

PREVENTION OF TERRORISM ACT

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Prevention of Terrorism Act (PTA) figures 1974-1990

On 1 March, the Home Office released the latest statistics on the PTA. These form part of a series that began in 1979 and provide only a limited amount of information on the operation of the powers and provisions of the Act. There is no breakdown of either the sex or age of those examined, detained or arrested. In addition, there have been numerous changes in the compilation of the statistics that make comparisons over time difficult.

The Act initially applied to *"acts of terrorism connected with the affairs in Northern Ireland"*. In 1984, the legislation was extended to include *"any acts of terrorism of any other description"* except those solely concerned with the affairs of Britain. A number of key tables, however, make no distinction between the two.

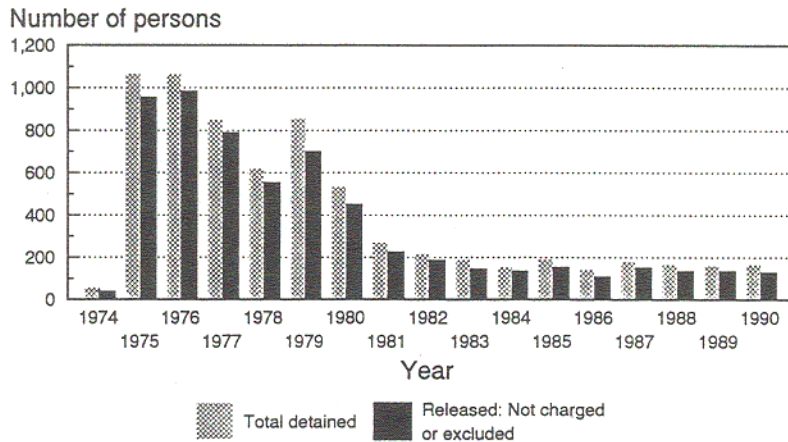
In 1990, there were 193 detentions, of which 163 or 83% were recorded as connected with Northern Ireland affairs. Over three-quarters of the 163 detainees were released without being charged or excluded.

Since 1974, a total of 6,932 people have been detained in connection with Northern Ireland affairs and nearly 6,000 have been released without any action being taken against them. Fig 1 shows the number of detentions, two-thirds of which occurred at ports and airports, and the outcome for the years 1974 to 1990. As can be seen, although the number of detentions declined throughout the 1970s and early 1980s, the percentage of people released without being charged or excluded has remained very high over the whole period.

Under the PTA, people can be detained for up to 7 days. Of the 6,932 people detained since 1974, 1 in every 6 was held for more than 48 hours. The proportion, however, varied greatly between those

detained at ports and airports and those detained inland. One in every 2 held inland was detained for more than 48 hours. No adequate information is available on the number of people held for periods of detention between 2 and 7 days but, between 29 November 1979 and 20 March 1984, 163 were held for more than 3 days and released without any action and, between 22 March 1984 and 31 December 1990, another 98 were held for over 3 days, some of whom may have been charged or excluded.

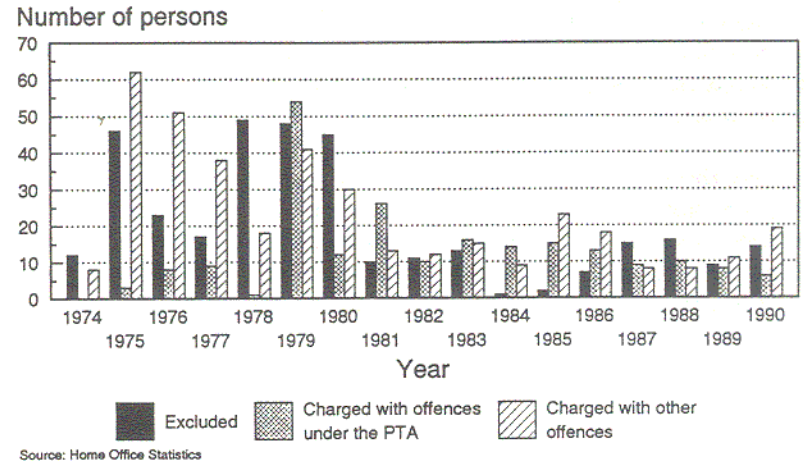
Figure 1: Number detained in Britain under the PTA in connection with Northern Ireland affairs, 1974-1990, shown by outcome.



Source: Home Office Statistics.

Fig 2 records what happened to those that were not released each year. It shows that exclusion orders reached a peak in 1978/79 and then declined in the early 1980s only to rise again in the late 1980s. The numbers charged under the Act rose in the late 1970s and early 1980s and then declined. Those charged with other offences reflect a more varied pattern. Of the total number detained in the whole period, 86.3% had been released, 4.8% had been excluded, 3.1% charged with offences under the PTA and 5.5% charged with other offences.

