



Counter Terrorism Legislation

The following documentation responds to a request for information on international good practice in counterterrorism legislation. This response was put together by Saferworld's Policing Advisors.

United Kingdom

UK legislation on counterterrorism developed over a considerable period of time, mainly as a result of the ongoing political conflict in Northern Ireland. It initially had specific pieces of legislation that related only to that part of the UK, such as the Northern Ireland Emergency Provisions Act of 1973, and other statutes that covered the whole of the UK in order to provide protection from terrorism occurring in mainland Great Britain (mainly attacks by the Irish Republican Army).

This body of legislation has been repeatedly updated, partly as a result of legal challenge from the European Court of Human Rights. This process and the more recent incorporation of the European Convention on Human Rights into primary legislation in the UK, has ensured that significant checks and balances were included in the UK's counterterrorism legislation. The UK legislation is therefore widely viewed as 'good practice'. However, given the subject matter, this legislation remains controversial and is not universally supported, particularly so by civil liberties groups.

All relevant UK legislation can be found on: <http://www.legislation.gov.uk/>
The website has a search facility, enabling to examine various topics.

The key counterterrorism statute in the UK is the **Terrorism Act (2000)**. Other statutes and updates are written in association with this Act. It deals with a variety of matters including proscribing organisations as illegal, creating offences (for example the collection of information likely to be of use to terrorists) and it also creates powers for the police (such as the power to stop, search, arrest, etc.).

A further key UK-wide statute is the **Counter Terrorism Act (2008)**, which introduced further offences and police powers, relating mainly to terrorist support and funding.

There is an additional piece of legislation that still exists for Northern Ireland: the **Security and Justice (NI) Act (2007)**. Despite the significant improvements regarding the situation in Northern Ireland brought about by the peace process, there are still some illegal organisations that threaten to resort to violence. This specific piece of legislation for Northern Ireland therefore responds to the specificity of this context.

This Act supplements and complements the Terrorism Act (2000), focusing mainly on issues that are particularly relevant to Northern Ireland. Sections 21-24 deal with police powers.

A more recent update of this Act, the **Security and Justice (NI) Act (2013)**, deals with issues such as oversight of intelligence agencies.

A number of these statutes are supported by Codes of Practice, which provide guidance on how powers should be used. (These are also available on the website mentioned above via the search facility).

The full text (in English) of all of these statutes can be found on the website highlighted above.

United States

The key statutory instrument in dealing with terrorism in the USA is the **Patriot Act (2001)**. The Patriot Act is a U.S. law passed in the wake of the 11 September 2001 terrorist attacks. Its goals are to strengthen domestic security and broaden the powers of law-enforcement agencies with regards to identifying and stopping terrorists. The passing and renewal of the Patriot Act has been extremely controversial. Supporters claim that it has been instrumental in a number of investigations and arrests of terrorists, while critics accuse the act of giving the government too much power, threatening civil liberties and undermining the very democracy it seeks to protect.

The Patriot Act's full title is Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (2001). The Act deals with issues such as intrusive surveillance and creating powers for law enforcement agencies and adds several crimes to the list of those considered acts of terrorism, including attacking a mass transit system, using a biological weapon, supporting terrorism and computer hacking. It also increases the penalties for terrorist crimes.

The Patriot Act is split into the following ten chapters:

- 1) Enhancing domestic security against terrorism
- 2) Enhanced surveillance procedures
- 3) International money laundering abatement and anti-terrorist financing act of 2001
- 4) Protecting the border
- 5) Removing obstacles to investigating terrorism
- 6) Providing for victims of terrorism, public safety officers, and their families
- 7) Increased information sharing for critical infrastructure protection
- 8) Strengthening the criminal laws against terrorism
- 9) Improved intelligence
- 10) Miscellaneous

There is a lot of concern among civil liberties organisations outside the USA regarding the extent of this Act.

The full text of The Patriot Act (in English) is accessible online:

<http://www.gpo.gov/fdsys/pkg/PLAW-107publ56/pdf/PLAW-107publ56.pdf>