronting prisoners themselves are discussed elsewhere (i.e. detention and torture, mental health). One that was explored here was the impact of control orders on those subject to them and their families. Control Orders were introduced as part of the Prevention of Terrorism Act in 2005 as the Government's response to the successful legal challenges to its detention without trial of a number of internees under the terms of the Anti-Terrorism, Crime and Security Act of 2001 (Hewitt: 2008: 44-48). It was estimated that around 40 people remain under various forms of control order in addition to a number of detainees who continue to be held in high security conditions in prisons such as Belmarsh. The introduction of control orders was seen as a particularly problematic issue not only in terms of its implications for civil liberties but as one that tended to lead to significant social and health issues for those subject to them.

One participant cited the case of a Palestinian refugee who had been held in Belmarsh and Broadmoor for years before being subject to a control order. The conditions of his control order, it was argued, have severely impacted on his physical and mental health and led to several suicide attempts. Limitations on his movement, contacts and visits have meant that 'he has lost the social structure around him' and a growing sense of isolation that has also impacted greatly upon his children. The indefinite nature and the range of limitations imposed by the conditions of the control order (including severe financial restrictions that prevent even the most mundane of everyday transactions being carried out by the family) have left him 'completely broken and in a really, really bad way'. For one participant a key purpose of such control orders was to 'break a person, and not only them, but also their family and their community'.

Overall, a number of Muslim participants identified a real need and potential of learning practical lessons from the long term experiences of those in the North of Ireland of how to cope with the issues raised by imprisonment and its aftermath for prisoners and their families (and particularly the children of political ex-prisoners). In similar vein, as one speaker from Belfast noted, there was a ready identification on their part with Muslim experiences and a real desire to develop links and support networks for people confronting 'problems that we recognise because we have seen them with our own prisoners and our own families'.

This potential for learning practical steps to cope with prisoners' issues was also discussed in terms of the experience of working with political ex-prisoners and the process of re-integration. A number of speakers noted some differences here, particularly in terms of the status and lack of stigma attached to political ex-prisoners in nationalist/ republican working class communities in the North in contrast to the experiences of some in Muslim communities. However, other issues were seen to be held in common, and included areas such as access to employment, personal re-adjustment, family life and mental health issues.

2.6 The Impact on Mental Health

Indeed mental health issues were identified as amongst the most pressing and little understood problems confronting all communities impacted upon by counter-insurgency polices and practice. A lack of research and resources to deal with such issues were similarly seen as crucial current failings.

These concerns were raised in relation to a number of specific cases. For example, one Muslim group participant drew attention to the case of a young Muslim man currently held in Belmarsh who had no prior history of identifiable mental health problems but was rather 'just a quiet individual'. As a consequence of the conditions of his detention, however, he now has 'severe mental health problems [including] depression and obsessive-compulsive disorder'. Much of this was attributed to 'humiliating treatment by prison guards' and the use of strip search, particularly in relation to visits, resulting in him 'no longer wanting his family to come to see him'. The consequences were therefore accentuated both for himself and his family:

This makes the situation even more depressing. He's cut off from that family support. He washes himself until he bleeds, he doesn't feel that he is clean enough to pray. Now for a Muslim, prayer is something that gives us a lot of spiritual benefit, so when a Muslim stops praying it really does have a huge effect on their psychological, spiritual well being.

I'm in touch with the family and it is grim for them too. The mother's physical health has completely deteriorated, she's disabled, and she's also got depression. I spoke to the father on the phone and he was putting on a brave face, not wanting to accept counselling and help, and just before he hung up he just broke down. That family have experienced a lot of stigmatisation from the rest of the Muslim community because of the bare fact of [the son being detained]. That isolation really affects the mental health of the families as well as the prisoners. (Muslim group participant)

It was also argued that such repercussions and the experience of isolation was likely to be felt most acutely by those arrested and held who have no involvement in any groups or organisations.