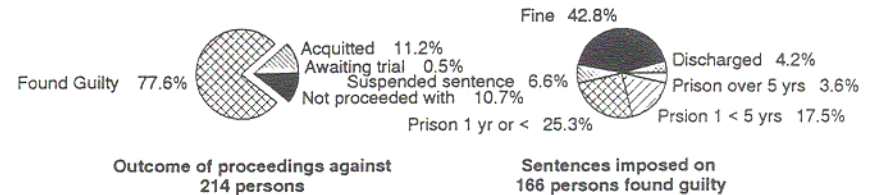
Figure 2: Outcome of those not released after detention in Britain under the PTA in connection with Northern Ireland affairs, 1974-1990.



Source: Home Office Statistics

Fig 3 notes the outcome of all charges brought under the PTA in connection with Northern Ireland affairs. There are 5 main categories of offence under the PTA: failure to comply with an exclusion order or helping a person to breach one; soliciting, receiving or giving money for either a proscribed organisation or for use in acts of terrorism; withholding information about acts of terrorism; failure to cooperate with examination at port; and displaying support for a proscribed organisation.

Figure 3: Persons charged with offences under PTA in connection with Northern Ireland affairs, 1974-1990, shown by outcome.

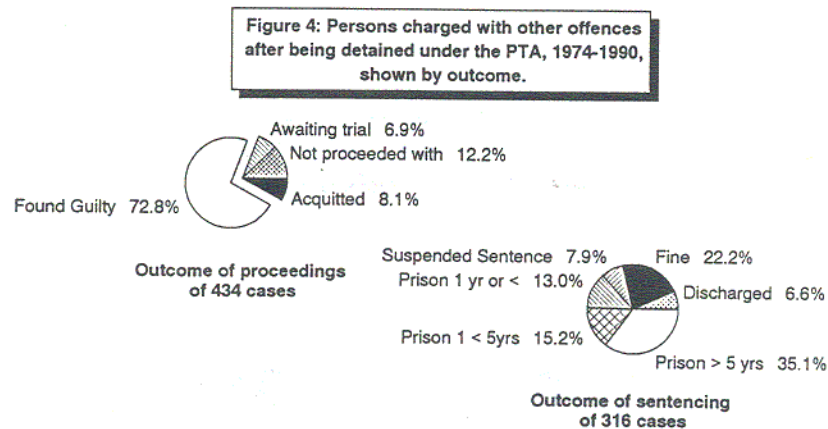


Source: Home Office Statistics

Two hundred and fourteen people were charged with these PTA offences from 29 November 1974 to 31 December 1990 and over three quarters were found guilty. Of these, over half received non-custodial sentences. Of those that received a custodial sentence, most received a sentence of one year or less.

Fig 4 shows the outcome of charges brought under other legislation, including 45 charges concerning international affairs. The charges cover a wide range of offences from murder and conspiracy to cause explosions to theft and burglary offences. Of the 434 charged in Britain or returned to Northern Ireland to be charged, 100 (23%) were charged with offences, such as rape and theft, which appear to be unrelated to political violence. Yet they had been detained or arrested under the PTA.

As can be seen from Fig 4, 12% were not proceeded with, 8% were found not guilty, 7% are awaiting trial and 73% were found guilty. Of these, one half received a non-custodial sentence or a sentence of imprisonment of one year or less. A third received sentences of imprisonment of over five years.



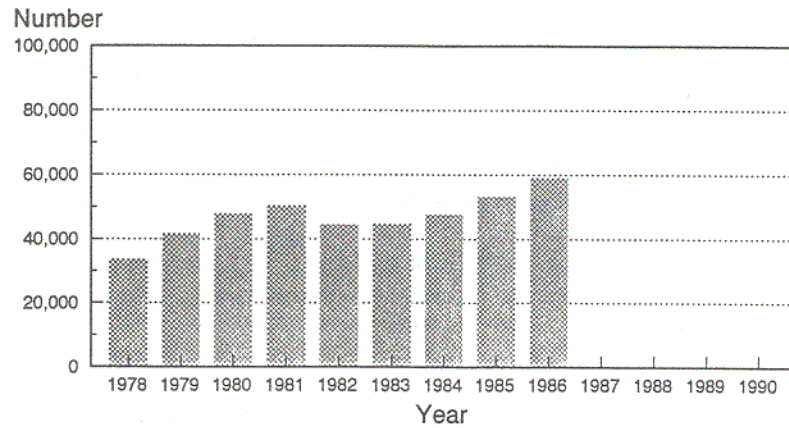
Source: Home Office Statistics

The number of examinations at ports and airports under the PTA has been the subject of considerable confusion. It had been widely assumed that the enquiries made through the National Joint Unit at Scotland Yard by officers at ports and recorded annually in Her Majesty's Chief Inspectors of Constabulary Reports involved people being stopped and examined. It emerged from a review conducted by Lord Colville that this was not the case. An inquiry meant only that a search was made of the records kept by the National Joint Unit at Scotland Yard and did not necessarily lead to a person being stopped and examined)¹. Since Lord Colville made this point, the practice of recording the number of inquiries in the annual Reports of Her Majesty's Chief Inspector has stopped.

