

# How to balance security and liberties?

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The rise of international terrorism has made it extremely difficult for governments to protect their citizens. The security challenge is amplified by the willingness of today's terrorists to murder innocent civilians on a vast scale.

A prominent issue in the political and academic discourse on counter-terrorism law and policy has been whether and to what extent; it is necessary to restrict civil liberties in order to combat terrorism. Those defending counter-terrorism measures argue that liberal democracy itself is the target and this warrants the imposition of restrictions on civil liberties. The opposing argument is that in times of crisis the liberal democratic state must adhere strictly to its defining principles and repressive, counter-terrorism measures often lead to an escalation of conflict.

It has been argued that the French response to terrorism is 'invasive but effective.' Jytte Klausen a professor of Comparative Politics at Brandeis University noted arrest statistics suggest increased reliance on preventative arrests to break up networks, and reports a far greater use of procedures such as house arrest and forced removal of suspects than is witnessed in response to similar threat in the UK. In addition, some human rights organisations reported

that France carried out abusive and discriminatory raids against Muslims based on vague criteria. According to Frank Foley, a counter-terrorism expert at King's College London, both France and the UK have made organisational changes that enable the gathering of court-admissible information at an earlier stage of terrorism investigations but described the two regimes as adopting very different approaches to dealing with the terrorist threat.

There are notable differences between the legal systems of the two countries; the UK has continued to try terrorism cases through ordinary courts whereas French authorities established special courts. It is notable that UK anti-terror laws have been subject to successful challenge, which has led to repeal of some offending provisions. Thus, the UK judiciary has successfully balanced the conflicting demands for protection of civil liberties and greater state power to counter terrorist threats. Whereas, French authorities have 'been more draconian' by establishing special courts and investigating magistrates 'a type of judge of which there is no equivalent in the English legal system' thus bringing the judicial and executive branches of government closer together.

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