Some comparison was made to the long-term experience of ill-treatment in prisons in the North of Ireland, particularly following the introduction of criminalisation in 1976 and during the blanket and no-wash protests leading up to the 1981 hunger strike. The long term impact of these experiences (and of the lengthy sentences served) on the mental health of prisoners and their families was also discussed.

In this context, the conversation focussed on the trans-generational consequences of such experiences for the children of ex-prisoners and what was seen as the non-recognition of the extent of this problem. Referred to as 'one of the most excluded groups of people' the children of political ex-prisoners, it was argued, had not only had family life disrupted by the long-term imprisonment of a parent or sibling but had also faced 'abuse from the police and the army, searches' and the experience of 'going through the prison process'. Many such young people were seen to have developed 'hidden aggression, hidden hatred' as a result of this 'hidden issue'. The dimensions of the problem were also highly significant, given that it was estimated that there were as many as 15,000 to 20,000 republican ex-prisoners (and that these problems would equally be felt in loyalist communities) and there were often several children in each family affected.

One participant also argued that it was often only when political ex-prisoners children themselves became parents that the real nature of the damage done became fully realised and impacted upon yet another generation. The trauma of the conflict and the loss of parenting when young affected their parenting and was also evidenced in substance abuse and the growing phenomenon of youth suicide. Indeed, one of the ironies of the peace process, it was suggested, was that only in that context had many of these problems come to the fore. Equally, the difficulties encountered by many political ex-prisoners (often released as part of the peace process) in re-adapting to family life had resulted in many encountering major problems, including drug and alcohol misuse and family break-ups. These issues too, it was suggested, are often lying dormant and unacknowledged within communities.

A large number of participants argued that there was therefore a desperate need for research on such 'taboo' social and mental health issues. It was noted that some good work on such issues in both Muslim and Irish communities had been undertaken. This included some research on the impact on the children of Muslim detainees and those subject to control orders. Likewise, reference was made to research carried out on the mental health of the Irish in Britain as part of a wider survey of the Irish community and work undertaken by ex-prisoner groups themselves with the children of ex-prisoners (Hickman: 1997). However, a real need for academic engagement and research with such questions was called for that might provide the basis for good community-based practice.

2.7 Language, 'Terrorism', Colonialism and Racism
A number of participants pointed to the important influence of the language of terrorism and counter-terrorism in constructing the meaning of political conflict. In the North of Ireland, for example, the role of language in the policies of criminalisation and containment were discussed. The term 'terrorism' itself was seen to be one that 'de-contextualised, de-politicised and demonised'. It was argued that the definition of 'terrorism', even as contained within much legislation, could be applied to many groups and actions, including those undertaken by the State, but that it was never applied to the actions of the authorities in public discourse. This issue was broadened out to the wider way in which there was a need for sensitivity in the use of language that constructed marginalised communities and voices as 'the other'. Within the context of the 'war on terror', it was noted, the very naming of people not only as 'terrorists' but as 'enemy combatants' demonstrated the way in which language could be deployed to underpin counter-insurgency measures that contravened human rights and civil liberties.

Another area in which participants saw a great deal of common ground in their experience was the colonial context. A shared history of 'colonial policy and colonial exploitation' was noted by a number of participants and here too language and the denial of historical perspective was seen to be important in 'framing issues and limiting the possibility of alternative readings' of both past and present. The *Contest 2* strategy was also seen by some as trying to reframe who and what Muslims are through the language and definitions of 'extremism'. This again was closely associated with the feeling that identification with Muslim people or causes internationally, most obviously in terms of Palestine, was being presented as evidence of 'extremism'.

One participant criticised a Government agenda, exemplified in the *Contest 2* approach, that sought to establish a series of 'loyalty tests' that attempted to disallow Muslims in Britain from identifying with, or commenting upon, the situations confronting Muslims elsewhere in the world. In similar vein it was suggested that the emphasis upon questions of identity and the representation of the Muslim community as being 'off the rails' was a means of attempting to establish conformity and contrasted with the reality of most Muslims who just 'wanted to get on with life and be respectful of everyone else'.

