

## Letter from London: On the UK Terrorism Act

In the wake of the Medhurst arrest, Alexander Mercouris looks back at the genesis of the Terrorism Act under which the journalist was held.

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*At the time when Prime Minister Tony Blair brought in the Terrorism Act 2000 — note that this was before 9/11 — I was working in the Royal Courts of Justice. As I remember the lawyers were buzzing about it, worried about its vague and sloppy language, and its overt authoritarianism and capacity for abuse.*

There was general incredulity that Blair, who is himself a lawyer, as of course is his wife, and his Home Secretary Jack Straw, who is also a lawyer and a former adviser of Barbara Castle, one of the most revered figures in modern Labour history, would bring in a law like that.

Looking back and thinking of those days, it's amazing how naive we were.

Here we are and this terrible law is now being used against journalists, and is being used in a way which violates fundamental human rights.

The terrible thing is that it was at precisely this same time that the Blair government was bringing into law — with wide support from within the legal community — the Human Rights Act 1998, which embedded the European Convention on Human Rights (ECHR) into U.K. law (the Human Rights Act 1998 was signed into law in 1998 but only came into force on Oct. 2, 2000).

At the time everyone in the legal world assumed that it was the Human Rights Act 1998 that was by far the more important Act, and which would be far more consequential than the Terrorism Act 2000.

Indeed I distinctly remember all sorts of assurances floating around that there was no need to worry because the Terrorism Act 2000 would be restricted and its loose wording interpreted by reference to the ECHR and the Human Rights Act 1998.

In reality what has happened is the opposite. Far from the Human Rights Act 1998 mitigating the effect of the Terrorism Act 2000, it is the Terrorism Act 2000 which is prevailing over the ECHR and the Human Rights Act 1998 — as the [Medhurst case](#) shows.

None of this would be happening were it not for a radical change in the whole legal and political culture in the U.K., which has taken place since these two Acts were brought into law.

I don't want to romanticise the past, but the shift towards authoritarianism, and the ongoing repression of free speech and journalism, which has taken place since 2000, still seems to

me astonishing and at some level inexplicable.

The cases brought against Julian Assange and former British diplomat Craig Murray (imprisoned for his journalism on a contempt of court conviction) and the misuse of the Terrorism Act 2000 to harass journalists, including [Murray](#), illustrate this.

What illustrates it even more is that all of this is happening practically without protest. The media here in the U.K. are currently maintaining a stony silence about the Medhurst arrest, whereas if anything like that had happened in 2000 or before there would have been outrage.

It is this sharp authoritarian turn in British legal and political culture — and the lack of any pushback against it — which shocks me. Its origins are obviously in the U.S., but the extent to which it is now sweeping the entire West, is astonishing.

I have heard that in Germany things are even worse, with people like former Greek Finance Minister Yanis Varoufakis [prevented](#) from entering the country.

Here in Britain we are throwing away the liberties people once fought for, for example in the 18th century [Wilkes Case](#). Moreover we are doing it without a murmur. Liberty is dying in silence.

On the specifics of the Medhurst case, I would say two things:

1. I think the objective is to intimidate and silence Medhurst, and to get Google to deplatform his YT channel, rather than to prosecute him. Even allowing for the current climate I cannot believe that the U.K. authorities are going to bring a prosecution.

If they do something like that then things are even darker than I supposed. Having said that, assuming I am right, acting to intimidate and silence a journalist, thereby depriving him of his livelihood, is already appalling enough.

2. It's clear from Medhurst's account that the police were acting under instructions and under tight supervision. Based on what he says, it looks as if the police were constantly checking and getting instructions throughout the entire period of his detention and arrest.

It would be interesting to know from whom, and what the chain of command was. Perhaps in better times we will find out.

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