

Amnesty International Versus Freedom

Sometimes the government proposes bad ideas for fighting terrorism, like **identity cards**. The police would be able to harass people to produce their cards, which would cost somewhere between £93 and £300 each. Even if the cards had worked in pilot studies, and they have not, criminals and terrorists would be essentially **unimpeded** by them. In a speech on 2 September **Charles Clarke**, the Home Secretary, said we already carry lots of ID with us, so why not one more card? But if the market already produces lots of ID why do we need this ruinously expensive and useless bureaucratic monstrosity from the government? We suspect that Mr Clarke wants to introduce the card for a reason he announced in his 2 September speech:

“Big Brother society is already here and my job is to control it.”

Obviously Mr Clarke does not understand the difference between people voluntarily carrying useful ID and the government forcing people to carry ID. Nor does he understand what Big Brother states, i.e. – tyrannies – are. So we need organisations who keep an eye on the government's attempts to encroach upon civil liberties.

Amnesty International is ostensibly such an organisation. However, they have argued that the House of Commons ought not to pass legislation to allow the government to expel people who **incite terrorism**. They write:

- the absolute prohibition of torture or other ill-treatment, and the principle inherent to such prohibition according to which a person should never be sent anywhere where she or he risk being subjected to torture or other ill-treatment -- the principle known as non-refoulement;
- the right to seek and enjoy asylum, including the right of all persons who seek international protection to have their asylum claim individually and fully considered in fair and satisfactory procedures consistent with international human rights and refugee law and standards. Any intention to exclude someone from refugee status should be considered in the context of regular refugee status determination procedures, and should be subject to

fundamental principles of procedural fairness, including the right to appeal against the decision to exclude, and to remain in the UK while that appeal is being considered;

- the rights to freedom of expression and association;

We are in the middle of a war against people who intend to destroy freedom by committing mass murder. People who advocate this are among our enemies in this war. The British government should not allow these people to recruit and raise money in Britain. Nor should the British government, in general, deport these people to any free country. Freedom of expression does not entitle people to incite, train, finance or recruit combatants for war against citizens of free countries. Freedom of association does not require the government to allow people to come together to support such a war. The new anti-terror legislation does not contravene human rights.

Thu, 09/08/2005 - 12:53 | [digg](#) | [del.icio.us](#) | [permalink](#)

Don't get your idea

Let me be clear. Do you really say that Amnesty International deliberately supports terrorists?

I think that in this case they simply support civil society principles indiscriminately.

And that is what law should be all about - it should set out rules for everybody.

If a person can be proven to incite hatred - why can't he or she be prosecuted in UK?

If the fault cannot be proven - who has the right to define fate of the person?

Hey! What about civil liberty?!

Why do you oppose "government's attempts to encroach upon civil liberties" selectively?

And about "war on terror". I don't understand why spreading terrorists across the world is better than prosecuting them where they are?

by a reader on Thu, 09/08/2005 - 15:37 | [reply](#)

Big Brother

"Big Brother society is already here and my job is to control it."

Thanks for the best laugh of the day. It's a tough job but someone has to do it.

Oxymoron joke, thoroughly enjoyed!

by a reader on Thu, 09/08/2005 - 15:51 | [reply](#)

Re: Don't get your idea

I think that in this case they simply support civil society principles indiscriminately.

And that is what law should be all about - it should set out rules for everybody.

If a person can be proven to incite hatred - why can't he or she be prosecuted in UK?

If the fault cannot be proven - who has the right to define fate of the person?

Under that principle, wouldn't all warfare be murder?

by [Editor](#) on Thu, 09/08/2005 - 16:03 | [reply](#)

Re: wouldn't all warfare be murder?

I am not sure what you mean exactly. Modern terrorism is almost always murder and therefore, terrorists, their leaders and those who incite terrorism should be tried and prosecuted.

Why sending them to Egypt, Jordan or Lebanon is better than prosecuting?

On the other hand if you cannot prove anything and therefore cannot prosecute people in one way, why do you resort to prosecution in another way? What right do you have to do so? Just because you call somebody a terrorist doesn't mean he is terrorist.

I saw some of those "people in question" on TV and they say quite unambiguously that they endorse violence against civilians, for example, in Israel. If they cannot be brought to justice then the law must be changed in order to accomodate such crime and to be able to punish them. In that way UK law would say clearly what moral values it stands for.

What you advocate here for, as it seems to me now, is to just "fight some bad guys for good reasons" without hesitation. Does end justify means?