For others too, and for some in contrast to aspects of the Irish experience, this was seen as part of the residue of racism within British society. It was argued, for example, that the limited opposition to the introduction of extended anti-terror powers within the non-Muslim British population was, in part at least, because of the 'othering' of Muslims and that such policies could not be directed against non-Muslims themselves. While some drew parallels to the experience of anti-Irish racism it was also recognised that there were specific issues confronting Muslims in Britain today.

This, it was suggested, was primarily because 'Muslim difference' was constructed as being even more 'alien' while the Irish could potentially be subsumed as part of a 'myth of homogeneity' when the policy context changed. Indeed, in a later session a representative of Coiste argued strongly that the lack of reaction from a wider British public to what was happening to Muslims could only be explained by racism:

The reality is you [Muslims in Britain] can easily be identified. That's a factor and lets talk about it; racism. It must be one of the driving factors in that you're not getting support? Where are all the liberals and the humanitarian people in England coming out and screaming about this? Where are they? To varying degrees over the years these people came out and spoke about the ill-treatment of us. I'm a little bit surprised at the lack of public support or public outcry in Britain on behalf of your communities. And the only reason I can put it down to is that you're a very definable 'other'. I'm sorry to be talking in those terms, we Irish suffered it for long enough, but no-one's really coming overtly to your assistance (Irish group participant).

The ability to pass a range of anti-terror measures that significantly expanded the State's powers (including the period of detention from 7 to 28 days, the criminalisation of accessing materials) was also seen to be in part a consequence of this racial 'othering' of Muslims in British society.

It was argued by a number of participants that the international arena was a context within which aspects of the Irish and Muslim experience differed. For many of those representing human rights and community groups from the North, the international context, whether through courts or garnering public support, had always represented an important potential level of influence to bring pressure on the British Government. This was because the British Government was 'always very sensitive about international opinion' and did not like 'their international reputation to be attacked'. This was contrasted to the problem facing the Muslim community when attempting to access international opinion to highlight injustices. As a number of the Muslim representatives noted, they are very active in trying to use international courts and other avenues to mobilise and campaign against counterinsurgency measures. However, discussion also focussed on the problems raised by the 'War on Terror' and the alignment of British policy with those of other states (and most significantly here with that of the USA, always a potential source of pressure in the Irish case) as well as the representation of the issues at stake as civilisational in nature and global in scope. While Irish people had been able to 'internationalise issues, such as the hunger strike' this was far more difficult for Muslims because 'it's presented as a Muslims vs. the West issue'.

3. Counter-insurgency, Campaigning and Communities

The third element of our discussions was to provide space for those who had been involved in campaigns on human rights issues to exchange experiences on the difficulties they had faced and the strategies they had employed to overcome them. Much of the discussion focussed on the sorts of human rights abuses that people in the North of Ireland had faced and sought to challenge. These included issues such as collusion, allegations of torture and the use and abuse of arrest and detention powers.

Another central focus was the importance of the international arena and the ways in which international opinion and/or international bodies (such as the European Courts and the UN) could form a means of redress for human rights concerns. The session also allowed those participants to discuss both the practical dilemmas faced in building campaigns and the sort of difficulties that those involved in such work faced. The session was chaired by Mark Thompson, the Director of Relatives for Justice.

