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UK MPs vote for extending terror detention time

- Story Highlights
- UK lawmakers vote to allow terror suspects to be held for 42 days without charge
- Measure passed in House of Commons by 315 to 306 votes
- Civil liberty groups staunchly opposed raising the current limit of 28 days

LONDON, England (CNN) -- British lawmakers narrowly approved a counterterrorism bill Wednesday that allows authorities to hold terrorism suspects without charge for up to six weeks.

The 315-306 vote followed concerns by civil liberties groups and others, who called the measure unjust and unnecessary.

The bill -- if it progresses into law -- would raise the current limit of 28 days to 42.

The bill also would let a court draw "adverse inferences" if a suspect remains silent during questioning, would require convicted terrorists to register with authorities and would enhance sentencing for those convicted of terrorist offenses.

But it was the extended detention time that created with biggest storm with both sides of the debate lobbying hard.

Prime Minister Gordon Brown's government says the measures are needed to tackle the threat from terrorism and that they would only be used in exceptional cases. [Watch how the prime minister had to rely on other parties »](#)

"It is a matter of necessity because of what the police and the security services have told us," Brown told members of parliament on Wednesday, hours before MPs voted on the bill.

"The government is determined to give the police the powers they need to tackle terrorism," the Home Office said in a statement. "That is why it is right and proper to legislate now to put in place the reserve power to go beyond 28 days if in [the] future there is a clear operational need for it."

Among those opposed to the revised bill is Britain's director of public prosecutions, Ken Macdonald, who does not believe lawmakers need to raise the upper limit for holding terrorist suspects without charge.

"We are satisfied that 28 days works," said a spokeswoman for the Crown Prosecution Service, who declined to be named.

Opponents say the government has not made the case for raising the limit and that doing so will harm relations between the government, police and Muslim groups.

"The way to defeat terrorism is through intelligence, and you don't get the intelligence you need if you have alienated a whole community," said Kate Allen, the director of Amnesty International UK.

Home Office Secretary Jacqui Smith introduced the bill to the House of Commons in January. Since then, lawmakers have debated the bill twice and a committee has examined it.

She said extended detention would only be used in the event of a "grave and exceptional" terrorist threat.

"The British people place their trust in us to take the right decisions to protect them," Smith said. "I cannot and will not wish away the threat from those whose aim and sole intent is to blow up our citizens of all races and religions on our streets."

She said anyone arrested under the new powers would be allowed to have visitors, would be allowed at least eight hours free from interrogation and would be told the grounds for their arrests. Prosecutors would have to provide "specific details of the investigation" in order to win an extended detention order, and Parliament would have the right to review the conduct of any investigation.

Wednesday was the final Commons debate, but the bill will not become law until it has passed through the upper chamber -- the House of Lords.

While it is difficult to compare laws in different jurisdictions, a 42-day pre-charge detention limit would be the longest period in any common-law jurisdiction such as the U.S., Canada, Ireland, and New Zealand, where the law was comparable to that in Britain, said David Edwards, a researcher at Amnesty.

Nevertheless, Edwards said, a 42-day limit did not meet human rights standards.

"It's not compatible with the requirement that anyone who's been arrested should be informed of the reasons for their arrest and charged promptly," he told CNN. "We don't think that 42 days could be considered prompt."

Most European countries have civil law jurisdictions different to Britain. Sweeping counter-terrorism laws are already in place throughout continental Europe.

In Germany a suspect must be seen by a judge within 48 hours but can be held for up to six months without formal charges. In Spain a suspect can be held for as long as 13 days without seeing a lawyer or a judge.

In France a terrorism suspect can be held for a week without being charged, and magistrates have broad powers to investigate and question suspects with no attorney present.

Edwards said Amnesty also had concerns about the bill's provision for "adverse inferences" to be drawn from suspects remaining silent during questioning.

Currently, suspects are cautioned that anything they do not mention in pre-charge questioning which they rely on later for their defense could harm their case, Edwards said. Exceptions were made if a suspect's lawyer advised them not to speak or if the suspect was questioned without a lawyer present, he said.

The new bill would extend that provision to questioning after a suspect had been charged, he said.

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