By sending these "terror preachers" back home you admit that you are simply helpless.

by a reader on Thu, 09/08/2005 - 17:52 | [reply](#)

Re: wouldn't all warfare be murder?

When soldiers go on a mission to kill enemy soldiers, they do not put them on trial first. Thus they are deciding their fate without first proving that they are guilty of a crime. Under the principles of a civil society, pursued indiscriminately as you advocate, that is murder, is it not?

by [Editor](#) on Thu, 09/08/2005 - 18:10 | [reply](#)

Re: soldiers go on a mission to kill enemy soldiers

Oh, great! Soldiers also kill many civilians that are considered as unavoidable casualties in a war. I suggest also killing their families and friends - in present circumstances (i.e. GLOBAL WAR ON TERROR) their lives can be sacrificed without pity.

No, seriously. If you consider yourself as such a soldier why don't we go and kill terror preachers right where they are? What is this about? Playing around with deportation, right to abode etc. - what a petty issue it is!

In case of such an emergency like global war on terror - what petty issue is ID cards introduction.

You oppose one initiative on the grounds of civil liberties and support another on the grounds of war on terror. Be consistent.

by a reader on Fri, 09/09/2005 - 09:49 | [reply](#)

Re: soldiers go on a mission to kill enemy soldiers

Is it murder or not?

by [Editor](#) on Fri, 09/09/2005 - 10:44 | [reply](#)

Of course it is murder

.. and people should feel sorry for committing it even if it is unavoidable. And every effort should be put to avoid murder.

If such murder is unavoidable during a war then the war should be avoided, but soldiers cannot be prosecuted for killing enemy. If the war is unavoidable then, again, it is a different story.

But whatever you call it but terror is not a war, although it might be unavoidable in many cases. And the presence of terrorists doesn't mean that you can prosecute people randomly in such a tricky way. However, if their fault can be proven under civil society law than the war retorics wouldn't be necessary here at all.

by a reader on Fri, 09/09/2005 - 14:58 | [reply](#)

Re: Of course it is murder

Is it your opinion that civil society law ought to designate certain unavoidable things as serious crimes?

If all war is murder, and every effort should be made to avoid murder, should all war be made illegal?

by [Editor](#) on Fri, 09/09/2005 - 15:36 | [reply](#)

losing time and logic

You have gone too far from the main point. In my view, the main

point was - why do you protect civil liberties only selectively? And why a person whose fault cannot be proven needs to be sent away?

Comparing terror preachers with an enemy soldier who cannot be stopped except if killed - such comparison is overstretched, to say the least.

Home office (or whoever) have had years to try and stop these people and nevertheless have managed to do nothing. These people could have been stopped in a peaceful manner many time before the bombs went off in London and before the planes crashed into WTC. After all, noone can tell if these terror preachers have had any direct connection to the bombing. I have no information about whether they recruited, assisted or guided the terrorists. All we have is their speach. But their speach, even if very harmful to society, is not an order. You can compare these things only in figurative sense. But you go far beyond that line. You tell that they actually do give orders.

Is it logical enough?

by a reader on Mon, 09/12/2005 - 15:28 | [reply](#)

Re: Of course it is murder

You have **said** categorically that all war is murder and that every effort should be made to avoid murder. It seems to follow from those two propositions that all war should be illegal. Do you believe that it should?

by **Editor** on Mon, 09/12/2005 - 16:27 | [reply](#)

RE: war, murder and civil liberty

I think both parties to this discussion have a point and are mistaken in parts of their reasoning: not all war is murder, so not all war should be made illegal. Wars have two sides, but there is usually no moral symmetry based on which the legality of the war should be ultimately judged. But it is true that **The World's** argument for deportation is selective in regards to civil liberties. I believe a better move than the deportation law is to define the "incitement to terror" as a form of assistance in murder and prosecute the inciters within the UK. This will also produce a far more desirable outcome. By deporting the preachers of terror, one would effectively leave them free to do harm in other places and in other forms, and worse, one would help radicalize the societies that have given rise to the existing terrorist ideas in places like Saudi Arabia, Pakistan, Iran, etc. Whereas a successful prosecution in the UK is capable of ending that trail of incitement forever.

by Bob on Tue, 09/13/2005 - 04:46 | [reply](#)

A fair trial

Is it the position of **The World** that when we are deemed to be at

war with some group, someone who is accused of supporting that group does not have a right to a fair trial and the presumption of innocence?

by GS on Tue, 09/13/2005 - 14:15 | [reply](#)

Re: A fair trial

That depends what you mean by 'supporting'. For example, enemy fighters cannot be assigned such rights without in effect banning warfare. And sometimes (depending on the nature of the war) nor can people who are giving the orders, planning the operations, spying, manufacturing or transporting munitions, and recruiting, training or inciting people to do any of those things. Under some circumstances, any or all such people are, in fact, enemy fighters. Another example is innocent bystanders. They must never be targeted, but nor do they have an unconditional right not to be harmed unless first put on trial (where they would in any case be acquitted).