A number of key themes emerged that will be discussed in greater detail below including:

3.1 Getting Organised and Providing Information

3.2 The Importance of Documentation

3.3 Focussing on Human Rights Compliance

3.4 Legal Challenges

3.5 Lobbying, Government Interventions and International Opinion

3.6 Unofficial International Tribunals, International Courts and Organisations

3.7 Campaigning for Prisoners

3.8 Peace and Promoting Civil Liberties

3.1 Getting Organised and Providing Information

The sessions were designed to allow participants to reflect on their own experiences of being involved in human rights and justice campaigns. Muslim group participants were particularly interested in the experiences of those who had been involved in such work in the North of Ireland over several decades and how it was that they had become involved in the first instance. Clara Reilly, the Chairperson of Relatives for Justice described the social context of living in nationalist West Belfast at the start of the conflict, the experience of loyalist and state violence within the community, and how this led to grassroots community responses on human rights issues:

When the Troubles broke out in 1969, I was an ordinary housewife, mother of six children, living in a working class area of high unemployment. And when people from North Belfast and the Lower Falls were all burned out of their homes by loyalist mobs with the assistance of the police, it was to areas like the one that I lived in that they all came.

And they all came up to our area; we put them up in schools, in community centres. That was the introduction of the group I belonged to, the Association for Legal Justice[6]. And don't forget, in those days there were no computers, we had to take long statements all longhand, it was tedious.

Our houses became advice centres. The doors were knocked at three, four, five in the morning. People were coming to you saying, 'my husband has been arrested, my son's been arrested, my daughter's been arrested'. And what we had to do then was ring round all of the different police/army barracks and find out where that arrested person was and under what section of the law they were being held. In those days it was either three days or seven days, Section10 or Section 11 of the Emergency Provisions Act. (Clare Reilly, Relatives for Justice)

The value of having campaign organisations with deep roots in the community was a theme that emerged from this discussion. Similarly, it was argued that human rights campaigns had to have clear aims and be organised to operate on a number of fronts. One participant, whose work dealt primarily with the issue of collusion, argued that groups had to be 'very focussed, very directed, self-financing, self-generating'. In similar vein, there was a need to have a range of campaign strategies in place, to develop 'a legal campaign, a lobbying campaign' as well as 'publicity, whether it be leaflets, banners, posters'. A fourth strand was to develop 'protest' that could take 'various shapes and forms: sometimes, five people going on a roof, or taking over whatever, sometimes 50,000 marching into the city centre… so legal campaigns, lobbying, publicity and then protest are ways of moving your campaign forward'.

Discussion also focussed on the importance of adopting steps that would ensure practical outcomes for people within the community. In this regard both Muslim groups and those from the North noted the importance of providing accessible information for people about what rights they had. Examples on behalf of both were given of such practical steps to develop wider understanding within the community of what rights they had and how to use them.

[6] The Association for Legal Justice was a group established in 1971 to monitor complaints made against the police. Army and the criminal justice system. It was involved both in direct support and campaign work and also published reports and other materials about such human rights abuses.

3.2 The Importance of Documentation

For many participants the heart of their campaign work revolved around the importance of documenting the record of human rights abuses to which they were trying to draw attention. This was seen as a central element that drove much of the work of victims' and human rights groups in the North of Ireland. Documenting human rights abuses, even in periods when there seemed little prospect of achieving any form of redress, provided the raw material upon which other aspects of campaigning could take shape and established an historical record of what people experienced.

One participant remembered the role of documentation in the early years of the conflict in the North and that 'the importance of documentation must never be underestimated'. The organisation of a campaign to ensure that 'when somebody was released after being arrested a statement was taken from them' was seen as essential as the only means to record 'allegations of cruelty, beatings, threats, blackmail'. The same participant noted that thousands of statements were gathered in this way and sent to various official bodies. Despite that fact that the authorities were invariably unresponsive and obstructive there was still a need to 'keep taking statements and to document everything' both because it could provide a basis for later campaign work and because 'this is our history and has to be recorded'.

The key role of documenting human rights abuses for campaign work was readily recognised by Muslim group participants. However, as several of them noted, they faced some real problems in doing so in the context of contemporary counterinsurgency policy. One participant argued that it is often very difficult to 'get people to actually come out and say, "this is what happened to me at this time and at this place" [because] there are worse cases than mine"'. This was echoed by another speaker for the IHRC who suggested that the web of surveillance and suspicion cast upon Muslims as a 'suspect community', even in relation to issues that are not directly connected to the 'War on Terror', meant that 'documentation for us [IHRC] is getting harder'. This was not because of a lack of people to take statements but that 'people [in the wider community] are getting quite scared. We can't even get people to anonymously make a report about a stop and search because they are scared'.

