

# Clinton forces British to outlaw terrorism against foreign nations

by Scott Thompson

The British Parliament was called back into emergency session on Sept. 1-3, to enact a bill that for the first time ever would make it illegal for a resident in the United Kingdom to plot terrorism against an overseas target. The bill was passed by the House of Commons and the House of Lords, and became an Act, after being signed by Her Majesty Queen Elizabeth II by orders in the Privy Council on Sept. 3.

For the past five years, the governments of Egypt, Pakistan, Saudi Arabia, Peru, Turkey, Israel, France, Libya, and others have been pressing the British to crack down on terrorists, who have been carrying out acts of violence against their citizenry from safe-havens in London. Repeatedly, the British refused to comply with requests for extradition, or to honor other measures aimed at cracking down on the London terrorist infrastructure.

This time, however, the Clinton administration weighed in, directly, in support of these long-standing diplomatic demands that the British move to take appropriate anti-terrorism steps. However, as one might expect, the British government, at the same time that it “complied” with the U.S. demand, threw a potential poison pill into the anti-terrorism law, including another provision that has already sparked widespread protests and could result in seriously undermining the Northern Ireland Agreement for peace.

The bill, as sponsored by Prime Minister Tony Blair, had two distinct parts: One, demanded by the Clinton administration, would outlaw attacks against other nations by the hundreds of terrorists headquartered in London; the second, added following the “Real IRA” bombing in Omagh, Northern Ireland on Aug. 15, contained language that jeopardizes the Northern Ireland Agreement. How these two seemingly conflicting pieces of legislation got put together and rammed through Parliament in the same package, is the subject of this story.

Prime Minister Blair’s use of high-handed tactics in rushing the bill through the emergency session of Parliament, drew protests from an off coalition that, at one point, included ultra-Ulster Unionist Ian Paisley, Labour Party left-winger Anthony Wedgwood Benn, and the leader of the Liberal Democratic party. For different reasons, all were demanding more

debate on the issues, and were charging the government with using a “guillotine motion” to cut off debate.

## Clause 5

Clause 5 of the bill, the key section which would outlaw U.K.-based terrorist attacks against other nations, including the United States and its allies, has been long overdue. In February 1997, a Private Member bill to this effect had been introduced into Parliament, but was shot down by Labour Party Member of Parliament George Galloway: When the bill came up at that time, neither Labour nor Conservative leaders made any effort to round up a quorum, and the bill died.

This time, two reliable sources reported to *EIR*, the Clinton administration had demanded inclusion of the anti-terrorist clause in the first available piece of legislation.

On Sept. 3, 1998, a British Embassy press official in Washington confirmed that Clause 5 had been written in direct “response to a request from the Clinton administration.” This clause once again raised outlawing Britain as a base for plotting “extra-territorial terrorism” against U.S. citizens or others around the world, which had been defeated under the John Major government thanks to Galloway and other “human rights” advocates.

“It closes a loophole that we have been aware of for some time. Right now it is illegal to plot murder abroad from the U.K., but terrorism can get lost in-between. Obviously, there was a difference of opinion with the Clinton administration, and, if this bill passes more or less as written, then that loophole will be closed,” the embassy spokesman told *EIR*.

An aide to a leading member of the Tony Benn faction within the Labour Party also told *EIR* that there had been strong pressure from Washington to pass the anti-terrorism bill.

The Irish Parliament in Dublin passed similar anti-terrorist legislation on Sept. 3-4, during President Clinton’s visit to Ireland.

The introduction to the bill as circulated by the British Home Office summarized Clause 5: “It would become an offence to conspire in the U.K. to commit terrorist or other serious offences in a foreign country.”

## Draconian measure

However, referring to the “poison pill” provisions, the aide in the Benn faction said that there were severe problems with other parts of the legislation. He said that he had just been meeting with an attorney, and he was convinced that the bill would violate the Northern Ireland Agreement and be condemned by the European Commission on Human Rights. In fact, he said, it might even go to trial before The Hague. For example, he pointed out, there are provisions which say that only a senior police officer’s word is needed to detain someone as a member of a proscribed organization, such as the Real IRA.