Is it your (GS's) position that enemy fighters have a right not to be forcibly expelled from a given territory unless they are found guilty of a crime in a fair trial under the presumption of innocence? If not, why not?

by [Editor](#) on Tue, 09/13/2005 - 15:51 | [reply](#)

enemy fighters

It is only you who called them "enemy fighters". There is no real war between "terror preachers" and UK. Therefore, they are entitled to all civil rights as everybody else in this country. Arguing whether all wars are illegal or not is a separate totally unrelated topic. You denied these people fair trial on the basis that you called them "enemy fighters". Nothing else!

On the other hand, bringing them to justice under possible "incitement of terror" would have much better effect on society and would help enormously in the course of "war on terror". That sort of fighting is much much more acceptable way.

What amazes me is that UK legal system feels much more comfortable when prosecuting people on the grounds of unslighting religious feelings (which are expressed towards non-existent God) rather than on the grounds of humanity (which is expressed towards quite real entities - us). And this is where the real problem lies.

by a reader on Wed, 09/14/2005 - 10:42 | [reply](#)

Re: enemy fighters

Should all war be illegal or not?

by [Editor](#) on Wed, 09/14/2005 - 10:47 | [reply](#)

Re: A fair trial

If I understand you right you think that people suspected of supporting terrorists may or may not "be assigned such rights (to the presumption of innocence etc)... depending on the nature of the war"

What aspects of the nature of the war are you thinking of here?

I would suggest that, in a conventional war between large armies it is not practical to try every soldier, and if they are fighting in uniform it is hardly necessary.

However this war is more dissimilar to a conventional war than it is similar.

The British government has easily enough resources to try every single person suspected of supporting terrorists and allow a jury of their peers to decide on their guilt. This would, I suspect, lead to fewer false conviction and give everyone greater faith in the system. Why should they not do so?

Also if during a war it is acceptable to curtail the rights of those who may be supporting terrorists would the world support the internment of all Muslims? Or there deportation? If not why not?

Lastly if you think that some level of proof is required before you deport, imprison, or intern someone accused of supporting terrorists but not the level of proof required by a jury trial, what level of proof do you think is acceptable?

by GS on Wed, 09/14/2005 - 13:59 | [reply](#)

Re: enemy fighters

>Should all war be illegal?

I don't have an answer to this question, but maybe it would be helpful to the discussion if **The World** suggested a working definition of "war". I suggest their definition would have to exclude violent street gangs, international mafia organizations (or maybe not?) and violent G8 summit protesters and encompass conventional warfare and the war on terror/global jihad.

by GS on Wed, 09/14/2005 - 14:24 | [reply](#)

Should all war be illegal?

You are still trying to catch me on this question no matter how relevant it is. My point was that this question is absolutely irrelevant here because we don't talk about real war here at all.

But if you insist on your question, I should answer that in ideal world where only moral principles should govern people all real wars should be illegal (or rather, not morally justifiable). But in today's world laws govern people and states and the laws are not equal to moral principles. Also, many country leaders do not behave rationally regarding human rights, WMD etc. and therefore a real

war could be legal and justified. The thing is, whenever it is

physically possible any evil man should be brought to fair trial (like Saddam is going to be) and so should be the "terror preachers".

Therefore, Amnesty International is not against freedom but for freedom. Quite contrary to what you stated.

by a reader on Wed, 09/14/2005 - 16:42 | [reply](#)

Well?

Well? What is it about the nature of this war which makes it inappropriate to give suspected enemy a fair trial? We have plenty of spare resources to do it with.

by GS on Fri, 09/16/2005 - 13:56 | [reply](#)

nature of war

that the guy is shooting at you, and it's far easier to shoot him than to capture him.

-- Elliot Temple
<http://www.curi.us/>

by [Elliot Temple](#) on Fri, 09/16/2005 - 14:52 | [reply](#)

nature of war

So if the person is not shooting you, as in the cases we were discussing, you should give them a fair trial according to your answer.

by GS on Fri, 09/16/2005 - 15:59 | [reply](#)

capture

our soldiers already have a policy of accepting surrender and of capturing prisoners, when it is safe to do so. we don't shoot people who aren't a danger.