This was seen again as evidence of a wider sense of fear amongst Muslim communities in Britain and their lack of experience (in contrast to nationalist communities in the North) of dealing with such issues. Such fear (and the resulting tendency to avoid the public articulation of discriminatory practices or civil liberties abuses) was also regarded as a response to the social isolation and marginalisation that conditioned the lives of those within migrant and/or ethnic minority communities in Britain and the 'disparate' character of the Muslim community itself. Because many Muslims felt 'very, very intimidated', it was argued, 'it's only when people have come to the end of their tether and think, "I've got nothing to lose, I don't care anymore" [that] Muslim people will make statements'.

3.3 Focusing on Human Rights Compliance

Throughout the decades of conflict in the North of Ireland one of the problems faced by human rights activists and those campaigning on civil liberties issues was the accusation that they were, in essence, merely part of an anti-state movement and 'fellow-travellers' of republicans and the IRA. This was an issue discussed as a problem that meant the focus of campaigners had to be on 'human rights compliance'.

For one of the speakers from CAJ, for example, the ability to draw such a distinction was absolutely central to their work:

CAJ has a very specific line on the use of violence. We condemn the use of violence. We are a broad based organisation with people from lots of different political viewpoints, so we were quite clear. And the reason we adopted that position is basically because as soon as you start criticising the government their reaction is, 'you must be supporting the people who are opposed to the government'.

Our position is: we're completely independent of government, and from any of the armed groups. And as a human rights organisation what we do is we monitor the state. That's it. There are some human rights organisations that have started monitoring non-state armed groups, such as Amnesty International, they now monitor non-state groups. But from our perspective, we thought that was a distraction from our role. It is quite clear that the law is there to allow the government to do whatever it wants to do. But what we do is we monitor. (CAJ participant)

The importance of placing human rights compliance into an international context (a key over-aching theme that emerged in a number of ways throughout the discussions) was also emphasised. Being able to show that some issues were 'above local arguments' and concerned rather with 'bringing international standards to monitor what the government does' was seen as crucially important. This ability to focus on human rights standards was therefore seen as important for Muslim campaign organisations so as to counter accusations of being 'closet supporters of violence'.

For groups that were rooted specifically in nationalist/republican communities the focus on international human rights compliance was also very important as was the focus on the role of the state. In the first instance, it was suggested, this was because their ability to highlight state human rights abuses was always being diminished by a media focus on republican violence. But echoing the CAJ view expressed earlier having a human rights focus was a means to be able to argue in the public domain that 'whatever the provisionals were doing, whatever the loyalists were doing, the state cannot be outside the law'.

3.4 Legal Challenges

There was also a great deal of focus on practical steps and the range of avenues which various groups had adopted in order to conduct their campaigns. This included utilising legal challenges via domestic and other courts. For example, one Irish group participant described how legal cases in which she was involved were taken against the common British state practice of the 1970s and early 1980s of undertaking mass arrests as a means of low-level intelligence gathering and harassment ('screening'):

I was arrested in 1981. Never been arrested in my life before. I was taken out of my home by armed soldiers and brought to a local police barracks and questioned for four hours. Now we had what we called then a screening procedure, which meant soldiers were arresting you, not because you were suspected of having committed a crime, or you had already committed a crime, but just to harass you, to annoy you.

I had taken hundreds of statements about screening, but that was the first time I had been arrested. And when I was released the major in charge said to me, 'goodbye Mrs Reilly, I'll see you in two weeks time', which was a threat that they would come back to arrest me again. And all I was questioned about was my family, what motivated me in doing the work that I did?