Members of Parliament who sought to widen the debate similarly argued that such provisions were “draconian.” Benn said at one point: “Prime Minister Blair has shown contempt for Parliament in these proceedings. It is as if the Supreme Soviet had been summoned by the Central Committee to rubberstamp this draconian measure.” The more troubling aspects of the bill, that purportedly had to do with countering the Omagh bombing, read as follows in the official introduction to the Bill put forward by the Home Office:

“The opinion of a senior police officer would be admissible in court as evidence of membership of specific, proscribed terrorist groups;

“Courts would be allowed to draw inference from a suspect’s refusal to answer questions during the course of an investigation into membership; and,

“On conviction, the assets of individuals found to be members would be subject to forfeiture if they had been used in support of the group or could be so used in the future.”

Throughout the debate, Blair refused on national security grounds to elaborate on the deeper meaning to this language.

At one point, Conservative MP Richard Shephard exploded, saying that this would lead to “inquiries in the face of fear,” that “measures that affect criminal justice are being treated in a most cavalier manner,” that “anonymous spokesmen could denounce someone as a terrorist,” that these were “draconian measures that the House must reject,” and that the measures meant “abandonment of the freedom to discuss.”

Shephard added, “Parliament needs to weigh these measures very carefully. . . . The stately order of business has never made clear why it is in order to have this emergency meeting. No one has done their preparatory work. The bill was not even ready until 6 p.m. yesterday. The government is being manipulative of the rule of law.”

These sentiments were expressed by others in the fight to stave off the Blair government’s moves to end debate. Even Ulster Unionists wanted more debate, fearing that it would establish a “two-tier system,” between approved and proscribed terrorist groups. MP Robert McCartney said, “There must be a process that will lead to a full and fair trial.”

The sole amendment to the bill as it became an Act, was that it seems to have been considered for purposes of the

bill, that Scotland was part of the United Kingdom, and, therefore, the extra-territorial argument in that instance was rescinded.

Instead, Clause 7 of the bill became a request that there ought to be an annual report on the effectiveness of the bill laid before Parliament. This was the sole concession made to those who feared that the potential for “human rights” abuses in the bill might blow up the peace process in Ireland.

Another theme in the Parliamentary debate was why the Blair government did not condemn the U.S. attack against the Al-Shifa pharmaceuticals plant in Khartoum, Sudan, carried out in retaliation for the bombings against U.S. embassies in Kenya and Tanzania. Sudan, some said, was a separate, sovereign nation, and there was no proof that the pharmaceuticals plant had been producing precursor chemicals for nerve gas. The Blair government merely shrugged and said that Khartoum had not given its inspectors a free hand.

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## Documentation

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*Excerpts from Clause 5, “Conspiracy to commit offences outside the United Kingdom,” from the Home Office:*

1A.—(1) Where each of the following conditions is satisfied in the case of an agreement, this Part of this Act has effect in relation to the agreement as it has effect in relation to an agreement falling within section 1 above.

(2) The first condition is that the pursuit of the agreed course of conduct would at some stage involve—

(a) an act by one or more parties, or

(b) the happening of some other event, intended to take place in a country or territory outside the United Kingdom.

(3) The second condition is that that act or other event constitutes an offence under the law in force in that country or territory.

(4) The third condition is that the agreement would fall within section (1) above as an agreement relating to the commission of an offence but for the fact that the offence would not be triable in England or Wales if committed in accordance with the parties intentions. . . .

(6) In application of this Part of this Act to an agreement in the case of which each of the above conditions is satisfied, a reference to an offence is to be read as a reference to what would be the offence in question but for the fact that it is not an offence triable in England and Wales.

(7) Conduct punishable under the law in force in any country or territory is an offence under this section. However, it is described in that law. . . .