THE UNITED KINGDOM’S LEGAL RESPONSE TO TERRORISM

by Wojciech Stankiewicz

1. INTRODUCTION

The explosion of terrorists activities by Islamic radicals in north America, Europe and Asia in the 21st century evoked dismay, sadness and anger among the world community and the political leaders. Terrorism was almost continually front – page news and the subject of much discussion amongst politicians in the United Kingdom (UK). Moreover, Prime Minister Tony Blair’s words: “…we will not rest until this evil is driven from our world…”¹ proved that the UK became a zone of fighting with international terrorism, even though it had connections to these strands well before these attacks.²

Terrorist violence has a long history in the United Kingdom and the Government has a long experience in adopting the legal measures to counter the danger. It was the Irish terrorist activity, which started in the XIX century and continued almost till the end of the XX century, that

caused the developing of a well-regarded competency in counter-terrorism in the UK. Nevertheless, the terrorists’ attacks of September 11, 2001 and attacks in Great Britain on 7 and 21 of July 2005 compiled the UK Government to change its counter-terrorism policy. The UK had to provide legislation which could deal with the new terror provided by extreme radical Islamic networks waging a global jihad. The UK Government started to deal with this new international terrorism, by introducing the new anti-terrorism acts in 2001, 2005 and 2006. The Islamic terrorist threat started to reform the institutions for domestic counter-terrorism and create new international relations among the CT activities of national governments.³

The aim of this essay is to provide a general overview of the threat of terrorism in the United Kingdom; to address the background of counter-terrorism policing in the UK, the legal framework, police organizational response to 9/11 and to reflect on the implications of the London bombing of July 2005. It also presents the police response to particular forms of terrorist threat not previously experienced in the UK and outlines the UK national efforts in combating terrorism in the 21st century.

The researching hypothesis of this scientific study is the statement that, the United Kingdom Government, because of its long and troublesome history with Northern Ireland terrorism, gained a lot of experience in preventing terrorist violence and dealing with conspiracies causing explosions. Therefore, after the growth of terrorists’ activities in the 21st century, the government easily managed to provide appropriate measures and new strategies to reduce the risk of terrorist mass action and to defend its citizens.

In order to prove the above hypothesis the following researching questions have been framed:

1. What were the first legal measures adopted by the UK Government to counter the Northern Ireland Terrorism?
2. What were the conditions of extension and amendment of anti-terrorism legislation by introducing the Terrorism Act of 2000?

3. How did the UK Government response to a series of catastrophic terrorist attacks which affected the United States of America on September 11, 2001?
4. How did the Terrorism Act of 2000 deal with the emergence of newfangled and pressing threats?
5. What are the contemporary strategies and objectives of the UK anti-terrorism legislation?

2. THE HISTORICAL OUTLINE OF THE COUNTER-TERRORISM POLICY IN THE UK.

The United Kingdom has a long history of countering those who would pursue terrorism as a way to reach their goals. The UK history of the fight against terrorism was related mostly with the violence in Northern Ireland. The first bombing campaign was carried out by the “Fenian Brotherhood” during the 1860s and it culminated with the bomb attack on Clerkenwell prison in London in December 1867. The explosion killed 12 people, including a seven year old girl, and injured over 120. It also led to the passing of the Explosive Substances Act 1883, an enactment which is still of the greatest importance in dealing with conspiracies. It included terrorist activities such as causing, by any explosive substance, an explosion to endanger life and causing serious injury to property shall, to commis-

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*4 The Fenians were established in Ireland and the United States in 1858 with the avowed purpose of overthrowing British rule in Ireland and establishing an Irish Republic. (In Ireland the Fenians were also known as the Irish Republican Brotherhood.) The Fenians in the United States grew to include over 50,000 members and hundreds of thousands of sympathizers by the end of the Civil War, but, rocked by internal factionalism and opposed by the formidable military power of the British Empire, they never came close to achieving their aims, [www.aladin.wrlc.org/gsdl/collect/fenian/fenian.shtml](http://www.aladin.wrlc.org/gsdl/collect/fenian/fenian.shtml), (29.04.2012).*


sion of crimes, without the enactment of specific anti-terrorism measures or the proof of any specific intent related to terrorism.\textsuperscript{7}

The next wave of bombing campaigns in the United Kingdom started in 1881 and lasted till 1885. The aim of these bombings was to force the British Government to grant Home rule to Ireland. The damages and injures were not severe but the attacks brought to existence the Special Branch of the Metropolitan Police, which itself could not manage to prevent increasing violence.\textsuperscript{8} Although, attacks by similar organizations continued in the UK into the XX century, it was not until the 1916 Easter Rising brought attacks to the fore and caused much more damage. The decision which was made by the British Government, to execute 16 leaders involved in an unfortunate grab for independence, resulted in a long revolution against the British Government in 1919–1921.\textsuperscript{9} The Establishment of The Irish Republican Army (IRA) organization in 1919 and its increased attacks in Great Britain caused confusion and panic. Rising attacks disorganized British authorities who responded by passing draconian and erratic rules. That period brought two important pieces of legislation: the Restoration of Order in Ireland Act and the Emergency Powers Act, which relieved British forces in Ireland of almost all legal restraint. However, it supplied the British Government with the authority to deal with individuals active outside Ireland and with those whom it lacked sufficient evidence to lay charges against.\textsuperscript{10}

