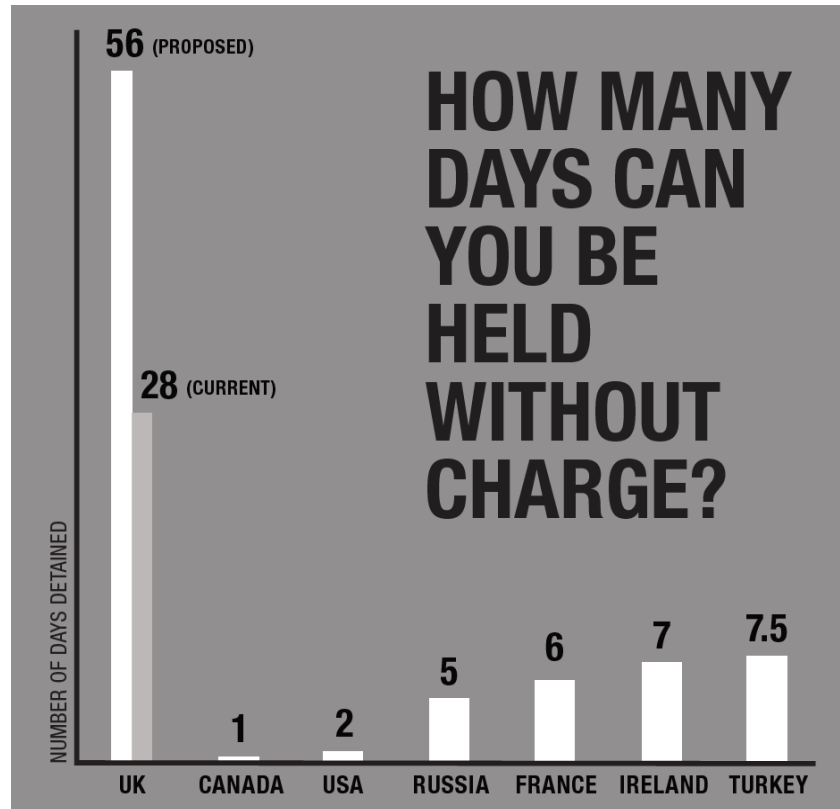


TERRORISM PRE-CHARGE DETENTION: COMPARATIVE LAW STUDY EXECUTIVE SUMMARY



- Liberty's study demonstrates that the existing 28 day limit for pre-charge detention in the United Kingdom already far exceeds equivalent limits in other comparable democracies. These findings, based on advice and assistance from lawyers and academics in 15 countries around the world, provides further evidence that any increase beyond 28 days cannot be justified. How can our Government and some of our police argue that the UK needs to hold people for over a month when so many other countries manage with pre-charge detention periods of less than a week?
- There can be no doubt about the international nature of the threat from Al-Qaida-inspired terrorism. Like the United Kingdom, Spain, the US and Turkey have all

suffered from terrorist attacks in recent years. Police in these countries must also face the same investigative challenges cited in support of longer pre-charge detention - the greater complexity of terror plots, their international dimension and the need to intervene and arrest suspects earlier. Despite this, the legal limit imposed on the pre-charge detention of terror suspects in these countries is much shorter than in the UK. The US constitution limits pre-charge detention to 48 hours, the closest equivalent to pre-charge detention in Spain is limited to five days and Turkish criminal law only permits 7.5 days' detention before charge.

- Any extension to pre-charge detention would put the UK further out of line with comparable democracies around the world. Not only does this further undermine arguments that we really need to hold people for over a month without charge, it could also have broader implications. Some states, and some individuals seeking to radicalise Muslim youths, might use the disparity to undermine the UK's claim to civility and moral authority. Other governments might see this as a green light to pass their own unjust and over-broad measures against those they consider a threat.
- No two legal systems are exactly the same and comparisons are not always simple but this does not mean we should shut our eyes to overseas experience. The UK's counter-terror laws do not exist in a vacuum. Difficulties in drawing comparisons can, indeed, be over-played. Some countries have very similar criminal justice systems to our own, making comparisons relatively straightforward. None of these permits pre-charge detention for anything like 28 days. In countries that do not have the exact concept of "pre-charge detention", like France and Germany, we asked lawyers qualified in those jurisdictions to identify the closest equivalent. We found that the closest equivalent to a charge must happen within a matter of days; not months or years as Sir Ian Blair and others have suggested.
- Detaining people for over a month without charge would inevitably lead to injustice, would undermine our ability to fight terrorism by winning hearts and minds and would fly in the face of the British tradition of liberty and justice. This report presents further evidence that this dangerous and potentially counter-productive step is unnecessary. Liberty has identified better ways of meeting all of the arguments for longer pre-charge detention. Many of these more proportionate alternatives have not yet even been tried.
- Liberty's full study is available at: <http://www.liberty-human-rights.org.uk/>