-- Elliot Temple
<http://www.curi.us/>

by [Elliot Temple](#) on Fri, 09/16/2005 - 16:03 | [reply](#)

capture

I'm sorry Elliot but I don't think you have been following the discussion. The question is whether people arrested in Britain, who are alleged to have supported terrorists should be given a fair trial with the presumption of innocence etc. I do not accept that that situation is analogous to a battlefield one where resources are scarce and split second decisions must be made. We have all the

resources of a modern state at our disposal and a few dozen, or at

most a few hundred alleged enemy. Why not give them a fair trial?

by GS on Fri, 09/16/2005 - 16:12 | [reply](#)

I thought you were discussing

I thought you were discussing war (which has been asked about repeatedly in this thread), but I see now it was just a confusing choice of metaphor.

-- Elliot Temple
<http://www.curi.us/>

by [Elliot Temple](#) on Fri, 09/16/2005 - 16:25 | [reply](#)

War metaphor

I agree it is a confusing choice of metaphor, however the accuracy of the metaphor is the basis of [The World's](#) whole argument.

by GS on Fri, 09/16/2005 - 16:37 | [reply](#)

I dunno about the basis of th

I dunno about the basis of their whole argument, but perhaps we can hope for a follow World post explaining it in more detail.

-- Elliot Temple
<http://www.curi.us/>

by [Elliot Temple](#) on Fri, 09/16/2005 - 16:52 | [reply](#)

A working definition of war

Organised political violence using lethal force.

by [Editor](#) on Fri, 09/16/2005 - 19:14 | [reply](#)

ok i think i get what ppl are

ok i think i get what ppl are saying now. some questions:

to [The World](#):

1) what are the benefits of deportation? to save space/money that it'd cost to jail them?

2) is the reason not to give trials one of cost?

to GS:

how much money and effort are we required to spend being nice to our enemies, would you say? is it limited?

-- Elliot Temple
<http://www.curi.us/>

by [Elliot Temple](#) on Fri, 09/16/2005 - 20:13 | [reply](#)

The question

The question is whether people arrested in Britain, who are alleged to have supported terrorists should be given a fair trial with the presumption of innocence etc.

Isn't it more whether they should *always* be given a fair trial etc. regardless of how much harm that might do to the war effort, or just *usually*?

For example, if the evidence to convict a person of being a member of a terrorist network would reveal sources of intelligence and therefore cannot be presented to a court, but evidence can be presented for a court to order him deported, except that the person has a well-founded fear of persecution in his home country, then under peacetime rules he would walk free. Wartime could justify either detaining him without trial as an enemy combatant or deporting him summarily to his home country.

by **Editor** on Fri, 09/16/2005 - 20:18 | [reply](#)

So, we have intelligence reports

... against terror preachers and revealing the sources would jeopardise the whole country safety? Don't be ridiculous.

I thought that these people's fault is quite clear without any hidden information. The problem was only with legislation. We afraid to tell that inciting violence is bad, but we are not afraid of spoiling our fair trial system. Applause!

by **Yuryr** on Mon, 09/19/2005 - 11:10 | [reply](#)

Re: The question

>For example, if the evidence to convict a person of being
>a member of a terrorist network would reveal sources of
>intelligence

Surely the same could be said for alleged members of drug gangs, or mafia organisations, can they also be locked up without trial?

This also links back to your definition of war which, while I accept it, rather begs the question what is special about political violence? If the violence is organised, lethal and political we can use a whole set of new rules, while if it is organised, lethal and for money, or for control or turf, we cannot.

by GS on Mon, 09/19/2005 - 12:46 | [reply](#)

money and effort

>how much money and effort are we required to spend being
>nice to our enemies, would you say? is it limited?
>-- Elliot Temple

I would say that the amount of money and effort we are required to spend giving fair trials to those accused of being our enemies is not unlimited, but is quite large in a rich society. I would not belittle it by calling it 'being nice to our enemies'.

by GS on Mon, 09/19/2005 - 14:12 | [reply](#)

The cost

So (round figures) the cost of the Moussaoui trial has been about \$10 million. There are 100,000 jihadists in the world. So under your system, they could win the war just by all giving themselves up. The cost of their trials alone would be a trillion dollars. If that doesn't bankrupt America overnight, North Korea could declare war, and have its armed forces of 7 million commit some war crimes and then surrender.

by a reader on Fri, 03/17/2006 - 02:18 | [reply](#)