The occasional bursts of violence continued into 1939 when the IRA carried out another series of bombing in an effort to force the British out of Northern Ireland. Beginning in January and continuing throughout the year, a series of bomb outrages occurred in London, Liverpool, Birmingham, Manchester and Belfast. Most of the explosions did not do a lot of damage, but a number of victims occurred during this year. The British Government responded with drastic anti-terrorist measures. On July 28, 1939 parliament introduced the Prevention of Violence Act, which intro--

\textsuperscript{7} Ibidem, p. vii.


duced powers of expulsion, prohibition, arrest and detention. Under this act, British subject entering England from abroad who were suspected of being plotters were made subjects to immediate deportation by the police without the necessity of trial. Within a few hours after the passage of the Act, suspects were being rounded up and deported. Scores of Irish fled to avoid deportation.\(^\text{11}\) The IRA was proclaimed as a terrorist and illegal organization. Even though, after passing these draconian measures, the attacks continued till November in every part of the country.

The IRA’s bombing campaign stopped at the end of the year but it was not until 1953 that Westminster allowed the 1939 Act to expire, and it was only in 1973 that the government repealed it.\(^\text{12}\) The IRA re-emerged with a few attacks between 1956 and 1961 but the most prominent and sustained terrorists violence followed the beginning of the so called “Troubles” on the 50\(^{th}\) anniversary of the Easter Rising. A series of bloody riots led to a new campaign of violence in the United Kingdom which started in 1969 and culminated in massive rioting. The British Government again intervened in a brutal way. The army became known for its rough interrogation techniques, the so – called “Five Techniques”, which included hooding and sleeping deprivation of suspects.\(^\text{13}\) This internment, which was continued until 1975, was a colossal failure in the war against terrorism.

In response to constants attacks and violence the British Government passed the Northern Ireland (Emergency Provisions) Act (EPA) in 1973. The act kept the government’s wide powers of arrest, prohibition, admission, hunt and seizure, restrictions on the use of vehicles, the blocking of roads, the closing of licensed buildings, and the compilation of information on security forces. In addition the statute eliminated juries from the court system and established certain crimes as “scheduled” offences, regardless of the perpetrator’s motivation.\(^\text{14}\) EPA was intended as a temporary measure.

\(^\text{14}\) L.K. Donohue, op.cit., p. 5.
Therefore, in 1973 the government reintroduced, the Prevention of Violence Act from 1939, as the Prevention of Terrorism (Temporary Provisions) Act (PTA) and introduced harsh laws.\textsuperscript{15} The PTA statute would remain in place until 2000. The Act defined terrorism as “the use of violence for political ends and includes any use of violence for the purpose of putting the public, or any section of the public in fear”.\textsuperscript{16} It permitted the government to detain those who are suspected of connections with terrorism for up to seven days without charge. Moreover, the government could get rid of people suspected of terrorism from Britain and prevent their return. Those two acts were the main strands of counter-terrorism legislation. Both were originally supposed as temporary but both were renewed to such an extent that they became part of the legal landscape.

New legislations in Britain allowed the government to arrest 1,292 individuals and to seize 1,600 weapons between April 1973 and April 1974. One of the politicians said at that time: “These powers are draconian. In combination they are unprecedented in peacetime. I believe they are fully justified to meet the clear and present danger”.\textsuperscript{17} The government increased Special Branch ranks and called intelligence agencies MI5 and MI6 to focus on terrorism. The important part in the counter-terrorism effort were also informers who provided intimate details about operations, future plans, personnel, organisation and individuals. Their importance was expressed in the words “Terrorist organizations do not advertise their working parts so it is up to us to penetrate them”.\textsuperscript{18} The anti-terrorism acts were renewed in 1978 (Northern Ireland Act) and 1984 (Prevention of Terrorism Act 1984). In 1989 in the light of the changing terrorist environment and in context of the European Convention on Human Rights (ECHR) Westminster revived and extended its counter-terrorism law. The ability to hold suspects for seven days without charge was forbidden by ECHR and the British government had to cancel it. Moreover the government had to agree to abandon “Five techniques”.

\begin{itemize}
\item \textsuperscript{15} L.K. Donohue, op.cit., p. 5.
\item \textsuperscript{17} P. Taylor, op.cit., p. 175.
\item \textsuperscript{18} Ibidem, p. 150.
\end{itemize}
With the end of the Cold War and with the development of more sophisticated computers, combined with the extensive CCTV network, counter-terrorism efforts in Great Britain received an even greater boost. Several anti-terrorist acts were introduced or renewed: The Northern Ireland Act 1996, the Police Act 1997, Harassment Act 1997 and the Criminal Justice Act 1998. The acts were designed to control public behaviour and restrict protest against the state. Despite new laws and police actions, attacks were continued right through until the signing of the so-called Good Friday Agreement in April 1998. After that date, bombings were continued periodically. The last attack occurred in August 2001 at Ealing Broadway in London.

