REPORT ON THE OPERATION IN 1998 OF THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1989

BY
J J ROWE QC

The Rt Hon Jack Straw MP
Secretary of State for the Home Department

11 February 1999

Dear Secretary of State,

I have completed my review of the operation in 1998 of the Prevention of Terrorism (Temporary Provisions) Act 1989, and my report accompanies this letter.

The Act now includes those sections incorporated by the Criminal Justice (Terrorism and Conspiracy) Act 1998, and so I have reviewed them also.

My two terms of reference I have kept always in mind: has the Act been used properly in the last year, and is it needed for another year. I have reached an affirmative conclusion in each case.

Ready assistance has been given to me from every person whose views I have sought. And I have had willing co-operation from officials in the Home Office, the Northern Ireland Office, and the Scottish Office.

Yours sincerely,

J J Rowe

J J ROWE QC

REVIEW OF THE OPERATION OF THE

PREVENTION OF TERRORISM

(TEMPORARY PROVISIONS) ACT 1989

CONTENTS

CHAPTER 1

INTRODUCTION

Terms of Reference

1. This is the report of my review of the PTA (as I shall call it) for the year 1998. It is intended to assist Parliament when the renewal of the Act is debated: by section 27 the PTA expires at the end of one year unless it is continued by an order made by statutory instrument, and each year Parliament debates that renewal. The task I have is to consider whether there is a need for the Act to continue for a further year, and whether its provisions have been used fairly and carefully in the past year.

2. Those are my terms of reference, and they may be found in the letters of the Secretaries of State to my predecessor, His Honour Judge Viscount Colville of Culross QC, and to myself. They are also to be found in the Official Report of the House of Lords debate of 8th March 1984, which clearly shows what Parliament intended when the post of reviewer was first established: the reviewer should make detailed enquiries of people who use the Act, or are affected by it, and that may mean seeing sensitive material.

3. I keep those two terms of reference well in mind, as I go about my work. As to the first - the continuing need for the Act - this very much depends upon the factual circumstances surrounding terrorism, whether connected with the affairs of Northern Ireland, or international affairs. As to the second - the proper use of the PTA in the past year - I will say this: I do not offer some kind of appeal procedure for individual cases, but I do in fact read the documents referring to individual cases, and I ask questions about them, and offer advice and comments.

4. In September 1998, the Criminal Justice (Terrorism and Conspiracy) Act 1998 was passed, (and I shall refer to it as the 1998 Act), and it imported into the PTA provisions bearing upon proscribed organisations as to evidence and forfeiture orders. It also made unlawful conspiracy to commit offences outside the United Kingdom. Section 8 of the 1998 Act requires the Secretary of State to lay before both Houses of Parliament at least once in every 12 months a report on the working of the 1998 Act. And so I should make clear that on this present review I shall deal only with those parts of the 1998 Act which refer to proscribed organisations. I have been informed that my terms of reference do not include sections 5, 6 or 7 of the 1998 Act referring to conspiracy.

5. On the annual review of the PTA there can be no amendment of the statute. Nevertheless, there are certain matters, such as human rights and extensions of detention, where Parliament may be assisted by hearing the views of those acquainted with the PTA, and hearing my own views. Any section of the PTA may, of course, be suspended by order subject to affirmative resolution at any time. The sections referring to exclusion orders are suspended: I have not addressed the powers of exclusion at all in this year's report.

6. The Home Office and the Northern Ireland Office have published a Consultation paper, "Legislation Against Terrorism" (Cmnd 4178) which seeks suggestions and opinions as to the contents of a permanent statute for the prevention of terrorism which it is proposed should be passed in the near future. I have seen that Consultation paper, but I do not propose in this review to make any comments about it. I shall respond to it in a separate paper.

Method of Working

7. When this review was first instituted, it was arranged that the reviewer could make his report by

way of an exchange of letters with the relevant Secretary of State. Since that time the report has developed into a document with separate chapters for different topics, and with an analysis of each part of the statute, together with an account of the offices, departments and people who have been visited by the reviewer. Since 1993 I have developed a pattern of work, and now I see more people than ever. I make my own appointments with them, and I have contact with a wide variety of organisations and individuals, each of whom use and have knowledge of the PTA, or are affected by it.

8. The work for the review is concentrated towards the end of the calendar year, so that the fullest information can be gathered about what has happened during this previous year. But throughout any one year I make visits, at regular intervals, to every part of the United Kingdom, and especially to Northern Ireland; and I also visit the Republic of Ireland. I myself also carry out the review of the Northern Ireland (Emergency Provisions) Act 1996, and to an extent the work of that review overlaps with the work on the PTA, and in particular it takes me to Northern Ireland frequently.

9. I have spent 40 days on this present review of the PTA, including days visiting the port units.

10. During 1998 I visited the ports and port units referred to in Appendix D and I received information and views from the various persons, offices and departments referred to in Appendix E. For the assistance of the reader I have attached a summary of the PTA at Appendix A.

11. Of course I am aware of the political situation in Northern Ireland; and I have in mind particularly the Agreement of the 10th April 1998, and the discussions which have developed since then. I am not part of that peace process; I am completely independent. My review is not intended to contribute to that process, nor to subtract from it. The consideration of whether the Act is needed for a further year is based solely upon the

terrorist situation, and whether there is activity by paramilitaries which calls for the powers of the PTA, so far as concerns terrorism connected with the affairs of Northern Ireland. That situation is summarised in my Chapter 4 in this review. I say at once that the circumstances set out in that summary drive me to the conclusion that there is indeed a need for the PTA. However, I should say that on my travels and visits to Northern Ireland, I have seen great hope and optimism in the community arising out of the 1998 Agreement and the other discussions.

The Irish Ambassador in London and the Anglo-Irish Secretariat in Belfast

12. In past years I have consulted the Irish Ambassador and the Anglo-Irish Secretariat, and I have done so in 1998 and 1999. They always have opinions and views which assist me. Citizens of the Republic of Ireland are affected by the provisions of the PTA; they use the ports of the United Kingdom at which the port powers are exercised; they are affected by them, and sometimes it is their perception that the PTA powers bear heavily upon them. The Ambassador and the Anglo-Irish Secretariat have a responsibility for the welfare of such people. Furthermore, the Anglo-Irish Agreement of the 15th November 1985 (Cmnd 9690) provides that the United Kingdom Government accepts that the Irish Government may put forward views and proposals on matters relating to Northern Ireland within the field of security and legal matters (Article 2). It seems to me therefore that the provisions of the PTA, and the way those provisions affect Irish citizens, are matters which the Ambassador and the Secretariat may wish to discuss with me.

CHAPTER 2

HUMAN RIGHTS

13. It is appropriate to devote a chapter to the subject of human rights, for at least two reasons. First, the PTA makes inroads upon civil and human rights, because it limits the movement or activity of ordinary citizens, and it gives unusual powers to persons in authority. Parliament recognised this when the first Prevention of Terrorism Act was passed, and it is clear from the renewal debates over the years that Parliament has been vigilant in its scrutiny of the PTA and the exercise of powers under it. With this in mind, I have described in each chapter what checks I have made on the exercise of the powers. Second, the Human Rights Act 1998, ("the HRA") will come into force in the near future, and the time has now come for the provisions of the PTA to be examined with that Act in mind, with a view to comparing the PTA with Articles of the European Convention on Human Rights; and I propose to do that in this chapter.

14. The preamble of the HRA states its purpose thus: "to give further effect to rights and freedoms guaranteed under the European Convention on Human Rights"; and by the HRA the courts of the United Kingdom will be required to construe legislation in a way which is compatible with the Convention so far as it is possible to do so; if it is not possible to resolve a conflict by construction, the higher courts will be able to issue a formal declaration of incompatibility. This goes far beyond the present rule, which is that the court may take the Convention into account in resolving an ambiguity; in future, the court will be required to interpret legislation so as to uphold the Convention.

The Convention will take precedence over existing rules of common law and equity and subordinate legislation. It will be unlawful for any public authority, which includes a court, to act in a

way which is incompatible with Convention rights. A court will be able to grant any remedy which is within its normal powers, and which is considered just and appropriate; such as, order a stay for an abuse of process, quash an indictment, direct a jury not to draw an adverse inference from silence, exclude evidence, or allow a submission of no case.

In determining any question which arises under the HRA in connection with a Convention right, all courts will be required to take into account any relevant judgment of the European Court of Human Rights. In this way, the principles of the jurisprudence of the European Court will become important; the case law of the European Court will be a part of the jurisprudence of the United Kingdom. Those principles include the following points:

(i) The interpretation of the Convention must be dynamic, in the sense that it must be interpreted in the light of developments in social and political attitudes, and in the light of contemporary events.

(ii) The approach of the European Court is to protect rights. As a general rule, if there are limitations on the Convention freedoms, there must be procedural safeguards.

(iii) Treaty obligations are usually interpreted restrictively, since they derogate from the sovereignty of a State; but that rule is not applicable to the Convention.