While the inquiries provide no information on the number of people stopped and examined, they do provide some indication of the hidden and secret examination process which mainly affects Irish people entering and leaving Britain. Fig 5 shows the total number of inquiries made annually for the years 1977 to 1986. As can be seen, the number of inquiries rose steadily until 1981, then declined for one year and has been increasing ever since. If this trend has continued, it is estimated that there have been around 90,000 inquiries in 1990. This would mean that on average there were some 250 enquiries every day of the year, or about 10 on average every hour.

In the absence of any record of the number of people who are stopped and examined, it is impossible to know precisely how many people are examined under the PTA each year. Lord Colville, however, observed the arrival of one ferry, which carried about 600 passengers, of whom 200 were drivers or passengers in cars, or lorry drivers. One policeman apparently spoke briefly to all of these and nearly two-thirds of the foot passengers. He noted that a few landing cards were completed and two telephone checks were made. He argued that, as this was not untypical, there must be millions of examinations every year².

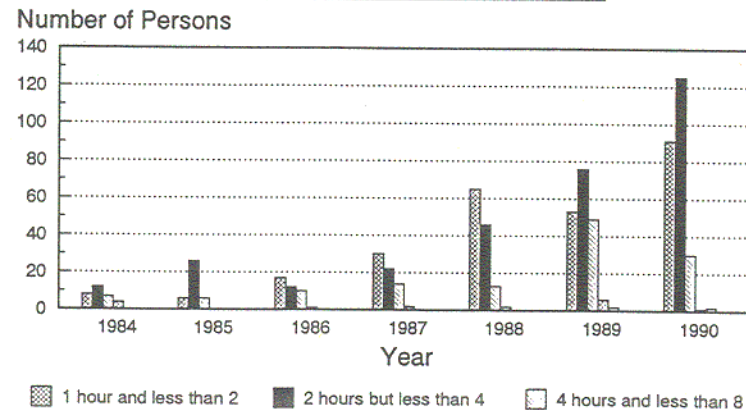
Figure 5: Number of searches made of the records kept by the National Joint Unit at Scotland Yard 1978-1986



Source: Her Majesty's Chief Inspector of Constabulary Annual Reports

Since 1984, examining officers have been required to record the number of people who are stopped and examined for over one hour. Fig 6 shows the number of people examined by the length of time beyond one hour for which they are questioned. As with the enquiries, there has been a steady increase in the period. In 1984, only 31 were recorded as being examined for more than one hour. By 1990, this figure had increased to 249, an eight-fold increase.

Figure 6: Persons examined for more than one hour under PTA in connection with Northern Ireland affairs, but not detained, 1984-1990.



Source: Home Office Statistics

PTA debate

On 4 March, Parliament voted by 303 to 138 to renew the Prevention of Terrorism (Temporary Provisions) Act 1989 for another year. A few days before the debate, the Labour Party, which had been opposed to the Act since 1982, offered to participate in all-party talks to secure a new approach to combating terrorism. During the debate, the Home Secretary rejected the initiative and argued that "*rhetoric against terrorism is not enough: one has to be prepared to act*".

The PTA has been found to be in violation of the European Convention on Human Rights. In November 1988, the European Court of Human Rights held, in the case of Brogan and others, that it constituted a breach of Article 5(3) because none of the four applicants were brought "promptly" before a judicial authority. The Government's response was to enter a derogation - a refusal to comply - to the Convention in December 1988.

Since that decision, there has been another challenge from two more people who were held for more than four days without charge and without being brought before a judge. The case was declared admissible by the European Commission at the beginning of March.

Following the release of the Birmingham Six on 14 March, the Home Secretary made a statement to Parliament announcing the setting up of a Royal Commission into the criminal justice system. He pointed out that the Government had already introduced various measures in recent years which would make it less likely that a similar miscarriage of justice would occur. Roy Hattersley, however, challenged the Home Secretary and pointed out that arrests made in similar circumstances to those of the Birmingham Six would not attract the protection provided by the Police and Criminal Evidence Act, 1984 (PACE). The Home Secretary responded that there were a number of provisions under PACE which would apply. He did not, however, point out the crucial differences in the police powers, custody provisions and detention regimes for those detained under the PTA in comparison with those detained under the ordinary criminal law. During the debate, reference was made to the PTA on only two occasions.

References

- 1 *Review of the Operation of the Prevention of Terrorism (Temporary Provisions) Act 1984*, Cm.264, 1987, pp52-53
- 2 *Ibid* p51