At the end of the XX century when violence connected with Northern Ireland began to diminish and the occurrence of activity connected with international terrorism began to increase, the British government declared the need for new counter-terrorism legislation. The result was The Terrorist Act 2000 (TACT) which became the bedrock of legislation for the fight with new Islamic terrorists. The new bill replaced previous anti-terrorism legislations (Prevention of Terrorism Act 1989, The Northern Ireland Act 1996 and The Criminal Justice Act 1998) by one extended piece of legislation. The new Act offered additional powers to British counter-terrorism bodies beyond those provided in previous legislation.

The new act was passed by Parliament on July 2000 and came into force on the 19 February 2001. In the first part it added a number of offences to fill perceived gaps in the range of existing provisions punishing terrorist conduct. Therefore, it defined terrorism as:

(1) …the use or treat of action where –
(a) The action falls within subsection (2)

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19 A. Stewart, UK Counter – Terrorism Strategy And The Background To Contest, [in:] Terrorism in the UK: broadening the government’s counter-terrorist response, ed. W.Q. Bowen, A. Stewart, Swindon 2005, p. 35.


(b) The use of treat is designed to influence the government or to intimidate the public or a section of the public, and
(c) The use or treat is made for the purpose of advancing a political, religious or ideological cause.

(2) Action falls within this subsection if it-
(a) involves serious violence against a person,
(b) involves serious damage to property,
(c) endangers a person’s life, other than that of the person committing the action,
(d) creates a serious risk to the health or safety of the public or a section of the public, or
(e) is designed seriously to interfere with or seriously to disrupt an electronic system.

(3) The use of the treat of actions falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.\(^{22}\)

In another of its parts, TACT developed the practice of proscribing terrorist organisations (Part II), introduced by the 1974 Act. Home Secretary, with parliamentary approval was responsible to proscribe foreign organisations involved in terrorism. That happened nine days after the new law came into effect, and the government presented a list of 21 illegal organisations (Appendix 2). TACT also described offences relating to fund raising and other kinds of financial support of terrorism (Part III), concerned terrorist investigations (Part IV), concerned counter – terrorism powers (Part V), concerned ancillary offences (Part VI) and provided for the continuation of the system in Northern Ireland, whereby terrorist offences might be tried without a jury.\(^{23}\)

The new law was in some aspect similar to previous British efforts against terrorism related to Ireland, but it gave a bedrock for the fight against a new kind of terrorism in the XXI century which will soon be proved.

\(^{23}\) M. Carpenter, op.cit., p. xv.
3. COUNTER-TERRORISM IN THE UK AFTER SEPTEMBER 11, 2001 (9/11)

The United Kingdom’s response to the 9/11 attacks were immediate and gave immediate support for the United States in the attack aftermath. The UK government realised that new measures in anti-terrorist legislation must be taken because the events of 9/11 had demonstrated a new order of treat which the Terrorism Act 2000 had not completed. On this occasion the government had to cope with difficulties, which was that the 2000 Act was intended as the final regime for counter-terrorism law: there was not much space for the new legislation initiatives. There appeared to be only a little room for the introduction of extra measures before the constraints of the European Convention on Human Rights would take a hold.²⁴

Parliament discussed a wide variety of measures which should be taken. On the debate on 3 October 2001 the Home Secretary referred the measures which the Government would take and announced that they were being worked on by the Home Office as a part of government legislative.²⁵ Despite the disagreements on the Part 4, proposed legislation was accepted by Parliament and the new Anti-Terrorism, Crime and Security Act 2001 (ATCS) was introduced on 12 November 2001. It was only 63 days after the 9/11 attacks when government updated parts of its UK anti-terrorist powers. ATCS was significant and controversial. The legislations were intended to cut off terrorist funding, to promote counter-terrorism information sharing, to simplify relevant immigration procedures, to tackle those who seek to stir up religious and racial hatred and violence, to ensure the security of the nuclear and aviation industries, to improve the security of dangerous substances that may be targeted or used by terrorists, to ensure that the UK could meet all EU Justice and Home Affairs (JHA)

²⁴ C. Warbrick, op.cit.
obligations and all international obligations to counter bribery and corruption.\textsuperscript{26}