So when I came out, Pat Finucane, who was a top lawyer here who was murdered through collusion, came up to see me and he said, 'let's take a case against these for screening'. And we did. We took an action against them and I alleged wrongful arrest for the purpose of screening, not because they thought I had committed any crime. And a year later we stood in court, and a high court judge ruled that the issue of screening was illegal. So we won the case. (Irish group participant)

The fate of Pat Finucane (whose life, career and death were discussed on a number of occasions) does however illustrate both the limits of domestic courts and the dangers for those engaged in trying to contest counter-insurgency strategies via the legal process. Pat Finucane was a high profile human rights lawyer (whose legal practice partner, Peter Madden was amongst those taking part in the symposium) and very active and successful in challenging state counterinsurgency practice in the North, both through the British court system (as illustrated above) and even more by taking issues to various international arenas, particularly the European Court of Human Rights. Pat Finucane was shot dead at his home in 1989 by loyalist paramilitaries amidst allegations of collusion between those who killed him and members of British intelligence (Cory: 2004, Lawyers Committee for Human Rights: 1993). Evidence to substantiate these allegations first appeared following the trial of Brian Nelson in 1992. Nelson was both an intelligence officer for the loyalist paramilitary group the UDA and a British agent working for British Military Intelligence. That collusion between British intelligence and loyalists had occurred in Pat Finucane's murder was further substantiated by the findings of the Cory Inquiry in 2004.

However, since the Cory ruling, which called for a fuller inquiry into the events of Pat's death, the rules governing such inquiries have been changed. The Finucane family is currently refusing to engage in what they regard as a flawed process designed not to illuminate the truth but to prevent its full disclosure. Indeed, Pat Finucane's case itself illustrates the major limitations of a domestic legal process in which civil liberties are liable to be subverted when that process becomes subject to the interests and ends of counterinsurgency policy.

Those limitations have also led to a great deal of scepticism about the British judicial process and whether or not it is capable of delivering justice in such circumstances. Yet, as another participant noted, specifically in relation to the issue of collusion, even if the courts do not deliver favourable verdicts, the process of challenging human rights abuses through such a process can help raise awareness and debate. Bringing a legal case, it was argued, even if unsuccessful, was important because it 'generated publicity', as well as 'giving families a focus'. The outcome of a case might be 'positive or negative' it was suggested, but should be seen 'both as part of a process, but also an end in itself'.

3.5 Lobbying, Government Interventions and International Opinion
Experience from the North of Ireland continued to be a prime focus in the exploration of other possible avenues for civil liberties campaigning. The sort of issues over due process and the 'legal architecture' of emergency laws and state practice raised in the first session clearly limited the potential of domestic courts as a means of contesting human rights abuses. As a result, as noted above, this also meant that such domestic legal challenges tended to only one part of broader campaigns. This placed a premium upon devising means to appeal to jurisdictions beyond the bounds of the British state and to international groups, bodies or other Governments that might act as a potential counterweight to counterinsurgency polices.

Developing a broad base of support that could lobby decision-makers at a range of levels of power and influence was discussed by a number of participants. It was important to get 'local support groups' and to 'talk to anyone and everyone you could'. Campaigns needed to lobby 'the women's movement in a particular area or trade unionists'. Equally, it was seen as important to 'target the great and the good for lobbying'. Councillors, politicians and other social and political leaders, domestically, in Europe and internationally were all identified as important strands of potential influence.

Indeed, the international dimension to lobbying was again seen as of paramount importance. For those participants from the North of Ireland this primarily meant trying to elicit support from the Irish Government and opinion in the US. The latter, in particular, it was noted, represented a far les amenable site of potential support for those campaigning on civil liberties issues in the context of the 'War on Terror'. However for a number of Belfast-based participants such sources of possible pressure being brought to bear on the British Government were of great significance.

