



Joint Committee on Human Rights

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From Dr Hywel Francis MP, Chair

The Rt Hon Baroness Neville Jones,
Minister of State for Security,
Home Office,
2, Marsham Street,
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Thursday 10 March 2011

Dear Baroness Neville Jones,

Counter-Terrorism Review

Thank you for giving evidence to my Committee on this subject last month. I am writing to follow up some of the answers that you gave on that occasion and, as I indicated at the end of that session, to raise a number of further questions which there was not time to cover in oral evidence.

The priority of prosecution

In your evidence you said (Q36) that in the new TPIMs regime “there is a quite different emphasis within the regime on the importance of creating circumstances, as far as we can, in which successful investigation can continue.” However, apart from referring to the deliberate inclusion of “investigation” in the title of the proposed measures (Q33) and to there being a continuing review of the possibilities of prosecution (Q42), you did not elaborate on how this different emphasis on investigation and prosecution will be brought about.

Q1: Can you describe in detail what will be in the TPIMs regime that is not in the current control order regime which will ensure that there is more emphasis on investigation with a view to successful prosecution?

Pre-legislative scrutiny of draft emergency legislation

In your evidence you said (Q56) that you would take away the Committee’s point about the importance of Parliament having a proper opportunity to subject to pre-legislative scrutiny the proposed draft emergency legislation authorising more restrictive measures than TPIMs.

Q2: Can you confirm that Parliament will be given the same opportunity for pre-legislative scrutiny of the proposed draft emergency legislation extending TPIMs as it is being given in relation to the draft emergency legislation extending pre-charge detention? If not, what is the Government's justification for treating these two pieces of draft emergency legislation differently?

Publication of summary of consultation responses

You offered (Qs 68-9) to see if the Government could produce some kind of summary of the views of the CPS, the police, the security and intelligence agencies and other Government Departments in the Review of Counter-Terrorism and Security Powers.

Q3: Can you confirm that the Government will be publishing a summary of the responses to the consultation that have not so far been published?

Intercept as evidence

You also agreed (Q66) to see what you are able to do about making more information available about the conclusion of the review of control orders that using intercept evidence would not have made any practical difference to the possibility of a criminal prosecution.

Q4: Are you in a position to provide us with further information about the review of control order cases which concluded that the use of intercept as evidence would not have made prosecution more likely in any of the cases studied?

Threat level

Both the Director General of the Security Service and the Director of MI6 have recently given public speeches about the threat to national security but no more information has been made available to Parliament. The Review proceeds from an assertion about the current threat level.

Q5: What plans do you have to make available to Parliament more information about the scale and nature of the threats to national security to enable Parliament to make a meaningful assessment of the continued necessity and proportionality of various counter-terrorism powers?

Definition of terrorism

Q6: Has the Government considered whether the definition of terrorism in s. 1 Terrorism Act 2000 is too broad?

Freedom of speech

Q7: What assessment has the Government carried out of the continued necessity for speech offences such as the glorification of terrorism?

Q8: Does the Government consider justifiable counter-terrorism measures against speech which promotes hatred but falls short of incitement to violence?

Deportations of terrorism suspects

Q9: Can you give us an idea of the scale of the problem concerning terrorism suspects who are not UK nationals? How many terrorism suspects does the Government want to be able to deport but currently cannot? How many such suspects are in immigration detention or on Immigration Act bail?

Q10: How many non-UK nationals have been prosecuted for terrorism related offences in each of the last 3 years?

Q11: Is the Government looking at ways of prosecuting non-national terrorism suspects as an alternative to deporting them where deportation is not possible?

Human Rights and the National Security Strategy

Q12: The Government's National Security Strategy recognises the interdependence of national security and human rights and states that the Government's outlook will be underpinned by a firm commitment to human rights, justice and the rule of law.

Q13: What are the mechanisms for giving operational effect to this commitment?

Q14: How is expert advice on human rights systematically made available to the National Security Council and the Joint Committee on National Security Strategy?

Democratic oversight

Q15: The Government acknowledges the importance of appropriate democratic oversight of its National Security Strategy and of the balances struck between security and freedom in countering terrorism.

Q16: What proposals does the Government have to increase the democratic accountability of the intelligence and security services?

Prosecution

Q17: Although the threat level has apparently remained constant, the rate of successful prosecution has declined.

Q18: What accounts for the decline in the rate of successful prosecutions for terrorism offences?

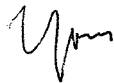
Q19: How does the Government propose to increase the rate of successful prosecutions?

Q20: Can you give more detail of the work that is being done to maximise the intelligence and evidence dividend from terrorism suspects and prisoners?

Q21: What consideration has the Government given to the scope for greater use of plea-bargaining to increase the conviction rate for terrorism offences?

It would be helpful if we could receive your reply by noon on the 24th March 2011. I would also be grateful if your officials could provide the Committee secretariat with a copy of your response in Word format, to aid publication.

I look forward to hearing from you.



Hywel Francis

Dr Hywel Francis MP
Chair