15. So I turn to consider some of the sections of the PTA which may be affected by Articles of the Convention, and which therefore may fall to be considered by the courts of the United Kingdom. But I

emphasise this cautionary note: that my views must be provisional, and a firm decision on any one section of the PTA must await the occurrence of an actual case. The European Court of Human Rights and the Commission have always looked closely at the particular circumstances of the case, and in terms of the PTA this will include paying attention to how precisely the power was exercised in the particular case. Furthermore, the European Court poses the question in each case, was the procedure a fair one and was it carried out fairly. I have set out Articles 5 and 6 in full in Appendix B.

Section 2A; the evidence of a police officer; and inference from silence

The police officer's evidence

16. The court may receive evidence from a police officer of a particular rank that the defendant is a member of a specified organisation: but such evidence cannot provide the sole basis for a committal for trial, nor a case to answer, nor a conviction. I have read the Official Reports of the debates on the Criminal Justice (Terrorism and Conspiracy) Act 1998, which imported this section into the PTA, and I have understood all the views which were expressed about this provision, both in favour of it and against it.

17. I bear in mind that a public interest immunity application may form part of the procedure if the police officer wishes to found his evidence on sensitive material, and wishes to keep that material secret. But I go beyond that stage, and I assume the police officer goes into the witness box in the trial. To prove membership he might say one or more of three things. First he may depose that he has seen the defendant clearly participating in obvious activities of the organisation. Second, he may say that "X" - a named person, who is not a witness at the trial, told him (the officer) that the defendant was a member. Third, he

may say that he believes the defendant is a member for reasons which he cannot disclose; (for instance, an informer has told him, or some other sensitive evidence shows the defendant is a member.)

18. In the first case there is no problem; it is admissible evidence; whether it is weighty enough to prove membership is another matter, and that will be for the trial judge and jury to decide. In the second and third cases, my view is that there is potentially a breach of Article 6.3.d, which establishes the right "...to examine.....witnesses against him". Taken at face value, these words appear to be a prohibition against hearsay evidence – the witness giving adverse evidence should be in court, available for cross-examination. But for the European Court hearsay evidence is not necessarily inadmissible; much depends upon the facts of the individual case and especially upon the importance of the disputed evidence.I have considered the law on this topic, and I set out the sources and cases, which I have read, at Appendix C. The European Court, in each of the cases in the Appendix, applied the test of fairness, and asked the question, were the proceedings fair; and of crucial importance in each case was the presence or absence of other evidence, supporting independently the disputed point. One pronouncement of the Court is this: "The right to have an adversarial trial means the opportunity for the parties to have knowledge of and comment on the observations filed or evidence adduced by the other party". And there is the point that the European Court has adopted a broad interpretation of the terms used in Article 6.1 thus: "In a democratic society within the meaning of the Convention the right to fair administration of justice holds such a prominent place that a restrictive interpretation of Article 6.1 would not correspond to the aim and the purpose of that provision". And again, "... there is an overriding requirement that the proceedings are fair..... It is not possible to state in the abstract the content of the requirements of a fair hearing; this can only be considered in the context of the trial as a whole".

19. In the second situation above the evidence is clearly hearsay: indeed the police officer is really

giving the evidence of someone else, the person "X". And although it will not of itself support a conviction, the evidence is very important: it goes to the heart of the case and it states the very thing the defendant is charged with – membership. In short, depending on the circumstances of the case, there could be a breach of Article 6.3.d.

20. In the third situation, the police officer's evidence consists of a bare assertion or an opinion; he gives no reason for his evidence: it is impossible to cross-examine him. Again, in my view there could be a breach of Article 6.3.d.

Inference from silence

21. The new section 2A is concerned solely with the offence of membership: subsections 4 and 6 enable a court to draw an inference that the defendant belongs to a specified organisation if he fails, before being charged, to mention a fact which is material to the offence and which he could reasonably be expected to mention; and there must have been an opportunity for him to consult a solicitor.

22. This is a failure to mention a fact when questioned. But it is couched in language different from the PACE provision, where the failure to mention something becomes relevant only if the defendant relies on it in his defence: here it is a simple failure to mention the relevant fact in interview. And this new section applies only in the case of the offence of membership; for the other charges in the PTA the existing law remains the same. However, once the case reaches the court room the offence of membership is often charged along with other offences: for those other offences the police will caution in the terms which are now well known, "fail to mention something which you later rely on in court..." and that caution will be inappropriate for the failure now incorporated by the new section in charges of

adverse inference from silence will arise in different circumstances, according to whether the jury or judge is considering membership or another offence. That will give rise to confusion.

23. Article 6.1 establishes the right to a fair trial. The drawing of an adverse inference from silence is not necessarily unfair; so the European Court has held in Murray v United Kingdom (1996) 22 EHRR 29. Much depends upon the facts. And if there is confusion, or difficulty in presenting the case for the defence, in my view there could be unfairness.

Sections 13A and 13B; the power to stop and search vehicles and persons

24. A senior police officer's order may cover an area when he considers it expedient to prevent acts of terrorism, and under this order police officers may stop and search although having no suspicion regarding the particular vehicle or person. Article 5.1.b allows the deprivation of liberty "in order to secure the fulfilment of any obligation prescribed by law" and this may be sufficient to cover these sections of the PTA. Certainly the Commission has held that this Article applied to a power under the PTA of 1976 to detain a passenger at a port for further enquiries, and there was no breach.

Section 14; arrest for suspicion of commission, preparation and instigation of terrorism; and extension of detention

25. No offence is created by this section; and a police officer has the power of arrest on reasonable suspicion of conduct which amounts to commission, preparation or instigation. Article 5 again applies, and construing this whole Article the following propositions emerge:

No one may be deprived of their liberty unless three conditions are satisfied.

First, it must be in accordance with a procedure prescribed by law, and that procedure must be fair.

Second, the arrest and detention must be authorised by substantive law.

Third, the arrest or detention must fall within one of the six cases listed in Article 5.1.

Article 5.1.c is the provision nearest applicable to the power of arrest in section 14; but 5.1.c refers to "an offence" and section 14 creates no "offence". However, the European Court will look at the facts, and may regard a situation as having all the attributes of an "offence", even if that precise word is not used. In the Brogan case the European Court ruled that detention to enable further investigations to be made into concrete suspicions was permitted. In short, the approach of s.14 may well be permitted by Article 5.1.c.

Section 16 port powers; examination without suspicion

26. A port officer may examine and search a person with a view to finding out whether he is involved in terrorism. This provision of the PTA may well create "an obligation prescribed by law" which Article 5.1.b permits; the Commission has so held in a similar case under the 1976 Act. And the principle of the Brogan case above is relevant here also.

Section 16A; possession of articles for suspected terrorist purposes

27. This section imposes an onus of proof upon the defendant with regard to possession and knowledge, and the European Court has considered this kind of provision. Article 6.2 is relevant; it does not prohibit a reversed onus clause, but there must be fairness and reasonableness, especially regarding the extent of the burden placed on the defendant.

Section 16C; power to impose a cordon;

Section 16D; restriction on parking and removal of vehicles

28. Article 5.1.b comes to mind again; sections 16C and 16D may provide an "obligation prescribed by law", and I have made comments about this above.

General comment on the history of human rights in the UK

29. I have commented upon some of the PTA provisions in a critical appraisal. But I will add this, and I do so with emphasis. The right of individual petition to the European Commission was accepted by the United Kingdom in 1966 and has been continuously available since then. In this period the European Court of Human Rights has dealt with only two cases arising from the use of the powers available under the PTA. These were Brogan and others v UK in 1988 and Brannigan and McBride v UK in 1993 – and both concerned extensions of detention under the PTA. Whilst a number of other cases have gone to the Commission – most notably McVeigh, O'Neill and Evans in relation to PTA port powers – it is only in Brogan and others that a violation under the Convention has been found.

CHAPTER 3

COMPLAINTS

The Review of the Complaints File

30. I have reviewed the file in which is collected the complaints made on a formal basis during the year about the exercise of powers under the PTA. I have read through the whole of the file, which consists of a considerable volume of correspondence. In fact the number of complaints throughout the year amounts only to 15. Each of them relates to the exercise of the port examination powers under section 16 and Schedule 5, and that number must be compared with the thousands of port examinations which took place during 1998.

31. The subject matter of the complaints was of much the same kind as I have encountered in previous years. The person making the complaint was usually the passenger who had been examined by the port officer; examples of the complaints are as follows: resentment at being asked any questions by a port officer; being required to complete a landing card; being examined, although the person had apparently been examined on some previous occasion; a brusque or aggressive manner of questioning on the part of the examining officer; and the arrangements for a group of passengers and their access to an executive lounge.

32. I referred earlier to the volume of correspondence; this was generated by the efforts of officials and police officers to investigate the complaint and to endeavour to satisfy the complainant. Considerable pains were taken in every instance to understand the complaint and to deal with it to the satisfaction of the person complaining. In at least one case, the complainant accepted an offer to meet the appropriate police officers, and there was a full discussion, and, as it seems to me, a complete understanding between both sides.

33. In every appropriate case an apology was offered.

34. One of the complaints in the complaints file was mentioned to me by other persons who made representations to me, and I was glad to discuss it.

CHAPTER 4

THE SITUATION IN NORTHERN IRELAND

35. I now turn to review the current situation in Northern Ireland, so far as terrorist and paramilitary activity is concerned. This description is based upon all that I have seen and heard, and of course it is necessary to carry out this assessment of the present situation in order to judge whether the Act is needed for a further year.