For example, the ability to get the issue of torture taken up by the European Court of Human Rights (that resulted in the 1978 judgement that Britain had been guilty of 'inhuman and degrading treatment') was in large part seen as dependent on the involvement of the Irish Government. In similar vein, the influence of the US was identified as a means of counteracting the policy of containment that sought to isolate issues and mobilisation around those issues to the North.

3.6 Unofficial International Tribunals, International Courts and Organisations

International lobbying and attempts to get support for particular issues or campaigns was designed not only to bring formal and informal pressure on British state policy-making but to mobilise extra-jurisdictional options for legal redress. Again the discussion on this theme focussed primarily (although not exclusively) on Irish experiences. Such international avenues took a variety of forms including unofficial international tribunals, European Courts and various branches of the United Nations human rights agencies.

There have been a number of unofficial international tribunals convened in the North throughout the decades of conflict and since on issues such as plastic bullets, detention, state killings, torture and collusion. Most such tribunals have been organised by local human rights groups who have extended invitations to internationally recognised lawyers and legal experts to conduct independent inquiries with the aim of publishing a report.

One Irish group participant described the role that unofficial tribunals played in a number of campaigns, on issues such as the use of plastic bullets and allegations of a British Government 'shoot-to-kill' policy. Two international tribunals on the issue of plastic bullets were held in the early 1980s, against the backdrop of their increased use against demonstrations held during the hunger strikes. Leading and world-recognised American, German and British lawyers were invited over and formed international tribunals that roundly condemned the use of plastic bullets. In similar vein, in 1984, a 'lawyers' inquiry' was organised into the 'shoot-to-kill' allegations (Asmal: 1985). The inquiries were seen not only to lend weight to campaigns by involving independent and respected legal experts but also put a great deal of documented information into the public domain that was then 'sent to human rights groups around the world'.

The European Human Rights Courts offered another mechanism for not only drawing attention to human rights abuses but also to bring European legal frameworks to bear on seeking redress. This was illustrated by reference to the failures of the inquest system in the North (a long time target for criticism) to deliver justice for families whose loved ones had died in disputed circumstances, particularly when state forces were involved. Campaigners brought cases on the basis of the Governments failure to meet its obligations under Article 2 of the European Convention on Human Rights both to protect life and ensure full and impartial inquiries.

The Pat Finucane case was also discussed as an example of the mobilisation of a particular body of opinion (in this instance, lawyers in the North of Ireland and Britain) in order to draw attention not only to the circumstances of his death but a record of threats and intimidation he and other lawyers had been subjected to by members of the Security Forces. As one participant noted, the 'use of human rights mechanisms was very, very important in Pat Finucane's case'. Even before his death, lawyers in Britain were contacted to highlight the growing allegations of threats and intimidation being levelled against Pat Finucane and other defence lawyers in interrogation centres. Several hundred complaints of such intimidation were collected and brought before a Human Rights Commission hearing in Geneva to demonstrate, in an international arena, a pattern of threats and abuse.

A comparison with the dimensions of the issues emerging from the 'War on Terror' was also made. This emphasised the need for documentation to be placed before international bodies, including the UN, as a means of countering the secrecy surrounding current counterinsurgency policies. The example of UN agencies as an avenue for putting issues into the international domain was a theme taken up by a number of speakers. This was also linked to the need to ensure that groups had the technical capacity and skills to negotiate their way through such structures.

3.7 Campaigning for Prisoners and Families

Given the focus of many of those attending the symposium campaigning on behalf of prisoners and their families was the subject of a good deal of discussion. Comparisons were drawn between campaigns against torture as part of the 'War on Terror' and the abuses that took place in 'Long Kesh and Armagh Gaol'. It was argued that in both cases the difficulty was getting many British people 'out of their comfort zone' by having to accept that Britain could engage directly in such practices. The Irish experience, one participant noted, was that it took a 'long, long time' to get public attention to these issues because not only did the authorities 'turn a blind eye to the use of torture' but there was a reluctance for wider society to take these issues on board. Campaigning on such 'taboo subjects' had to be based on an understanding that the 'smallest step sometimes begins on the longest road'. It was necessary for 'people to share their experience, their sense of existence' and by providing information to 'break through the barrier' to have injustice recognised.