However, the most controversial and important was Part 4 (mentioned above), which permitted the Home Secretary to detain indefinitely, without trial foreign nationals suspected of involvement in international terrorism for whom insufficient evidence was available for court proceedings.\textsuperscript{27} They of course could leave the country voluntarily. The Act would remain the most controversial aspect of all UK counter-terrorism legislations. Opposition to the bill quickly emerged, both, within Parliament and the international community. Some felt that the government was rushing it through and did not realise that the act provided infringements of civil liberties and human rights. The power of detention vested by this act was incompatible with articles of the European Commission on Human Rights relating to the right to liberty, and the right to freedom from discrimination. The committee considered Part 4 powers to be discriminatory as they only applied to foreign nationals, not to British citizens, and that they were not proportionate to the threat the UK faced from terrorism.\textsuperscript{28} This ruling was accepted and the government initiated the enactment of the Prevention of Terrorism Act, which in March 2005 replaced the detention without trial of suspected international terrorists under Part 4 of the ATCS. This established a new system of “control orders” imposing obligations on individuals suspected of being involved in terrorism. New “control orders” would be capable of general application to any suspect terrorist irrespective of nationality or, from most controls, of the nature of the terrorist activity. The controls would not include detention in prison the government also declared that control orders would be used only in serious


cases.\textsuperscript{29} These affairs which required court authorization, were limited to a 12-months period and covered a range of restraints and did not necessarily include house arrest. Obligations that were imposed included: \textit{prohibitions on the possession or use of certain items, restriction on movements to or within certain areas, restrictions on communications and associations, and requirements as to place of abode.}\textsuperscript{30} However, a number of these new control orders were ruled by the Appeal Court in August 2006, to be contrary to Article 5 of ECHR.

Four months after the battle over the Prevention of Terrorism Act 2005 Britain had to face the worst terrorist attack in English history. However, the politicians and security officials had been confidently and repeatedly warned that the attack would occur but no one could predict when it would happen. It finally occurred on 7 July 2005 when two bombings incidents in Kings Cross and St Pancras Stations and Tavistock Square sparked jitters amongst the British public and Parliament. Immediately after the attacks, the talks about new anti-terrorism legislation between various political parties started. The consultation process on the issue of possible legislative changes that would further aid the counter-terrorism response lasted three months. On 5 August 2005 the Prime Minister proclaimed a list of further anti-terrorism measures that should be taken. At his monthly media briefing he outlined 12 measures that had to be taken immediately, or under urgent examination.\textsuperscript{31} The Prime Minister said that the measures were: (1) The home secretary today publishes new grounds for deportation and exclusion. Deportation is a decision taken by the home secretary under statute...(2) As has been stated already, there will be new anti-terrorism legislation in the autumn. This will include the offence of condoning or glorifying terrorism...(3) Anyone who has participated in terrorism or has anything to do with it anywhere will automatically be refused asylum.(4) We already have powers to strip citizenship from those individuals with British or dual nationality who act in a way

\textsuperscript{30} A. Jones, R. Bowers, H.D. Lodge, op.cit., p. 4.
that is contrary to the interests of this country. We will now consult on extending these powers, applying them to naturalised citizens engaged in extremism and making the procedures simpler and more effective. (5) Cases such as Rashid Ramda wanted for the Paris metro bombing 10 years ago and who is still in the UK whilst France seeks extradition, are completely unacceptable. We will begin consultation, on setting a maximum time limit for all future extradition cases involving terrorism. (6) We are already examining new court procedure which would allow a pre-trial process. We will also examine whether the necessary procedure can be brought about to give us a way of meeting the police and security service request that detention pre-charge of terrorist suspects be significantly extended. (7) For those who are British nationals and who cannot be deported, we will extend the use of control orders. Any breach can mean imprisonment. (8) To expand the court capacity necessary to deal with this and other related issues, the Lord Chancellor will increase the number of special judges hearing such cases. (9) We will proscribe Hizb-ut-Tahrir and the successor organisation of Al Muhajiroun. We will also examine the grounds of proscription to widen them and put proposals forward in the new legislation. (10) It is now necessary, in order to acquire British citizenship, that people attend a citizenship ceremony, swear allegiance to the country and have a rudimentary grasp of the English language. We will review the threshold for this to make sure it is adequate… (11) We will consult on new power to order closure of a place of worship which is used as a centre for fomenting extremism and will consult with Muslim leaders in respect of those clerics who are not British citizens, to draw up a list of those not suitable to preach who will be excluded from Britain. (12) We will bring forward the proposed measures on the security of our borders, with a series of countries specifically designated for biometric visas over the next year.  

The new counter-terrorism measures were once again controversial. As the previous two pieces of legislation it was determined in a rush as a reaction to terrorist attacks. Therefore some components were accepted

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without full conviction and the new Terrorism Bill was passed through parliament on 12 October 2005 and came into law on 30 March 2006. It was remarked in the bill that this act was not a direct response to the 7/7 attacks as new terrorism legislation had already been planned. The new law was intended to include a comprehensive package of measures designed to ensure that the police, intelligence agencies and courts have all the tools they require to tackle terrorism and bring perpetrators to justice.\(^{33}\) The Terrorism Act 2006 contains three sections on offences in Part I, including: The encouragement of terrorism, dissemination of terrorism publications and preparation of terrorism acts. Moreover, it consists of offences involving radioactive devices and materials, nuclear facilitates and sites.\(^{34}\) The act also emphasizes that there are no geographical limits to most of the offences.