36. Paramilitary organisations are still in being, and some of them have not announced a ceasefire. There are dissident elements who are intent upon causing injury and damage, and they have the capacity to do so. All in all there is a real threat that some terrorist activity will continue in Northern Ireland and there is no reason to think that it will not extend to Great Britain. Indeed, in 1998 there were some attempted attacks on the mainland, which were frustrated by the security forces and arrests were made.

37. There have been explosions of bombs, and attempts to carry out bombing attacks. During the year, there have been shootings and firearm attacks upon members of the Armed Forces, the RUC and civilians. It is clear that in many cases the attacks have been made on an organised basis.

38. There have been hundreds of beatings carried out for a paramilitary purpose, many of them in circumstances of great brutality, and some of them ending in death.

39. In Northern Ireland there have been 55 deaths, caused by terrorist attacks.

40. I have seen and read a set of figures showing incidents in Northern Ireland throughout 1998. In practically every month there was a death; and certainly in each month there were explosions and petrol bombings, finds of explosives and firearms and paramilitary assaults.

41. Although in many parts of Northern Ireland, the RUC carry out their work without the presence of members of the Armed Forces, in some regions this cannot be so, and because of paramilitary activity officers of the RUC carry out patrols with members of the Armed Forces nearby. That is an indication of the general situation, and indicates the level of paramilitary activity in those areas. In the course of searches by the security forces, firearms and devices are regularly found, and it is clear that there is a regular process of movement of arms and explosives on the part of those intent upon terrorist activity. It is known that many robberies, carried out with firearms, are planned with a view to gaining funds for the paramilitaries.

42. Section 14, which provides the power of arrest for terrorist activity, has been used in 1998 more than in the previous two years. And indeed those defendants, having been arrested under section 14, who are charged with offences under the PTA, are appearing before the courts of Northern Ireland with much the same regularity as before.

43. The paramilitary organisations exercise a great influence over communities. There is intimidation which is felt in many aspects of ordinary life.

44. One feature which has become especially prominent in the last two or three years is the way in which public disorder has been used by the terrorist organisations; this has especially been so in 1998. The disorder is fomented at local gatherings, and death, injury, and great damage have been caused.

45. Those who pursue paramilitary violence, especially on an organised basis, have a pressing need for money, and there is an abundance of evidence that there is the illegal collection of funds, and money laundering, and racketeering for the filling of terrorist coffers.

46. In recent months I have visited and interviewed soldiers and RUC officers of all ranks; I have spoken to young soldiers fresh from their work in various areas of Northern Ireland, and I have accompanied members of an RUC patrol around the streets of Londonderry. With all of these people I have discussed the powers available to them under the PTA and the EPA (and the latter provides powers of stop and search and entry) and so I have a clear view of the picture in Northern Ireland. My conclusion is this: criminals with a terrorist or paramilitary disposition have the means to carry out attacks with explosives and firearms at any time; furthermore, some of them have maintained an organisation which has structure and influence. Therefore there is a need for the PTA so far as concerns terrorism connected with the affairs of Northern Ireland.

CHAPTER 5

THE INTERNATIONAL SITUATION

47. The PTA refers not only to terrorism connected with the affairs of Northern Ireland, but also to terrorism in the international field, and most sections of the Act are relevant here, and their powers are used regularly. Over the years the scope of the Prevention of Terrorism Act has been enlarged, so that more and more sections have been applied to international terrorism; Parliament has concluded that these powers have become increasingly necessary.

48. On the international scene the threat of terrorism has been increasing year by year. A succinct summary of the history and present situation is set out in Volume II of the report of the Inquiry of Lord Lloyd (Cmnd 3420) written by Professor Wilkinson. Newspapers carry daily reports of the eruption of violence where dissident groups use violence against a national Government, or alternatively are themselves suppressed by violence; and where ethnic groups use violence against each other. Many groups use terrorism for religious reasons; they are fanatical and in some cases regard violence or death as a sacred duty.

49. Many terrorist attacks are focused upon Europe. (I do not ignore attacks in the USA, Latin America, the Middle East, or the Indian sub-continent). The United Kingdom has suffered a great deal from international terrorism. Either it has become a target, at home and overseas, or it is used as a base. London is a "world city", similar to such cities as Paris, Rome, New York, and Washington. It is a capital city, where there are to be found the seats of royalty, Parliament, and political and official headquarters, and military and security service centres.

50. Great Britain has a number of expatriate communities. Their members maybe lawful refugees, or

people who have come here legitimately, for work or to study. Most are law abiding citizens, and I do not refer to them. But there is a number of extremists, who are intent upon pursuing their fanaticism here, and are prepared to carry out attacks actually in this country, or in their own country, or elsewhere against western targets. They raise money by criminal means, to support their faction, or to send to their associates in their homeland.

51. During 1998, section 14 of the PTA was used to arrest persons suspected of terrorism in the international field. I have spoken to custody officers who have experience of dealing with prisoners arrested under section 14, and I have discussed the international situation with police officers who have acquaintance with it.

52. I have no doubt that there is a continuing need for the provisions of the PTA, in this regard. The threat from international terrorism is as great as ever.

CHAPTER 6

PROSCRIBED ORGANISATIONS

53. The proscribing of organisations makes them illegal, and so membership is unlawful, as is any support for them, and meetings, and generally anything which amounts to management and structure. Most people in Great Britain and Northern Ireland approve of these statutory provisions which forbid the existence of the terrorist and paramilitary organisations connected with the affairs of Northern Ireland. Under the PTA the Secretary of State may by statutory instrument add to the list of proscribed organisations; this means that the Act is capable of dealing with a changing situation, or indeed with a change of name.

54. There are not many convictions for the offence of membership; more often than not the defendant is charged with a more serious offence, as well as the membership offence, and the court convicts of the more serious offence. But membership is a useful offence: it should remain in the PTA.

55. Proscription is the foundation of the offences under sections 10 and 11 - regarding the funds and resources of proscribed organisations.

56. Undoubtedly there is often a difficulty in proving the fact of membership: the evidence is usually not readily available, or at any rate not admissible in court. Section 2A - imported by the 1998 Act - is one effort to circumvent this difficulty, and I refer to this elsewhere. But consideration should be given to the device of creating "terrorist related" offences, where the conduct is described as a "terrorist offence".

CHAPTER 7

EVIDENCE OF MEMBERSHIP: POLICE OFFICER'S EVIDENCE AND INFERENCE FROM SILENCE

Evidence of a police officer

57. Section 2A of the PTA, which was inserted by the 1998 Act, provides that on a charge of membership of a proscribed organisation a police officer may give evidence that "in his opinion" the defendant belonged to a specified organisation. The defendant cannot be committed for trial, nor found to have a case to answer, nor suffer a conviction, solely on the basis of this evidence.

58. I have analysed this part of the section in my discussion of the human rights situation in Chapter 2. In my view there may, in the use and application of this section, be a breach of the European Convention on Human Rights, where the police officer speaks of what another person, named or unnamed, told him, or what sensitive information tells him. It is noteworthy that the section uses the word "opinion", which is a term usually reserved in the criminal law for the evidence of an expert. Police officers are not usually regarded as experts and the use of the word seems to contemplate that hearsay will be relied upon.

59. Even assuming that this opinion is admitted in evidence, in a particular case where the judge finds that to do so would not breach the Convention, I think it likely that the judge will warn the jury that the evidence has very little weight.

60. This device, of the opinion of a police officer, has not been used in any court in the United Kingdom since it was inserted in the PTA; I have made close enquiries about this.

Inference from silence

61. Section 2A also allows a court to draw an adverse inference from silence when the charge is membership, provided the defendant has had the opportunity to consult a solicitor; again this cannot of itself found a committal, case to answer, or conviction.

62. In Chapter 2 I have considered the human rights aspect. Whether there will be a breach of the European Convention will depend upon the circumstances of the particular case.

63. Quite apart from the human rights aspect, there will be a danger of confusion at trials of charges of membership. Where several charges are brought against the defendant, so that for one charge the inference is a "PACE inference" and for another it is a "PTA inference", (the latter being introduced by s.2A) the cautions administered by the police will have been different, and the directions to the jury, as to how they may treat a silence, will be different for each charge. And that will be confusing.

64. There has been no instance of this inference, inserted by s.2A, being used in the United Kingdom since s.2A was enacted.

CHAPTER 8

THE FUNDING OF TERRORISM: INVESTIGATION AND PENALTIES

65. On the investigation side there are:

the disclosure facility under section 12;

searches under Schedule 7;

production orders under Schedule 7;

explanation orders under Schedule 7.

All of them apply to terrorism connected with the affairs of Northern Ireland and to international terrorism.

Section 12

66. A person may disclose to police officers a suspicion or belief that money or other property is, or is derived from, terrorist funds. And I am informed that this section is certainly being used; and police officers encourage banks and other institutions to make disclosures. Suspicion may be aroused by the fact that a particular customer is handling an amount of money, large or small, which is unusual for that customer. Or perhaps the manner of payment is unusual. Undoubtedly this section should remain in existence.

