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Media freedom versus anti-terrorism legislation

Reply to Written question[1]: Written question No. 643 (Doc. 13298)
Committee of Ministers

1. The Committee of Ministers recalls that it expects from each and every member State full respect of the rights enshrined in the European Convention. As far as the application of anti-terror laws is concerned, member States should draw inspiration from the Guidelines on Human Rights and the fight against terrorism, adopted by the Committee of Ministers on 11 July 2002.

2. In the instance highlighted, and when examining the question put by the Honourable Parliamentarian, the Committee of Ministers took note of the explanation provided by the United Kingdom delegation of the legal framework within which the United Kingdom police can act to protect national security. The delegation stressed that Mr Miranda's detention, ordered under Schedule 7 of the Terrorism Act (2000), was not an attempt to intimidate journalism but an action to recover material that was believed to contain highly sensitive stolen information describing techniques that have been crucial in counter-terrorist operations vital to the United Kingdom's – and other European States' – national security.

3. The United Kingdom delegation also indicated, as regards destruction of the stolen data held by the newspaper The Guardian, that the approach of the United Kingdom authorities in this respect was guided by the dual need to protect national security and avoid damaging media freedom.

4. The United Kingdom delegation underlined that the use of Schedule 7 of the Terrorism Act (2000) is subject to a series of checks and balances and that its government is fully committed to meeting its obligations under international human rights law, including Article 10 of the European Convention on Human Rights.

5. The Committee of Ministers also informs the Honourable Parliamentarian that on 21 August 2013, the Secretary General sent a letter to the United Kingdom's Home Secretary requesting information on these reported incidents, stressing that, if confirmed, those acts by State officials may have a chilling effect on freedom of expression as protected by the European Convention on Human Rights. In her reply of 12 September 2013, the Home Secretary strongly refuted any suggestion that these acts of the authorities were attempts to intimidate journalism.

1. Adopted at the 1181st meeting of the Ministers' Deputies