The new law allows the police to hold someone in detention for a period up to 28 days which again has been the most controversial part. At first it was proposed to establish a three months period in detention without trial but this was rejected by Parliament. The prominent police officers who supported the 90-days rule, were attempting to influence the government. Moreover, the 90-days rule was strongly supported by the community.\(^{35}\) Nevertheless, the voting result was against the measure. Thereby the detention period allowed under the Terrorism Act 2000 was doubled. The issue of detention without charge would not disappear.

Furthermore, the new act widens the criteria under which the Home Secretary could proscribe an organization. Now, a group, which changed its name to avoid being targeted by the law, could be proscribed by the Home Secretary for the “unlawful” glorification. Moreover when one group was associated with statements containing any such glorification in the past (there was no limit on how far back this could extend) or will be in


\(^{34}\) F. Gregory, op.cit., p. 211.

The future, could be proscribed as a terrorist organization. The government proposed other measures that targeted at terrorist training and even attendance at a terrorist training camp, either within the UK or abroad. No proof was needed that the person had actually received any terrorist training.

Moreover, new laws proscribing three principles of response in terms of anti-terrorist policing for police action. The first and primary principle is public safety, second gathering evidence and, third, maintaining public support. Consequently, giving priority to public safety lead to a smaller number charged or charges under legislation, as the early arrest interventions resulting from anti-terrorism observation may be unconvincing on evidential grounds.

4. COUNTER – TERRORISM STRATEGY IN UK

The evaluation of the UK responses to terrorism and terrorist attacks which have occurred in XXI century has obligated the UK government to conduct a review of its long-term strategy for countering terrorism. The strategy has been led by Counter Terrorism Strategy Teams within the Cabinet Office, then headed by Denis Keefe and formally approved by the Prime Minister in April 2003. The counter – terrorism strategy prepared by government is known as CONTEST and its aim is to reduce the risk from international terrorism, so that people can go about their daily lives freely and with confidence. Amongst the priorities that have been

37 S. Hewitt, op cit., p. 54.
38 F. Gregory, op.cit., p. 211.
remarked there are needs for a better understanding of the causes of terrorism and what motivates those responsible. The identification of prospective trends and probable future developments are also important domains. Indeed, the UK government cannot say that terrorist attacks are entirely eliminated as no government can say this is achievable.\textsuperscript{41} The aim is to reduce that possibility and vulnerability of a treat. The CONTEST strategy is divided into four principal strands: Prevent, Pursue, Protect and Prepare and that is also called 4P’s.

The “Prevent” element is concerned to deal with the obvious goal of stopping terror attacks and it also deals with arresting the development of the next generation of terrorists.\textsuperscript{42} An example of that are the current efforts to develop relations between the government and the UK’ Muslim Council, as well as to promote greater community leadership. These actions are also to prevent the radicalization of Muslim youth in the UK. Moreover, Prevent strand calls for a response at all levels, identifying and tackling the causes of radicalization, wherever they might exist, both in the UK and elsewhere. The UK Government seek to do this by:

- tackling disadvantage and supporting reform by addressing structural problems in the UK and overseas that may contribute to radicalization, such as inequalities and discrimination;
- deterring those who facilitate terrorism and those who encourage others to become terrorists by changing the environment in which the extremists and those radicalizing others can operate;
- engaging in the battle of ideas by challenging the ideologies that extremists believe can justify the use of violence, primarily by helping Muslims who wish to dispute these ideas to do so.\textsuperscript{43}

From analyzing the above information it is clear that this is a long-term element of a wider strategy.

\textsuperscript{42} A. Stewart, op.cit., p. 39.
The “Pursue” strand is concerned to decrease terrorist danger in the UK and to UK interests overseas by disrupting terrorists and their actions. It leads to efforts mentioned below:

- gathering intelligence and improving our ability to identify and understand the terrorist threat;
- disrupting terrorist activity and taking action to frustrate terrorist attacks and to bring terrorists to justice through prosecution and other means, including strengthening the legal framework against terrorism;
- international co-operation by working with partners and allies overseas to strengthen our intelligence effort and achieve the disruption of terrorists outside the UK.\(^\text{44}\)

Therefore, the apparent aim is to target the present generation of terrorists and those who fund and support them, disrupt groups and actions, and wherever possible, bring them to justice. Limiting the flow of funds destined to terrorists and instigating more effective immigration and asylum policies, are described as important priorities. An important mechanism for achieving this is refining and enhancing domestic anti-terrorism legislation, such as through ATCS building upon TACT.\(^\text{45}\)

However this element appears to fall in current efforts.