Search

67. Under a warrant of the court there is power to search premises which are both residential or non-residential; and it is used.

Production Orders

68. On application by a police officer, a judge may order a person to produce material, if there is a terrorist investigation in progress and there are reasonable grounds for believing that the material is likely to be of substantial value to that investigation. In Northern Ireland the Secretary of State may make the order, rather than a judge, if an application to the court would, by its publicity or disclosure, prejudice the investigation.

69. In Northern Ireland I have seen the files in time past, and it was obvious that the Royal Ulster Constabulary took care with the reasons for making the applications, and so did officials in the Northern Ireland Office. Likewise in Great Britain I have discussed the machinery of the production orders with the Metropolitan Police and I have seen their applications and discussed them.

70. Production orders are regularly used; there were almost as many of them in 1998 as in 1997, that is well over 100. Indeed, production orders play a part in many terrorist investigations. It is worthwhile remembering that production orders apply not only to financial material, but also to such things as documents, photographs, video material, and local authority records. Conversely, although the order in a particular case may be aimed at financial documents, the investigation itself need not be an enquiry into a

fraud, since, to take one example, the details of a bank account may show a person's whereabouts at a particular time, or who are his associates, and those are things which are relevant to many kinds of criminal activity.

71. I should mention, as I have before, the case of R v Middlesex Guildhall, ex parte Salinger (1993) QB 564; the court reviewed the procedure where an application is supported by sensitive information.

Explanation Orders

72. A judge, or in certain circumstances in Northern Ireland the Secretary of State, may by order require a person to provide an explanation of material seized after a search, or material produced by a production order. These orders are used quite regularly, and I have looked at the relevant documents.

Penalties

73. Penalties are to be found in:

section 9, contributions (which includes both money and other property) to acts of terrorism;

section 10, contributions to the resources of proscribed organisations;

section 11, assisting the retention or control of terrorist funds;

section 13 and Schedule 4, restraint orders and forfeiture;

section 18A, failing to disclose knowledge or suspicion of offences under sections 9, 10, and 11;

section 18, failing to disclose information;

section 4 of the 1998 Act, forfeiture orders.

There have been convictions in the past under sections 9 and 10.

A restraint order prohibits a person from dealing with property liable to forfeiture; I have seen affidavits supporting applications for restraint orders.

74. Section 4 of the 1998 Act I deal with in the next chapter.

75. The wording of each of the sections 9, 10 and 11 of the PTA imposes upon the prosecution the burden of proving some purpose or intent; "intending that it shall be applied or used for the commission of, or in furtherance of or in connection with acts of terrorism"; "for the benefit of a proscribed organisation"; "may be applied or used for the commission or in furtherance of or in connection with acts of terrorism". The ingredients of these offences, reflected in those words, are difficult to prove, and there have been few convictions under these sections. There can be no forfeiture of assets without a conviction under these sections. It seems to me that the whole question of asset restraint and seizure should be reconsidered, both in the field of the law relating to prevention of terrorism, and also in the general field of the criminal law. Certainly, as to terrorist offences, it may be that one line of thought is to consider a concept of "terrorist offences" or "terrorist related offences". But this is a matter which can be considered with the Consultation paper.

CHAPTER 9

SECTION 4 OF THE CRIMINAL JUSTICE (TERRORISM AND CONSPIRACY) ACT 1998

76. By section 4 of the 1998 Act, the court may order forfeiture of property of a person convicted of an offence under section 2 of the PTA (membership of proscribed organisations), if he belonged to a specified organisation. The property must have been in the possession or control of the convicted person, and must have been used in furtherance of or in connection with the activities of the specified organisation, or the court must believe it may be so used unless forfeited.

77. The forfeiture order is tied to proof of membership – difficult in itself – and to proof of the intended use of the property and I have emphasised the obstacles to this in paragraph 75 above.

78. This section has not been used.

CHAPTER 10

STOP AND SEARCH: SECTIONS 13A AND 13B

Introduction

79. These sections, which apply only in Great Britain, provide the power for police officers to stop and search vehicles and persons (in the case of section 13A) and power to stop and search pedestrians (in the case of section 13B). A senior officer may make an order for a particular area where he considers it expedient to do so in order to prevent acts of terrorism. In the case of the power under section 13B the order may be cancelled by the Secretary of State or, if it is to last beyond 48 hours, confirmed or modified.

Use in 1998

80. As to section 13A, the power was used in a handful of areas in England and Wales, and in two of those areas it was used up to 18 times, and in the other areas on far fewer occasions than that. I have spoken to police officers who are acquainted with the circumstances which gave rise to those orders being made, and it seems to me that they were used justifiably.

81. As to the power under section 13B, I have spoken to a police officer who made orders under section 13B, and spoken to officials in the Home Office, and read through the files relating to those orders. In this way I have satisfied myself about the facts behind the making of those orders, in every case, and I noticed that there was careful discussion on each occasion of an order being made, and a balance of the threat of terrorism against the disadvantage of making the order. There was indeed information which justified the

decision to make these orders. And the power under section 13B was used relatively sparingly.

Future Need

82. These sections enable police officers to effect searches which they could not make under the ordinary law and the Police and Criminal Evidence Act 1984 or the PACE code. The powers can be brought into existence simply on it being considered expedient to do so in order to prevent terrorism, and a constable may exercise the powers whether or not he has any grounds for suspecting a particular fact. And in the circumstances of the present threat of terrorism, which I describe in Chapters 4 and 5, it seems to me that there is a continuing need for these sections to remain in force.

CHAPTER 11

CORDONS AND PARKING RESTRICTIONS: SECTIONS 16C AND 16D

Introduction

83. Section 16C enables a senior police officer to order that a police cordon be imposed upon an area where it seems expedient to do so with regard to acts of terrorism; and section 16D confers a similar power to authorise parking restrictions and the removal of vehicles in a particular area, again with reference to acts of terrorism. These provisions apply only in Great Britain.

Use in 1998

84. I am unable to say how often these powers have been used, because there is no central record of their use. The fact is that with any terrorist incident, such as an actual or threatened bomb attack, police officers throw a cordon around the particular area, and remove vehicles if possible, and forbid parking nearby. The ordinary citizen would normally expect that to happen as a matter of course. And presumably it is already within the power of police officers to do that, either to assist in the investigation of the incident, or to prevent damage or injury. Thus one can say that during 1998 these powers have probably been used on various occasions throughout Great Britain. I have not received any complaint about the use of them.

Future Need

85. There is no doubt in my mind that these powers are necessary. The only consideration which has

given me any thought is whether the common law powers of a police officer already allow him to do what sections 16C and 16D authorise. But at common law the police officer would, upon any challenge of his powers, and particularly in any subsequent litigation, be obliged to prove that he had some reasonable suspicion of a breach of the peace or impending injury or damage, whereas sections 16C and 16D require no such thing, and enable police officers to act swiftly and with confidence. In my view there is a continuing need for these sections.

CHAPTER 12

ARREST AND DETENTION

Section 14(1)(b) arrests

86. Under this subsection a police officer may arrest without a warrant a person on reasonable suspicion of commission, preparation, or instigation of terrorism; the officer faces no requirement of having conceived a suspicion of a particular offence. In England and Wales the PACE code applies to the detainee, in Scotland the ordinary powers of detention and interview, and in Northern Ireland the EPA code (which last provides greater latitude for the interviewing officers than is available under PACE).

87. The justification for allowing a power of arrest where no specific offence is alleged is, first, that often the suspicion is founded on sensitive intelligence, and second, an arrest can, in fact, forestall and prevent an incident. That is my own surmise as to the justification.

88. This last year there were over 500 arrests in Northern Ireland under s.14 and in Great Britain there were only a fraction of that number. But the numbers were about the same as in 1997.

Examination of the power

89. Each of the powers under the PTA should have a proper check by myself as the reviewer, but the power under s.14, of arrest and extension of detention, and the port examination power, seem to me to call for especial scrutiny. For consideration of s.14 I have visited police stations and police offices in every

part of the United Kingdom, and discussed arrests and detention with officers of all ranks. In particular, I have spoken with custody officers, who are uniformed officers having the responsibility, so far as prisoners are concerned, for the justification of detention and the conditions of it, and having no connection with the investigation and indeed having a function which is judicial in nature when it comes to deciding whether to accept the custody of a prisoner who has been arrested by their colleagues. I have also talked about the power of arrest with ordinary people in Northern Ireland. And what I have been looking for is evidence of misuse of s.14.

90. Has there been an arrest of a prisoner solely for the purpose of extracting some intelligence from that person? Has s.14 been used to arrest somebody who had done nothing by way of terrorist activity?

91. I have not seen any evidence that s.14 has been used for the purpose of bringing in a person to a police station or office specifically to get intelligence from him; all the documents which I have seen, and all my discussions, show that there was some information to connect the detainee with an event which was being investigated. Of course, so far as Northern Ireland is concerned, it must be remembered that a person arrested by virtue of s.14 is subject to the EPA code, and is interviewed within the terms of it; and the code permits interviewing beyond the limits which the PACE code would allow. The interviewing officer may continue the interview, even after there is evidence sufficient to charge the detainee, if it is necessary to do so in order to clear up other matters. Thus, the officer may well ask about people and events beyond those strictly germane to the event regarding which the s.14 arrest was first made.