In both the Irish and Muslim cases the importance of support from outside their own communities, particularly in working on the most difficult and sensitive of issues was also of great significance. For example, the role of religious leaders willing to take up difficult causes and open up spaces and contact with wider potential pools of support was seen as important. In the Irish case, for example, the role of religious leaders was seen as crucial in highlighting prisoner issues in places like the US. They were similarly seen as vital in raising attention amongst 'a sizeable section of the nationalistic community who might have had difficulties with the morality of the armed struggle' but who could take up human rights issues 'when the priests got involved'. For one Muslim participant contact and dialogue with leaders from different faith groups was also an important means of expanding the potential of support on prisoners' issues.

The organisations that had been set up to try and provide support for Muslim prisoners were also compared in their operation to republican prisoner groups that had campaigned for many years on prisoner issues, most obviously the Green Cross. Discussion focussed on the experience of organising 'minimal financial support' for prisoners' families and in trying to mobilise support for prisoner issues amongst various sections of the community (for example, women and young people). The role of women in such campaign work was seen as particularly important because it ensured that the dominant ways in which issues were often presented could be broken down, 'all women can identify with a mother's statement' as one participant noted. Women, it was argued, could 'reach out to other women in other communities'. In similar vein, the ability to call upon support beyond the immediate community (either Irish or Muslim) was commented upon, as was the importance of forging alliances on particular issues with a wide range of groups, including feminist organisations and trade unions.

3.8 Peace and Promoting Civil Liberties

A final theme that emerged was the consequences of adopting an alternative to a counterinsurgency approach to law and policy and the benefits for human rights and civil liberties agendas this could produce. The peace process in the North of Ireland was understood to have been rooted in a shift toward the search for political solutions and had involved a prolonged process of reforming various aspects of a criminal justice process that had been fundamentally undermined by counter-insurgency strategies.

The road to reform was seen to be a long, slow and often painful process that was as yet incomplete and had only limited success in establishing public confidence in the rule of law. As one speaker noted, while many steps forward had been taken the slow process toward restoring the rule of law also meant that 'confidence in our criminal justice system remains very low and the damage is so bad that it will take a long time for that confidence to be rebuilt'. In this context the importance of putting some mechanism in place that could deal with the legacy of human rights abuses in the past was regarded as of huge importance.

Another important limitation, and one seen as having significant consequences for the position of Muslims in Britain today, was that the review of the criminal justice system in the North specifically excluded looking at the scope and remit of emergency laws; the main vehicle of the very abuses the review was supposed to be addressing.

In many ways this summed up the practical policy outworking of the 'new terrorism' logic where the ability to reflect and act upon the past experience of counterinsurgency legislation and practice was nullified. The wrong lessons appeared to have been learnt, as one Belfast-based participant noted of an encounter with some of those currently involved in developing anti-terror policing measures in Britain and the lack of official acknowledgement of what had happened in the past:

What was very alarming was that there didn't seem to be any learning from this situation [in Ireland], and how to apply that to the situation as it exists currently in Britain. There was actually no learning, particularly from the police, the counter-terrorism people, it just didn't register. So all the mechanisms, the 'architecture' we have talked about is being built currently, and they are probably very consciously taking their examples from here. But there doesn't seem to be any reference to what you do at the end? I think we are entering a fairly 'military policing' way of dealing with things and that's worrying. We're emerging from it here [in the North]. But if you look at the Good Friday Agreement, the Patten Report, the Criminal Justice Review... there was no acknowledgement by the state as to why those bodies were needed. If you look at the documents you will not find at the beginning, 'here's why this was needed'. And that's a difficulty. That's a problem for people, such as Muslims in Britain today. (Irish group participant)

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