

- Courseware (/courses/LouvainX/Louv2.01x/1T2014/courseware)
- Course Info (/courses/LouvainX/Louv2.01x/1T2014/info)
- Discussion (/courses/LouvainX/Louv2.01x/1T2014/discussion/forum)
- Wiki (/courses/LouvainX/Louv2.01x/1T2014/course\_wiki)
- Progress (/courses/LouvainX/Louv2.01x/1T2014/progress)
- Reading Materials (/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/)
- Syllabus (/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/)

When it notified its intention to derogate from Article 5 ECHR and from Article 9 ICCPR, respectively within the framework of the Council of Europe and within that of the United Nations, the United Kingdom government essentially put forward a practical difficulty: foreign individuals suspected of being involved in terrorist activities or of having links with Al-Qaeda could neither be released, since they were considered a threat to the national security, nor returned to their State of origin, since they were facing the risk of ill-treatment there. The detention powers allowing to detain individuals even in the absence of criminal prosecution and without a prospect of returning them to their country of origin are based on this hypothesis: under section 21(1) of the Anti-Terrorism Crime, and Security Act 2001, the Secretary of State may issue a certificate in respect of a person if the Secretary of State reasonably (a) believes that the person's presence in the United Kingdom is a risk to national security; and (b) suspects that the person is a terrorist.

Do the detention powers granted to the UK authorities under the Anti-Terrorism Crime, and Security Act 2001 go beyond what is necessary ? In expressing your views, consider the following information :

1. under section 21(3) of the Anti-Terrorism Crime, and Security Act, adopted in 2001 in response to the threat of terrorist attacks against the UK after the New York and Washington terrorist attack by affiliates of Al-Qaeda, any person suspect of links with an "international terrorist organisation" may be detained under the special detention powers provided for in the Act; this would therefore potentially apply also, for instance, to individuals linked to the Irish Republican Army (IRA) or to the Basque organisation ETA, rather than being limited to those having links to Al-Qaeda;
2. the "Belmarsh Nine", who had been detained under the United Kingdom since December 2001, were released in March 2005, under strict conditions, such as to reside at a specific address, to respect a curfew, to refrain from speaking with anyone except with permission from the Home Secretary (Minister of the Interior), to regularly report to the police by telephone, or to wear an electronic tag (see, e.g. the following article (<http://www.independent.co.uk/news/uk/crime/belmarsh-detainees-to-be-released-today-but-face-restrictions-6150639.html>)).
3. if any person detained under the 2001 Act voluntarily leaves the United Kingdom to join a country willing to accept him/her, that person shall be immediately released and free to depart from the national territory.

**INSTRUCTIONS:** In responding to the above questions, **DO NOT click on 'New Post'**. Click on '**Show discussion**', and then, in the first discussion thread, called '**[2.3.4] Are UK detention powers post-9/11 necessary? Debate**', click on '**View discussion**' and then on '**Add a response**' to propose your views to the community. If you want to comment on a peer's opinions in that thread then click on '**Add a comment**' in his response. You can also watch the tutorial (<http://youtu.be/SINSJKdez6g>) (see also, the updated (<http://youtu.be/TNoOB8q19kQ>) version) in order to make the best

[Show Discussion](#)[New Post](#)

## COMPLETION CHECKBOX (1/1 point)



I have shared my opinion in the discussion forum, and commented on my peers' responses.

[Check](#)[Hide Answer\(s\)](#)

[About \(https://www.edx.org/about-us\)](https://www.edx.org/about-us) [Jobs \(https://www.edx.org/jobs\)](https://www.edx.org/jobs)  
[Press \(https://www.edx.org/press\)](https://www.edx.org/press) [FAQ \(https://www.edx.org/student-faq\)](https://www.edx.org/student-faq)  
[Contact \(https://www.edx.org/contact\)](https://www.edx.org/contact)



EdX is a non-profit created by founding partners Harvard and MIT whose mission is to bring the best of higher education to students of all ages anywhere in the world, wherever there is Internet access. EdX's free online MOOCs are interactive and subjects include computer science, public health, and artificial intelligence.



(<http://www.meetup.com/edX-Global-Community/>)



(<http://www.facebook.com/EdxOnline>)



(<https://twitter.com/edXOnline>)



(<https://plus.google.com/108235383044095082735/posts>)



(<http://youtube.com/user/edxonline>)

© 2014 edX, some rights reserved.

[Terms of Service and Honor Code](#) - [Privacy Policy \(https://www.edx.org/edx-privacy-policy\)](https://www.edx.org/edx-privacy-policy)