

No! to anti-terrorism laws that undermine civil liberties

Yes! to peace and social justice

**Joint Statement of Concerned People's Organizations and
Citizen's Groups**

Background

We are aware that the SAR government plans to push through a new set of anti-terrorism laws. Despite the fact that the proposed anti-terrorism measures will have a far-reaching impact on human rights and civil liberties in the Hong Kong SAR, the laws will be introduced without any serious public discussion or debate. By moving quickly to introduce these laws, the government is hoping to capitalize on the fear and insecurity created by September 11 and the US-led 'War on Terrorism.' The question of whether such laws are necessary in the HKSAR, and its potential impact on civil rights and liberties, has not been answered.

The government has clearly stated that the proposed anti-terrorism laws are modeled on the laws of overseas governments, particularly the UK government's UK Terrorism Order 2001. While the government is willing to borrow from these overseas examples, it refuses to learn their lessons. The anti-terrorism laws introduced in the US, the UK, etc., and chosen by the HK government as 'models', have been strongly criticized for rolling back civil liberties and human rights in those countries. There have already been numerous human rights violations under these laws, including detention without trial and systematic racial and political discrimination. As the Overseas Network Opposed to US Troops recently stated: "Under the guise of searching for 'terrorists', many people, especially migrant groups have been unjustly victimized." In addition to this, anti-terrorism laws have been used to attack opposition political parties, restrict street protests, and to subject citizens to electronic surveillance by monitoring their voice-mail, email and internet activities and invading their personal privacy. The fact is that these anti-terrorism laws have

not been used to fight terrorism. They have been used to expand police and security powers to suppress dissent and restrict freedom of expression. The HK government has chosen to ignore this fact.

One of the fundamental problems of anti-terrorism laws overseas has been the broad, unclear definition of terrorism. The HK government will adopt the definition of terrorism used in the UK Terrorism Order 2001 – a definition so broad, so vague that 'terrorism' will be whatever the authorities want it to be. The definition of an 'act of terrorism' is so broad that everything from anti-globalization protests to the civil disobedience tactics of environmental activists and disruptive internet activism can be labeled as 'terrorism.' This gives the authorities excessive, arbitrary powers to crack down – not on terrorism – but on any kind of dissent in society.

In its proposed anti-terrorism Bill the government will give the Chief Executive the power to list individuals or organisations as terrorists. This adds to the potential abuse of power, where individuals or organisations will be listed and suppressed as 'terrorists' merely because the Chief Executive views them as political dissidents. The checks and balances that are essential for the right to a fair trial will be undermined, while executive powers threaten to overshadow the independence and authority of the judiciary.

As part of the proposed anti-terrorism measures the government will adopt the Financial Action Task Force on Money Laundering (FATF)'s Special Recommendations on Terrorist Financing. Again we see that these measures, ostensibly designed to combat terrorism, in fact have a far-reaching impact on civil liberties, including personal privacy. By making available all messages and information linked to electronic bank transfers and overseas remittances, the government has failed to guarantee the protection of privacy. Significantly, the FATF recommendations target non-profit organisations as potential suspects in aiding terrorist financing. This provides the government with arbitrary powers to freeze the assets and take control of the bank accounts of non-profit organisations under mere suspicion (without evidence) of links to terrorist financing. We believe that the government will use these new powers to harass and intimidate non-profit organisations, targeting them for their involvement in

advocating human rights, freedom of expression, freedom of religion and the right to self-determination.

Since September 11 the Hong Kong government's position on the fight against "terrorism" has been contradictory, if not hypocritical. Shortly after the terrorist attacks in the US on September 11, the Hong Kong government assured the public that Hong Kong is not a target for terrorists and that no such incidents would occur here. If that is the case, then why is the government introducing these so-called "anti-terrorism" laws?

The government has not justified whether such laws are necessary in the HKSAR. Its only reason is that the United Nations Security Council Resolution (1373) requires the introduction of such laws. But this excuse points to the hypocrisy of the HK government. It has consistently ignored recommendations by the United Nations (UN) on the poor record of human rights, trade union rights, poverty and inequality in the HKSAR. Yet the government now claims it is following the instructions of the UN. The real cause of terrorism is in fact poverty, inequality, intolerance and marginalization. These are precisely the problems that the UN recommendations on economic, social and cultural rights are intended to address.

Our Position

The organisations and individuals supporting this joint statement believe that the right to dissent, as part of our freedom of expression and assembly, cannot and should not be undermined by these new laws. At a time when social and economic problems are increasing and working people face greater challenges to their livelihood, we need an open, critical debate on what needs to be done. More importantly, we need collective action from below to respond to these challenges. This requires freedom to speak out; freedom to dissent. This freedom includes the right to organise public assemblies, protests and rallies to express our views loudly – and to impose our demands on the government and employers.

The government is trying to associate these acts of protest and dissent with acts of terrorism. There is no basis for comparison. Damage to property that might result from protest actions, or injury to police officers who are violently suppressing protesters, can in no

way be associated with terrorism. Instead, the real violence is the social and economic violence of unemployment, poverty and inequality, discrimination, intolerance and injustice. These are the sources of anger and frustration which people express through protest actions.

In rejecting the proposed anti-terrorism laws, the undersigned organizations and individuals condemn the US-led 'War on Terrorism' which is undermining peace in our region and encouraging (re)militarization, as evidenced in the US military intervention in the southern Philippines. The US government has been a driving force in pushing governments in the region to adopt anti-terrorism laws. Only last month, representatives of the Hong Kong government joined a US-sponsored conference on anti-terrorism in Bangkok during which the US government insisted on anti-terrorism laws that reinforce the US-led 'War on Terrorism.'

The logic of these anti-terrorism laws, as part of the US-led 'War on Terrorism' is reflected in the Bush doctrine: "If you're not with us, you're against us." We reject this simplistic notion of "us versus them" and its claim that those opposed to the 'War on Terrorism' and anti-terrorism laws are supporters of terrorism. We oppose all forms of terrorism and all acts of violence that lead to the loss of civilian lives. This includes the state terrorism and militarization promoted by the US government in our region and throughout the world. The doctrine, "If you're not with us, you're against us", is a declaration of intolerance and aggression that prevents collective efforts to build peace and social justice.

We also recognize that the central government is using the 'War on Terrorism' to further suppress religious freedom and the right to self-determination in mainland China. It is clear that the anti-terrorism laws proposed by the government of the HKSAR will also be used to suppress religious freedom and human rights in line with central government policies.

As we have already made clear, the real cause of terrorism is poverty, inequality, intolerance and marginalization. So while we say NO! to the proposed anti-terrorism measures, we say YES! to measures to

reduce poverty and inequality and fulfill the economic, social and cultural rights of all people, everywhere.

Our Demands

1. We demand that the government withdraw the proposed anti-terrorism Bill, and instead recognise the need and the right to public consultations on legislative proposals concerning livelihood protection and social justice.
2. We demand that the government withdraw its support from the US-led 'War on Terrorism' and instead support regional and international initiatives to build peace and social justice in the region.
3. We demand that the government implement the recommendations of the United Nations Committee on Economic, Social and Cultural Rights, including policies to reduce poverty and inequality, ensuring freedom of expression and assembly, protection against discrimination, and protection of the rights of the elderly, worker and trade union rights, and housing rights.
4. We demand that the government end its ongoing attempts to suppress the right to dissent in the HKSAR, and its efforts to intimidate and harass advocacy and rights organisations into silence.