The “Protect” element focuses on reducing the possibility of a terrorist attack in the UK and UK interests overseas. This effort includes:

- strengthening border security, so that terrorists and those who inspire them can be prevented from travelling here and we can get better intelligence about suspects who travel, including improving our identity management;
- protecting key utilities by working with the private sector;
- transport; reducing the risk and impact of attacks through security and technological advances;
- crowded places; protecting people going about their daily lives.\(^\text{46}\)


\(^{45}\) A. Stewart, op.cit., p. 40.

This element is intended for key sectors and it evolves the widest range of government departments like transport, health, DEFRA, trade and industry, which works with the Home Office and Cabinet Office. “Protect” is also focusing on ensuring reasonable security precautions for the UK national infrastructure. As the United Kingdom has a long experience of facing terrorist threats from Irish republican groups, it has taken a lead in efforts to improve international standards in aviation and maritime security. However, the UK still have some challenges to face.

The last element “Prepare” concentrates on dealing with the consequences of terrorist attacks and making sure that the UK has the people and resources in place to respond effectively. This strand contains issues:

- identifying the potential risks the UK faces from terrorism and assessing their impact;
- building the necessary capabilities to respond to attacks;
- continually evaluating and testing our preparations, including through identifying lessons from exercises and real-life events.\(^ {47}\)

Moreover, this element is concerned on delivering specific improvement in national capabilities to deal with a disaster, particularly associated with chemical, biological, radiological or nuclear attack (CBRN).

The above elements of CONTEST recognize that the complete elimination of terrorism is impossible and the terrorist threat facing the UK is not expected to disappear at any stage in the near future. Some reports predicted that problem of terrorism will continue to spread and by 2020 many more groups like Al – Qaida will emerge.\(^ {48}\) In the light of this danger a serious response is required. In dealing with this, the UK should prove its ability to deal with the consequences of major incidents. However, the UK strategy again has been a trace of concern for the community. The civil servants did not support the CONTEST strategy and the community was accusing the government that the counter – terrorism strategy was largely about discussion and symbolism and not concentrate action.\(^ {49}\)


\(^{49}\) S. Hewitt, op.cit., p. 99.
Forward planning is disjointed, or has yet to occur. Accountability for delivery is weak and real work impact is seldom measured.\textsuperscript{50}

\textbf{5. OTHER ANTI – TERRORISM MEASURES TAKEN BY THE UK GOVERNMENT}

The United Kingdom has been dealing with terrorism since the XIX century. The UK’s counter-terrorism experience with the present type of terrorism is more recent. It was started in the 1980\textsuperscript{s} from the downing of Pan Am Flight 103 over Scotland, which become an enormous policing and intelligence operation.\textsuperscript{51}

In the late 1980\textsuperscript{s} and early 1990\textsuperscript{s} this was no ordinary period in the history of British intelligence as it was a period of fighting communism. For the Secret Intelligence Service (SIS), commonly known as MI6, this meant working abroad against Soviet and Eastern Bloc interests. For the Security Service, commonly known as MI5, it was work in the country to counter Soviet and Soviet-allied intelligence efforts. In the early 1990\textsuperscript{s} their role began to collapse with the crumble of the Soviet Union and communism. Therefore, Intelligence forces had to adjust its priorities in order to survive. The result was to focus on counter – terrorism connected with the IRA. MI5 and MI6 resources were transferred into the Security Services T Branch that focused on countering Ireland – related terrorism. Moreover, it had the smaller G Branch to counter international terrorism. However, the growing threat of international terrorism at the end of the XX century, connected with the ending of Irish terrorism increased the Intelligence services role in counter-terrorism stems and M15 and M16 become very significant.\textsuperscript{52} The British legislation started to provide proper legal and political oversight of Britain’s three main intelligence agencies: MI5, MI6


\textsuperscript{51} S. Hewitt, op.cit., p. 88.

and Government Communication Headquarters (GCHQ). The new act created regulations around the use of warrants and formed the Intelligence and Security Committee composed of nine parliamentarians who were responsible to prepare yearly reports for the Prime Minister about activities of three intelligence bodies.\textsuperscript{53} MI5 resources were now dedicated to counter-terrorism, with the focus on Northern Ireland, while MI6 was carrying out actions against terrorist abroad.\textsuperscript{54} Moreover, the Metropolitan Police established the Special Anti-Terrorism Branch. Moreover all the anti-terrorism branches were working together to coordinate a system of counter-terrorism, which in the end compiled nearly 5 thousand pieces of evidence.\textsuperscript{55} The effectiveness of counter-terrorism in Britain became to increase, especially through the use of human intelligence.

However, the new system of counter-terrorism policy had some weaknesses. The most important one was that the Metropolitan Police were dominating and focusing on London, thus when the attacks occurred outside of the national capital, there was no unit dedicated to the investigation. In effect, in 2004, admitting that counter-terrorism was not only a problem in London-centric, the Security Service began an effort to establish regional offices around the country to work more closely with the police forces. In connection to this, the Security Services created the Northern Operating Centre outside London.