92. I have given thought, and time, to the argument that s.14 is being used too much in Northern Ireland, for example to arrest a young man for robbery of a small shop, acting alone, having no firearm, but who is known to have been connected in time past with a terrorist organisation; in short, the arrest is

because of the man, not because of the activity. That is the point made to me by some people.

93. I have not seen any such case; but no doubt such a case, or something similar, could be found to exist. However, the situation is sometimes difficult for the RUC. The arresting officer must make a judgment about the situation and the suspect, and do so quickly. It may not be obvious that there is no paramilitary connection with the event. Conversely, it may not be obvious that there is in fact such a connection; I have come across cases where the arrest was effected under PACE, as a non-terrorist case, and thereafter a paramilitary connection emerges as the investigation develops.

94. I have discussed this with senior and junior officers, and therefore they know of the concern some members of the community have about this. But I repeat that I have not seen any evidence of it.

95. I turn shortly to the topic of extension of detention under s.14; for the checking of that topic I have read all the files, in which, as a matter of fact, the reasons for the original arrest are always stated. In the last 6 years I have not seen one case where the arrest was made for the purpose of gathering intelligence; admittedly, the RUC could disguise that by stating some fact or event or intelligence which supported the use of s.14, but as will be seen below I carry out checks to test that kind of thing. Again, as to over enthusiastic use of s.14 - the man not the activity - I would say this: in the extension files the ground of arrest is always stated, and in that period of 6 years I have seen only a handful of cases where I have had a doubt that the arrest was connected with terrorism; on each occasion of my noticing it, the point had been detected and mentioned to the RUC by the Secretary of State or the Minister, or the relevant official. There was one such instance in 1997, and none in 1998.

Extension of detention

96. Section 14(4) provides for detention up to 48 hours, and subsection (5) gives the Secretary of State power to extend that period by further periods which may not exceed 5 days in all.

97. During 1998, 127 persons in Northern Ireland and 21 persons in Great Britain were subject to extension of detention. 51 of these were subject to repeat extensions. I have read the files on each one, and I have discussed them with the police and officials.

98. In the course of my examination I paid particular attention to the following points (and these are the ones I habitually look at):

was the original arrest truly a s.14 arrest, and connected with terrorism;

was there a ground for the arrest, whether intelligence or other material;

what were the reasons stated by the police for wanting an extension;

was the length of extension justified.

99. Each of these tests was satisfied. I was concerned about one file where I could not discern the reason for the arrest of one suspect who had been arrested with a numbers of others; after asking for an explanation I was content that the facts were in order.

100. In many applications made by the police for extensions the arrest is said to have been made because the detainee was said to be implicated "on reliable intelligence". I cannot check the validity of the claim, in every single instance, that there is indeed intelligence; nor can I check the details of that

intelligence. I have never asked to see the precise details of the intelligence; it would mean my learning the name of an informant or some other sensitive information; in my view I hear and see just as much information as other reviewers or Commissioners who have a duty to consider sensitive material. If I have any doubts about a case, I make a point of raising it with police officers or with officials, so that I can talk over the matter in general outline, and so that I can be assured.

101. But as a general check upon the use of the phrase "on reliable intelligence", I look to see how often, in extensions, the arrest has been made solely upon intelligence, with no other evidence or supporting detail. I am alert to notice whether it is used too often, or to cover a situation where there is nothing else; and I also note whether the investigation results in a charge, which tends to show that the intelligence was correct. In the year 1998, of the 127 files in Northern Ireland, about 20 of them had commenced with an arrest solely on intelligence; and of that 20 about one fifth resulted in the detainee being charged. This is much the same picture as in 1997. In Great Britain, of the 21, a small number were on intelligence alone, and some charges resulted. From this total picture I have the impression that there is no misuse of the phrase "on intelligence".

102. As I travelled through those files it was clear to me that the police took care with the applications for extensions: they measured what time they needed according to the work which was still required to be done; likewise the officials assessed the applications and, if necessary, challenged the police about them, or suggested to the police that the time had come to charge the detainee, rather than to extend detention.

Reasons for seeking an extension

103. In his major review in 1987 (Cmnd 264) His Honour Judge Viscount Colville of Culross QC listed

the reasons which are commonly cited in an application for an extension and which seem to be good reasons. I set them out in Appendix G to this review. I have added "financial enquiries", since it regularly arises in cases of extension, and it seems to me to be a valid reason; I did make reference to this last year. Also in last year's review I mentioned some other reasons which appear and which are undoubtedly sound reasons:

ESDA tests on handwriting;

CCTV films, resolution and clarifying of them;

computer disks, resolution of them;

DNA analysis.

I have added all the above items, as well as financial enquiries, to the list, in order to provide a convenient full list.

Judicial participation in extension of detention

104. There should in principle be a judicial participation in the process of extension; I made my view clear about this in the review of the year 1997; see paragraphs 60 and 61. The precise method in which this can be implemented needs careful preparation, since there must in my view be one system for the whole of the United Kingdom, and not, as I have heard suggested, a different one for Northern Ireland. This topic, regarding judicial participation, is addressed in the Consultation paper, and that is an appropriate place to examine the matter thoroughly.

105. My opinion in favour of judicial participation in extension is not in any way due to a lack of confidence in the present system: the police and officials and Secretaries of State and Ministers apply great care. My view is founded upon two things: first, judges and magistrates now adjudicate in cases where

there is confidential sensitive information which cannot be disclosed to the defendant; and secondly, magistrates commonly hear the PACE applications for extension of detention.

106. By s.3 of the 1998 Act, there is incorporated into s.14(1)(a) of the PTA a power to arrest for an offence contrary to s.30 of the EPA, namely membership of an organisation proscribed in Northern Ireland under the EPA. This power has not yet been used.

CHAPTER 13

PORT AND BORDER CONTROLS

Introduction

107. Section 16 and Schedule 5 give port officers the power to stop and examine passengers and crew, and to search them, with a view to finding out whether they are involved in terrorism. Detention may follow. Up to a certain period, there is no requirement that the officer should have conceived any suspicion about the person or vehicle or goods. Clearly, then, it is a wide power, and it is probably more extensive than any other power of a police officer in the criminal law.

108. The presence of port officers is undoubtedly a deterrent; it is known that terrorists and their organisations observe and mark the fact that a port is manned, or staffed in a particular manner, and that therefore the organisation will be inhibited from using it regularly.

109. Many examinations at ports are carried out after a Special Branch officer has received intelligence about a particular person who is expected as a passenger; and in this way there is a great value in the powers of section 16, and a terrorist has been stopped from carrying out his intention, or his movements are noted. But in addition to those kinds of examinations, Special Branch officers frequently stop and examine passengers in what might be called an intuitive stop. In other words, there is no intelligence or information upon the individual, but the police officer, because of training and observation and experience, receives the impression the passenger may be of interest. On many occasions during my visits to ports I have been told of this, and I have been informed also that on a large number of these intuitive examinations the passenger has

proved to be of interest to the security forces from a terrorist point of view. I have no doubt that there is real value in the police officer's power to examine without the pre-condition of reasonable suspicion.

110. A particular duty of Special Branch officers, (and it is they who are the port officers, generally speaking) is the gathering of intelligence. Their presence at ports assists them in this function, and their use of the powers under section 16 is important in this regard.

111. In the performance of these functions - deterrence, detection, and the gathering of intelligence - port officers have various things which assist them. Closed circuit television enables them to be unobtrusive, but to watch various parts of the port. Also, there is good co-operation between the police and HM Customs and Excise, and the port staff, and with hire companies, and carriers.

112. Computers, and information technology generally, is fully used by port officers. In the last 6 years I have seen great developments in this, and improvements are being made all the time.

Manifests

113. In my view shippers and carriers could provide more information to port officers, which would improve the efficacy of their port examinations. At present, the only requirement of the PTA is for carriers to provide manifests of passengers arriving in Great Britain from places within the Common Travel Area. A moment's thought shows that, for a Special Branch officer to receive in advance of the arrival of a vessel a list of passengers and vehicles, his task of choosing what examinations to make is made more easy. It seems to me that in future, some provision should be made by legislation for this, for all arrivals and departures.

Staffing

114. I wish to make the point that staffing levels of port officers should not be allowed to fall. I emphasise that this is the point simply and completely put; I do not in any fashion assert that staffing levels are too low at any particular place, nor could I, since I do not have the expertise to state what should be a relevant staffing level. But the fact is that practically every port in the United Kingdom has seen an increase in volume of passengers and vessels; while at the same time there has been a reduction of other services at ports, particularly immigration officers, who would otherwise have provided a filter for observation of arriving and departing passengers. Thus, a greater burden falls upon Special Branch officers. And I emphasise that there is as much need as ever for the presence of port officers, from the point of view of both terrorism connected with the affairs of Northern Ireland, and terrorism in the international field.