The anti-terrorism actions were “First Order of Priority” in the UK for Security Forces and Joint Intelligence Committee. Therefore, because of its experience, by the time of the 9/11 attacks the UK was in some aspects well prepared. The Terrorism Act 2000 offered additional powers to British counter-terrorism bodies. The police gained the special arrest power for use in terrorist cases where there was not enough to charge an individual with a particular offence even though there was a reasonable suspicion of involvement with terrorism. The wide-ranging powers could and would be used against a number of targets.\textsuperscript{56}

\textsuperscript{53} A. Jones, R. Bowers, H.D. Lodge, op.cit., p. 95.
\textsuperscript{55} Ibidem, p. 77–79.
\textsuperscript{56} S. Hewitt, op cit., p. 91.
The 9/11 disaster did not impact badly on the UK intelligence services. It can even be said that it was rather positive than negative. The danger of a terrorist attack which could occur in the UK obligated the government to provide additional resources and to create new powers. The new Anti-terrorism, Crime and Security Act 2001 provided as a result of the 9/11 attacks put emphasis on foreign nationals with ties to terrorism in the UK. The Act allowed for the indefinite internment of these foreign nationals who could not be deported. The use of deportation was an effective form of counter-terrorism for MI5 since it was allowed to expel terrorism problem.\(^{57}\)

The next government response was to provide additional resources to counter-terrorist. However, initially it was not a success. Before 9/11 all three security forces were understaffed because of the funding cuts in 1990. All three agencies budgets were raised by 54 pounds in 2001 to 2002. During the period between 2001–2006 the total budgets for MI5 and MI6 were raised by more than 31\%.\(^{58}\) The Security agencies had a crucial role to play in countering the new kind of terrorism. MI5 was responsible to work with people and to improve security through training providing expert advice including contingency plans designed by the Home Office. Moreover, they were working with grocery chains on how to observe people shopping for chemicals or mobile phones in bulk to be used in bombs. They knew how to detect potential terrorists. They also asked the same staff to watch for people who might be seeking to conduct a terrorist attack.\(^{59}\) The other two agencies MI6 and GCHQ had smaller roles to play. They were mostly focused on raising their personnel resources and its commitment to counter-terrorism.

Another government anti-terrorism measures was to create new bodies in the Home Office, where one was for security and counter-terrorism

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\(^{57}\) Ibidem, p. 93. \\
\(^{58}\) F. Gregory, *An assessment of the contribution of intelligence led counter-terrorism to UK homeland security post 9/11 within the „contest“ strategy*, op.cit., p. 190. \\
within the Home Office and the other one was a body spread across several government policies and with its focus on Islamic extremism.\textsuperscript{60}

The most significant development in the analytical element of the UK management of terrorism was the establishment of the Joint Terrorism Analysis Centre (JTAC) in June 2003.\textsuperscript{61} JTAC was responsible to the Security Service but it operated as a self-standing entity. It consists of representatives from 16 different departments and agencies and it forms a key element of the National Intelligence Machinery. Their establishment was to improve counter-terrorism coordination and to supply more coherent guidance to be provided to the collectors of information. The Government described JTAC as a “significant advance in meeting customer needs more efficiently”.\textsuperscript{62}

The establishing of JTAC means that the UK started to have a single and authoritative centre for all-source terrorist threat information operating 24 hours a day, seven day a week. JTAC focuses on both, the long-term study of international terrorism and the production of immediate assessments of current threats. Assessments of threats and other terrorist related subjects (of a domestic and foreign nature) are produced for a wide range of departments and agencies drawing on all sources of intelligence and information.\textsuperscript{63} JTA has links with a lot of European countries. It shows that the organization has already become a model for other governments to emulate in their counter-terrorism structures.

6. CONCLUSION

Political analysis of the United Kingdom’s legal response to terrorism and its efforts to prevent terrorism presents the following generalizations and leads to the following conclusions:


\textsuperscript{61} E. Manningham-Buller, Intelligence and Counter Terrorism: JTAC, [in:] Terrorism in the UK: broadening the government’s counter-terrorist response, op.cit., p. 57.

\textsuperscript{62} Ibidem, p. 58.

\textsuperscript{63} Joint Terrorism Analysis Centre, www.mi5.gov.uk/output/Page63.html, (7.05.2012).
1. Terrorist attacks excite fear and panic among the community, and therefore forces governments to provide laws to fight that crime.

2. The development of a new kind of terrorism at the end of the XX century enforces the UK government to extend and change anti-terrorism measures which would contain the fight against new kinds of threats.

3. The Terrorism Act 2000 has proven to be the bedrock of legislation for countering terrorism in the UK as well to be a base for the domestic British war on terror after 9/11 as most people were charged under its legislation.

4. Analysing the UK history of the war on terror, it can be concluded that all the measures taken against terrorism by the government are determined in a rush as a reaction to fear, therefore the acts provide immature and thoughtless laws.

5. None of the legislators in the world are able to completely eliminate the possibility of terrorists attacks as no one is able to predict people behaviours.

### Appendix 1. Detention under the Prevention of Terrorism Act in Great Britain

This table was prepared based on the information from *Statistics on the Operation of Prevention of Terrorism Legislation 16/01*, Great Britain, 13 September 2001, [www.homeoffice.gov.uk/rds/pdfs/hosb1601.pdf](http://www.homeoffice.gov.uk/rds/pdfs/hosb1601.pdf) (7.05.2012).
**Appendix 2.** 21 Foreign Terrorist Groups proscribed under the Terrorism Act 2000 in 28 February 2001

<table>
<thead>
<tr>
<th>Name of the Group</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Al-Qa’ida</td>
<td>Inspired and led by Osama Bin Laden, its aims are the expulsion of Western forces from Saudi Arabia, the destruction of Israel and the end of Western influence in the Muslim world. Osama Bin Laden was in Afghanistan at this time.</td>
</tr>
<tr>
<td>Egyptian Islamic Jihad</td>
<td>Egyptian group affiliated with Ayman al – Zawahiri that would become connected with al-Qaeda</td>
</tr>
<tr>
<td>Al – Gama’at al-Islamiya</td>
<td>Egyptian group</td>
</tr>
<tr>
<td>Armed Islamic Group (GIA)</td>
<td>Algerian group</td>
</tr>
<tr>
<td>Salafist Group for Call and Combat (GSPC)</td>
<td>Algerian group</td>
</tr>
<tr>
<td>Babbar Khalsa</td>
<td>Sikh group</td>
</tr>
<tr>
<td>International Sikh Youth Federation</td>
<td>Sikh group</td>
</tr>
<tr>
<td>Harakat Mujahidien</td>
<td>Kashmir independence group</td>
</tr>
<tr>
<td>Jaish e Mohammed</td>
<td>Kashmir independence group</td>
</tr>
<tr>
<td>Lashkar e Tayyaba</td>
<td>Kashmir independence group</td>
</tr>
<tr>
<td>Liberation Tigers of Tamil Eelam (LTTE)</td>
<td>Sri Lankan group</td>
</tr>
<tr>
<td>Hizballah External Security Organization</td>
<td>Lebanese group</td>
</tr>
<tr>
<td>Hamas-Izz al-Din al-Qassem Brigades</td>
<td>Palestinian group</td>
</tr>
<tr>
<td>Palestinian Islamic Jihad-Shaqaqi</td>
<td>Palestinian group</td>
</tr>
<tr>
<td>Abu Nidal Organization</td>
<td>Palestinian group</td>
</tr>
<tr>
<td>Islamic Army of Aden</td>
<td>Yemeni group</td>
</tr>
<tr>
<td>Mujaheddin e Khalq</td>
<td>Iranian group based in Iraq</td>
</tr>
<tr>
<td>Kurdistan Workers Party (PKK)</td>
<td>Kurdish separatist group</td>
</tr>
<tr>
<td>Revolutionary Peoples Liberation Party (DHKC-P)</td>
<td>Far-left Turkish group</td>
</tr>
<tr>
<td>ETA</td>
<td>Basque separatist group</td>
</tr>
<tr>
<td>November 17 Revolutionary Organisation</td>
<td>Far-left Greek group</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Year</th>
<th>Arrests</th>
<th>Charged under Terrorism Act</th>
<th>Irish Terrorism</th>
<th>International Terrorism</th>
<th>Domestic Terrorism</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001</td>
<td>131</td>
<td>19 (15%)</td>
<td>37 (28%)</td>
<td>92 (70%)</td>
<td>2 (2%)</td>
</tr>
<tr>
<td>2002</td>
<td>193</td>
<td>38 (20%)</td>
<td>37 (19%)</td>
<td>141 (73%)</td>
<td>15 (8%)</td>
</tr>
<tr>
<td>2003</td>
<td>275</td>
<td>47 (17%)</td>
<td>40 (15%)</td>
<td>213 (77%)</td>
<td>22 (8%)</td>
</tr>
<tr>
<td>2004</td>
<td>162</td>
<td>19 (12%)</td>
<td>16 (10%)</td>
<td>137 (85%)</td>
<td>9 (5%)</td>
</tr>
<tr>
<td>2005</td>
<td>266</td>
<td>27 (10%)</td>
<td>21 (8%)</td>
<td>237 (89%)</td>
<td>8 (3%)</td>
</tr>
<tr>
<td>Total</td>
<td>1027</td>
<td>150 (15%)</td>
<td>151 (15%)</td>
<td>820 (80%)</td>
<td>56 (5%)</td>
</tr>
</tbody>
</table>