Scrutiny of the Powers

115. As in the case of other powers under the PTA, I have considered what checks and tests I could carry out to see whether the port powers have been used fairly and properly. At every port which I have visited, I have spoken to senior and junior officers and asked them to satisfy me on this score; and I have discussed this with the National Co-ordinator of Ports Policing. On many visits to ports I have asked to see the port book and other documents relating to the examinations made there. One way of approaching this is to ask what check is there to stop a Special Branch officer, who is bored, from picking on passengers of certain nationality or appearance or race, and stopping only them in large numbers? The answer is that he would be quickly found out. Every examination must be recorded in writing; and his figures would fall outside a pattern for the port, and so would the volume of intelligence usually gathered from port examinations at that place. This would quickly become obvious. Work sheets and port books are scrutinised by senior officers;

and the examining officer does not work alone, but in a team and his conduct would be obvious to colleagues. As a result of his conduct, passengers would be delayed, and complaints would be recorded, and even passengers' flights missed by reason of undue examinations. Special Branch officers work under supervision, and they are selected for their tasks. Furthermore, even supposing that supervision of this officer failed, and his conduct continued with adverse consequences upon passengers, the carriers (airlines and shippers) would perceive the abuse, and report it to the port authority, who would be losing money, and they would undoubtedly report this to the Chief Constable. Finally, it is known that I myself carry out the review of the PTA, and that I visit ports: I sometimes ask to see the port records.

116. A complaint was referred to me about the management of some passengers who were about to make a flight to the Common Travel Area. I discussed it with several people. I saw no improper use of the PTA powers. Schedule 5, paragraph 10 provides that embarkation may be required to follow arrangements approved by the port officers and it seemed to me that on the particular occasion this was what was happening.

Conclusion

117. I am satisfied that the port powers have been used properly in 1998; and I am satisfied they are needed for a further year.

CHAPTER 14

POSSESSION OF ARTICLES AND COLLECTION OF INFORMATION

118. Section 16A makes unlawful the possession of articles in circumstances giving rise to a reasonable suspicion that the article is in the person's possession for the purposes of terrorism; and there is a reversed burden of proof to enable the prosecution to establish possession.

119. This section is used from time to time; the similar provision in the EPA is regularly charged in Northern Ireland. I have discussed above at paragraph 27 the human rights implications of the burden of proof.

120. Section 16B makes it a criminal offence to collect or record information which is likely to be of use to terrorists. It is used and should be retained.

CHAPTER 15

CONCLUSION

121. In the course of travelling over the field of the Act, I have expressly or by implication made my opinion known as to the two matters which have occupied this review - has there been fairness in the past year, and is the statute needed for another year. And I should make it clear that my conclusion is to answer each question in the affirmative. My analysis of the human rights situation in Chapter 2 does not in any way impair this conclusion; that Chapter was intended to show what shape the future may take; and it is a future which is near at hand.

Appendix A

THE PTA IN SUMMARY FORM

s.1	Proscribed organisations
s.2	Membership, support and meetings
s.2A	Evidence of membership; police officer's evidence; and inference from silence
s.3	Display of support in public
Ss.4–8	Exclusion orders (currently lapsed)
s.9	Contributions towards acts of terrorism
s.10	Contributions to resources of organisations
s.11	Assisting in retention or control of terrorist funds
s.12	Disclosure of information about terrorist funds
s.13	Penalties and forfeiture
s.13A	Power to stop and search vehicles
s.13B	Power to stop and search pedestrians
s.14	Arrest and detention of suspected persons
s.16	Port and border controls
s.16A	Possession of articles for suspected terrorist purposes
s.16B	Unlawful collection of information
s.16C	Power to impose police cordons
s.16D	Parking restrictions and removal of vehicles
s.17	Investigation of terrorist activities
s.18	Information about acts of terrorism
s.18A	Failure to disclose knowledge or suspicion of offences under ss 9 - 11

Appendix B

THE EUROPEAN CONVENTION ON HUMAN RIGHTS; ARTICLES 5 AND 6

Article 5

1. Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

(a) the lawful detention of a person after conviction by a competent court;

(b) the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

(c) the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

(d) the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

(e) the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

(f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2. Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3. Everyone arrested or detained in accordance with the provisions of paragraph 1c of the article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4. Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5. Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 6

1. Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Appendix C

CASES AND READING ON HUMAN RIGHTS

Generally;

Jacobs and White; The European Convention on Human Rights, 2nd edition;

General principles;

Klass v Germany; (1979 - 80) 2 EHRR 214;

Malone v UK; (1985) 7 EHRR 14;

Section 2A; police officer's evidence;

Unterpertinger; 13 EHRR 175; hearsay;

Kostousk v The Netherlands; (1990) 12 EHRR 434;

Windisch v Austria; (1991) 13 EHRR 281;

Ludi v Switzerland; (1993) 15 EHRR 173;

Delta v France; (1993) 16 EHRR 574;

Saidi v France; (1994) 17 EHRR 251;

Ruiz-Mateos v Spain; (1993) 16 EHRR 505;

Section 2A; inference from silence;

Murray v United Kingdom; (1996) 22 EHRR 29;

Sections 13A and 13B; stop and search;

McVeigh v UK ; (1982) 25 DR 15;

Arrest and detention;

Brogan v United Kingdom; (1988) 11 EHRR 117;

Brannigan and McBride v United Kingdom; (1993) 17 EHRR 539;

Section 16A; possession;

Lingens; 4 EHRR 373

Salabhaku v France; (1991) 13 EHRR 379;

The right to a fair trial;

Delcourt v Belgium; (1979 - 80) 1 EHRR 355;

Kraska v Switzerland; (1994) 18 EHRR 188;

Ruiz - Mateos v Spain; (1993) 16 EHRR 505;

Hearsay;

Unterpertinger 13 EHRR 175; the essential proof of the accusations against the defendant and the evidence could not be tested in the normal way as they were not at court;

Appendix D

VISITS TO PORTS, PORTS UNITS AND POLICE OFFICES IN 1998

Castlereagh RUC police office

Cairnryan port

Edinburgh airport

Eglinton airport

Felixstowe port

Gatwick airport

Glasgow airport

Harrow Road police station

Heathrow airport

Holyhead port

Leeds / Bradford airport

London City airport

Longport police station (Channel Tunnel)

Lothian and Borders police headquarters

Metropolitan police

- Special Branch
- Financial Investigation Special Access Unit
- National Joint Unit
- Specialist Operations

Newhaven port

Norwich airport

Sheffield airport

Stansted airport

Strand Road RUC police office

Stranraer port

Strathclyde police headquarters

Waterloo International railway station

Appendix E

PERSONS, OFFICES AND DEPARTMENTS WHO GAVE INFORMATION AND VIEWS

Richard Allan MP

Anglo-Irish Secretariat

His Excellency Edward Barrington, Ambassador Extraordinary and Plenipotentiary of the Republic of Ireland

Right Honourable Alan Beith MP

David Calvert-Smith QC, the Director of Public Prosecutions

Sir Louis Blom-Cooper QC

Ben Emmerson

Brian Fee QC

Alasdair Fraser CB QC, the Director of Public Prosecutions of Northern Ireland

Headquarters Northern Ireland (armed forces); and Army units

Home Office

Right Honourable Adam Ingram MP

Philip McDonagh, Irish Embassy, London

Lord McNally

National Co-ordinator of Ports Policing

Northern Ireland Office

Lembit Opik MP

Scottish Office

Security Service

Appendix F

THE NATIONAL JOINT UNIT

The Metropolitan Police Special Branch runs a National Joint Unit. It is headed by a Detective Inspector and three Detective Sergeants, and the main office is staffed by 14 officers drawn from Special Branches of various forces in the United Kingdom and the Channel Islands. The Unit works closely with the Terrorism and Protection Unit at the Home Office, and with the Security Service.

The NJU has several functions.

First, it receives enquiries from police officers at ports, who are conducting enquiries under Schedule 5 of the PTA about persons travelling to or from Ireland – the Republic or Northern Ireland – or persons with Irish connections. An NJU officer will search the database, make enquiries of the Security Service and notify the port officer of the result. If the traveller is of interest to Special Branch, a report is compiled and added to the database. Hence the NJU is an important source of intelligence. In addition to this, any examination which passes the one hour stage must be notified to the Unit, regardless of nationality.

Second, any use of the detention powers under the PTA (section 14 or Schedule 5) is notified to the NJU, who then monitor the progress and outcome of any such detention.

Third, the NJU co-ordinates applications from police forces in Great Britain for extensions of detention under the Act. All such applications pass through the NJU which drafts the police report on the particular case. The Unit is in particularly good position to draw together current intelligence on an

individual who may be the subject of any of these applications.

Fourth, the NJU provides advice and training for police forces in the use of the Act. Booklets have been produced for the assistance of custody officers and others who must operate its provisions, and officers from the NJU carry out lecture tours.

In 1998 the NJU dealt with 51,956 enquiries.

The Criminal Justice and Public Order Act 1994 introduced section 13A and the Prevention of Terrorism (Additional Powers) Act 1996 introduced section13B (the latter also amended section 13A). The NJU collates all applications for the use of these powers and arranges for the Home Secretary's confirmation of the use of the section 13B power.

In Northern Ireland the RUC carries out these functions and frequently a police force in Great Britain finds it convenient to be in contact with the RUC.

Appendix G

REASONS FOR EXTENSION OF DETENTION

1. fingerprint checks
2. forensic tests
3. checking replies against intelligence
4. new lines of enquiry
5. interrogation to identify any accomplices
6. correlating information gained from another detainee
7. awaiting decision of the DPP
8. finding and interviewing witnesses
9. arranging identity parade
10. checking an alibi
11. translating foreign language documents and evaluating them
12. obtaining interpreter and then interviewing
13. consulting with other security services including foreign services across time zones and language differences
14. evaluating of documents, once translated and further investigated
15. making financial enquiries
16. carrying out ESDA tests;
17. resolution and clarification of CCTV films
18. resolution of computer disks
19. DNA analysis.

DETENTION UNDER THE PREVENTION OF TERRORISM ACT BY OUTCOME
UNITED KINGDOM: 1998

	No. Detained	No. of people whose detention was extended	Extensions refused	Detainees subsequently removed / deported	Detainees subsequently charged
1. England and Wales (Northern Irish terrorism)	20	5	0	0	5
2. Scotland (Northern Irish terrorism)	0	0	0	0	0
3. Great Britain (International terrorism)	25	16	0	0	3
4. Northern Ireland (Northern Irish terrorism)	555	127	0	0	135

EXTENSIONS OF DETENTIONS UNDER THE PREVENTION OF TERRORISM ACT BY LENGTH OF DETENTION
UNITED KINGDOM: 1998

	ENGLAND & WALES	**SCOTLAND**	**GREAT BRITAIN**	**NORTHERN IRELAND**
Length of extension (days)	Northern Irish terrorism	Northern Irish terrorism	International terrorism	Northern Irish terrorism
Less than 1 day	-	-	-	-
1	-	-	-	9
1 + 1	-	-	-	2
1 + 2	-	-	-	3
1 + 3	-	-	-	-
1 + 2 + 2	-	-	-	-
2	1	-	16	50
2 + 1	4	-	-	4
2 + 2	-	-	-	9
2 + 2 + 1	-	-	-	4
2 + 3	-	-	-	-
3	-	-	-	21
3 + 1	-	-	-	1
3 + 2	-	-	-	24
4	-	-	-	-
5	-	-	-	-
Total	**5**	**-**	**16**	**127**

PERSONS CHARGED, REMOVED OR DEPORTED AS PERCENTAGE OF TOTAL PTA DETENTIONS
UNITED KINGDOM: 1988-1998

	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998
UK Total	21	22	22	22	26	23	22	25	26	29	24
GB Total	19	18	23	11	26	24	21	38	20	28	18
GB: Northern Irish terrorism	22	22	22	22	26	23	22	53	22	16	25
GB International Terrorism	14	28	21	3	20	29	0	16	0	58	12
NI: Total	29	18	21	23	26	23	22	24	27	29	24

Persons examined for more than one hour under Article 4 of the Prevention of Terrorism (Supplemental Temporary Provisions) Order 1984 or Paragraph 2 to Schedule 5 of the Prevention of Terrorism Act 1989, *but not detained*

Great Britain, 1 January 1988 - 31 December 1998

Number of persons

Length of examination and charges	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1998 1st qtr	1998 2nd qtr	1998 3rd qtr	1998 4th qtr
Examinations with respect to **Northern Irish** terrorism															
1 hour and less than 2	65	53	91	83	98	128	108	72	133	173	159	53	42	39	25
2 hours and less than 4	46	76	125	138	129	152	170	84	267	409	288	105	81	58	44
4 hours and less than 8	13	49	30	25	25	27	54	13	44	59	66	37	16	11	2
8 hours and less than 12	2	6	1	1	2	-	3	4	3	4	5	5	-	-	-
12 hours and less than 24	-	2	2	-	-	2	-	-	-	2	1	-	-	1	-
Total Northern Irish terrorism	126	186	249	247	254	309	335	173	447	647	519	200	139	109	71
of which															
Charged with an offence															
Under the Acts	3	4	4	12	14	13	8	8	8	22	10	5	5	-	-
Under other legislation	1	1	4	-	(1) 4	3	5	6	5	6	23	8	3	10	2
Examinations with respect to **international** terrorism															
1 hour and less than 2	8	-	5	4	6	4	3	14	11	12	26	7	5	6	8
2 hours and less than 4	1	10	10	9	6	6	6	14	6	7	35	3	6	20	6
4 hours and less than 8	6	8	8	1	4	4	-	1	1	9	6	3	2	1	-
8 hours and less than 12	-	-	1	-	-	-	-	-	-	2	14	-	-	14	-
12 hours and less than 24	-	-	-	1	-	-	-	-	-	26	-	-	-	-	-
Total international terrorism	15	18	24	15	16	14	9	29	18	56	81	13	13	41	14
of which															
Charged with an offence															
Under the Acts	-	-	1	-	-	-	-	-	-	-	3	-	2	1	-
Under other legislation	-	-	4	2	1	-	-	-	-	-	2	-	1	1	-
Total examined for more than one hour	141	204	273	262	270	323	344	202	465	703	600	213	152	150	85
Total charged	4	5	13	14	19	(1) 16	13	14	13	28	38	13	11	12	2

(1) In addition, two persons were returned to the Republic of Ireland to face charges.

Persons detained under the Prevention of Terrorism (Temporary Provisions) Acts 1976,1984 and 1989 or Supplemental Orders 1976 and 1984 by outcome: persons concerned with *Northern Irish terrorism*

Great Britain, 1 January 1988 - 31 December 1998

Number of persons

Date of detention		Detentions: Total	Detentions: at port or airport	Detentions: else-where	Extensions of detention beyond 48 hours granted (1): at port or airport	Extensions of detention beyond 48 hours granted (1): elsewhere	Exclusion order made (2)(3)	Charged with an offence (3): Under the Acts	Charged with an offence (3): Under other legislation	Not charged with offence or excluded
1988		170	110	60	10 (4)	13	16	10	8	136
1989		163	78	85	16	14	10	8	10	135
1990		169	53	116	8	21	14	6	19	130
1991		121	49	72	11 (5)	4	10	4	3	104
1992		140	35	105	1	11	1	9	27	103
1993		145	28	117	4	35	4	5	25	111
1994		60	35	25	2	2	4	-	9	47
1995		15	5	10	1	8	-	2	8	5
1996		82	14	68	-	23	-	2	15	65
1997		31	7	24	-	-	-	-	5	26
1998		20	2	18	-	5	-	1	4	15
1997	1st quarter	7	-	7	-	-	-	-	3	4
	2nd quarter	15	1	14	-	-	-	-	1	14
	3rd quarter	3	2	1	-	-	-	-	1	2
	4th quarter	6	4	2	-	-	-	-	-	6
1998	1st quarter	2	-	2	-	-	-	-	-	2
	2nd quarter	4	2	2	-	-	-	-	-	4
	3rd quarter	11	-	11	-	5	-	-	4	7
	4th quarter	3	-	3	-	-	-	1	-	2

(1) More than one extension of detention may be granted under the 1984 and 1989 Acts.

(2) Exclusion orders made against persons who were detained under the Acts in the period shown.

(3) Persons charged and subsequently excluded are shown under 'Exclusion order made' only.

(4) In addition, two applications were refused in 1988.

(5) Includes one extension granted in Northern Ireland.

Persons detained under the Prevention of Terrorism (Temporary Provisions) Acts 1984 and 1989 or Supplemental Order 1984 by outcome: persons concerned with *international terrorism*

Great Britain, 1 January 1988 - 31 December 1998

Number of persons

Date of detention	Detentions			Extensions of detention beyond 48 hours granted (1)		Deported, excluded or removed under Immigration Act 1971 (2)	Charged with an offence (2)		Not charged with offence deported, excluded or removed
	Total	at port or airport	else-where	at port or airport	elsewhere		Under the Acts	Under other legislation	
1988	16	6	10	-	2	-	-	3	13
1989	18	4	14	1	5	2	-	3	13
1990	24	4	20	-	6	2	-	3	19
1991	32	6	26	2	13	1	-	-	31
1992	20	5	15	-	5	2	-	2	16
1993	7	2	5	-	-	-	-	2	5
1994	1	-	1	-	-	-	-	-	1
1995	19	1	18	-	9	-	-	3	16
1996	2	-	2	-	-	-	-	-	2
1997	12	3	9	1	8	-	4	3	5
1998	25	4	21	-	16	-	2	1	22
1997 1st quarter	-	-	-	-	-	-	-	-	-
2nd quarter	6	1	5	1	4	-	3	1	2
3rd quarter	5	1	4	-	4	-	1	2	2
4th quarter	1	1	-	-	-	-	-	-	1
1998 1st quarter	4	2	2	-	-	-	-	-	4
2nd quarter	13	1	12	-	9	-	2	-	11
3rd quarter	7	-	7	-	7	-	-	1	6
4th quarter	1	1	-	-	-	-	-	-	1

(1) More than one extension of detention may be granted under the 1984 and 1989 Acts.

(2) Persons charged with an offence and subsequently deported, excluded or removed are included under 'Deported, excluded or removed under Immigration Act 1971' only.

CHARGES IN GREAT BRITAIN IN 1998 FOLLOWING DETENTION OR EXAMINATION UNDER THE PREVENTION OF TERRORISM (TEMPORARY PROVISIONS) ACT 1989

1. Northern Irish terrorism

In 1998, 38 people were charged with an offence following detention or examination under the PTA in connection with Northern Irish terrorism. Eleven of these were subsequently charged with offences under the Act, and twenty seven with offences under other legislation.

2. International terrorism

In 1998, 8 people were charged with an offence following detention or examination under the PTA in connection with International terrorism. Five of these were charged with offences under the Act, and three with offences under other legislation.

NB Where individuals have been charged with more than one offence, they are listed under the offence for which the most severe sentence was or could be imposed.

Persons detained under the Prevention of Terrorism (Temporary Provisions) Act 1989 and extensions of detention granted by police force area

Great Britain, 1 January 1994 - 31 December 1998 — Number of persons

Police force area	Persons detained					Persons whose detention was extended (1)				
	1994	1995	1996	1997	1998	1994	1995	1996	1997	1998
England										
Avon and Somerset	1	-	1	1	-	-	-	-	-	-
Bedfordshire	1	-	2	-	-	-	-	-	-	-
Cambridgeshire	3	-	-	-	-	-	-	-	-	-
Cheshire	1	-	-	-	-	-	-	-	-	-
Cleveland	-	-	-	-	-	-	-	-	-	-
Cumbria	-	-	-	-	-	-	-	-	-	-
Derbyshire	-	-	-	-	-	-	-	-	-	-
Devon and Cornwall	-	-	-	-	-	-	-	-	-	-
Dorset	-	-	-	-	-	-	-	-	-	-
Durham	-	-	-	1	-	-	-	-	-	-
Essex	1	-	3	-	-	-	-	-	-	-
Gloucestershire	-	-	-	1	-	-	-	-	-	-
Greater Manchester	2	-	-	-	-	-	-	-	-	-
Hampshire	1	1	1	-	-	-	-	-	-	-
Hertfordshire	-	-	-	-	-	-	-	-	-	-
Humberside	-	-	-	1	-	-	-	-	-	-
Kent	10	-	12	1	5	-	-	-	-	-
Lancashire	-	-	3	1	1	-	-	-	-	-
Leicestershire	2	2	1	1	-	-	-	-	-	-
Lincolnshire	-	-	-	-	-	-	-	-	-	-
London, City of	-	1	-	-	-	-	-	-	-	-
Merseyside	8	1	2	1	2	-	1	-	-	-
Metropolitan Police	13	16	42	18	36	2	9	18	9	21
Norfolk	-	-	-	-	-	-	-	-	-	-
Northamptonshire	-	-	-	-	-	-	-	-	-	-
Northumbria	-	-	-	-	-	-	-	-	-	-
North Yorkshire	-	-	-	-	-	-	-	-	-	-
Nottinghamshire	-	-	-	-	-	-	-	-	-	-
South Yorkshire	-	-	-	-	-	-	-	-	-	-
Staffordshire	-	-	-	-	-	-	-	-	-	-
Suffolk	-	-	-	-	-	-	-	-	-	-
Surrey	-	-	-	3	-	-	-	-	-	-
Sussex	-	-	3	-	-	-	-	1	-	-
Thames Valley	-	-	-	-	-	-	-	-	-	-
Warwickshire	1	-	-	-	1	-	-	-	-	-
West Mercia	-	1	-	4	-	-	-	-	-	-
West Midlands	5	-	3	4	-	1	-	3	-	-
West Yorkshire	-	-	-	-	-	-	-	-	-	-
Wiltshire	-	-	-	-	-	-	-	-	-	-
Total England	49	22	73	37	45	3	10	22	9	21
Wales										
Dyfed-Powys	2	-	4	2	-	-	-	-	-	-
Gwent	-	-	-	-	-	-	-	-	-	-
North Wales	5	1	3	-	-	1	-	-	-	-
South Wales	-	-	-	-	-	-	-	-	-	-
Total Wales	7	1	7	2	-	1	-	-	-	-
Total England and Wales	56	23	80	39	45	4	10	22	9	21
Scotland										
Central Scotland	-	-	-	-	-	-	-	-	-	-
Dumfries and Galloway	4	4	3	4	-	-	1	-	-	-
Fife	-	-	-	-	-	-	-	-	-	-
Grampian	-	-	-	-	-	-	-	-	-	-
Lothian and Borders	-	-	-	-	-	-	-	-	-	-
Northern	-	-	-	-	-	-	-	-	-	-
Strathclyde	1	7	1	-	-	-	7	1	-	-
Tayside	-	-	-	-	-	-	-	-	-	-
Total Scotland	5	11	4	4	-	-	8	1	-	-
Total Great Britain	61	34	84	43	45	4	18	23	9	21

(1) Extensions of detention for persons originally detained in the stated police force area. In some cases the person may have been moved to another area and the receiving force applied for the extension.

Persons detained under the Prevention of Terrorism (Temporary Provisions) Acts 1984 and 1989 or Supplemental Order 1984 and not charged with a criminal offence deported, excluded or removed by length of detention

Great Britain, 1 January 1988 - 31 December 1998

Number and percentage of persons

Length of detention	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1998 1st qtr	1998 2nd qtr	1998 3rd qtr	1998 4th qtr
Less than 2 hours	3	-	4	5	5	7	-	-	6	2	2	-	1	1	-
2 hours and less than 4	7	10	11	20	12	8	7	-	10	6	1	-	-	1	-
4 hours and less than 8	20	23	25	25	29	24	11	-	18	4	6	2	1	3	-
8 hours and less than 12	11	25	17	8	9	9	5	1	3	2	2	-	1	-	1
12 hours and less than 24	30	32	41	28	37	27	6	4	8	5	5	2	2	-	1
24 hours and less than 36	42	29	26	16	14	8	15	6	9	10	2	1	1	-	-
36 hours and less than 48	26	12	11	13	5	15	4	1	3	-	5	1	2	1	1
Total under 48 hours	139	131	135	115	111	98	48	12	57	29	23	6	8	6	3
Percentage of all detentions under 48 hours (1)(2)	86%	90%	85%	93%	78%	87%	84%	75%	95%	85%	96%	..	..	..	..
2 days and less than 3	2	6	5	9	2	5	-	-	1	1	5	-	4	1	-
3 days and less than 4	5	8	6	11	1	5	-	6	7	1	9	-	3	6	-
4 days and less than 5	3	2	1	-	3	4	-	3	2	-	-	-	-	-	-
5 days and less than 6	-	1	1	-	-	1	-	-	-	-	-	-	-	-	-
6 days and up to 7	-	-	1	-	2	3	-	-	-	-	-	-	-	-	-
Total 48 hours or more	10	17	14	20	8	18	-	9	10	2	14	-	7	7	-
Percentage of all detentions 48 hours or more (1)(2)	40%	47%	40%	67%	47%	46%	-	50%	42%	22%	67%	..	..	..	..
Total detained and not charged, deported, excluded or removed	149	148	149	135	119	116	48	21	67	31	37	6	15	13	3
Percentage of all detentions (1)(2)	80%	82%	77%	88%	74%	76%	79%	62%	80%	72%	82%	..	..	..	..

(1) Not shown for quarterly figures because of significant variation between quarters.

(2) i.e. total detentions.

Applications for exclusion orders, outcome, place detained, terminations of exclusion orders and numbers in force: persons concerned with Northern Irish terrorism

Great Britain, 1 January 1988 - 31 December 1998

Number of applications

Date of application	Application for exclusion orders (1)	Application refused by Secretary of State (1)	Total	Exclusion order made: (1)			Person removed to: (3)		Exclusion orders ended		Exclusion orders renewed or replaced	Exclusion orders in force at end of period (6)
				Against person detained at port or airport	Against person detained elsewhere	Against person not detained under Act (2)	Northern Ireland	Republic of Ireland	Revoc-ations or expiries (4)(5)	Deaths (4)		
1988	25	5	20	9	7	4	13	7	22	-	13	122
1989	10	1	9	7	2	-	8	1	60	1	24	94
1990	17	1	16	4	11	1	12	4	37	-	24	97
1991	11	-	11	5	5	1	7	4	35	-	18	91
1992	2	-	2	1	-	1	1	1	34	1	21	79
1993	7	-	7	2	2	3	6	-	38	-	23	71
1994	4	-	4	2	2	-	3	1	28	3	14	58
1995	-	-	-	-	-	-	-	-	28	-	5	35
1996	-	-	-	-	-	-	-	-	17	-	6	24
1997	-	-	-	-	-	-	-	-	27	-	3	-
1998	-	-	-	-	-	-	-	-	-	-	-	-

(1) Orders are shown in the period they were made or refused, not the period in which the detention occurred.

(2) For example: order made against a person detained under other powers, a person released from prison or a person already outside Great Britain for another reason.

(3) Excludes cases where the person was outside Great Britain when the order was made, or where the order was revoked before being put into effect.

(4) Revocations and deaths in year shown; these may relate to detentions in a previous period. The order may have been revoked before being put into effect, after representations or after review (see footnotes 2 and 5).

(5) Includes orders revoked where a fresh order was subsequently made (see footnote 2).

(6) These figures are the result of combining the information in columns 3, 9, 10 and 11.