House of Lords
House of Commons

Joint Committee on Human Rights

Counter–Terrorism Policy and Human Rights (Twelfth Report): Annual Renewal of 28 Days 2008

Twenty–fifth Report of Session 2007-08

Report, together with formal minutes, and appendix

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Joint Committee on Human Rights

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Summary

The Terrorism Act 2006 allows the police to detain without charge for up to 28 days people arrested on suspicion of being a terrorist. There is a sunset clause in the Act meaning that the maximum period of pre-charge detention reduces to 14 days after one year. The Government has asked Parliament for the second year running to approve secondary legislation to renew, for a further year, the extension to 28 days. The draft Terrorism Act 2006 (Disapplication of Section 25) Order 2008 must be approved by both Houses of Parliament. The House of Commons approved the Order, after debate, on 23 June. The House of Lords will consider the Order on 1 July 2008.

Our report examines human rights issues that arise when extending the maximum period of pre-charge detention from 14 to 28 days. We intend our report to inform parliamentary debate. We ask the Government to implement our recommendations in time to assist future debate and decision on this issue.

Once again the Government has failed to provide sufficient information to allow us to ascertain whether the power to detain people without charge for up to 28 days is necessary. We welcome the Government's commitment to provide statistical information to Parliament in the future.

We also regret that the Government did not publish the report of the statutory reviewer of the operation of the Terrorism Act in time to allow the House of Commons and its Committees properly to consider it prior to debate on the draft Order. The reviewer's report fails to explain how the power to detain suspects for more than 14 days has been used in practice. Parliament needs this information in order to improve decision-making on this issue. We recommend that any future report should include this information and that the reviewer report directly to Parliament.

We recommend that relevant statistical information and the reviewer's report should be provided to Parliament at least 28 days before debate on these draft Orders to enable meaningful scrutiny of the need for renewal.

No suspect has been held for more than 14 days since the renewal of the power last year. However, the most significant information that Parliament requires to assess the need for this power is whether those charged after being detained for more than 14 days could have been charged any earlier. That information would be obtained by having an independent review of the practice of detaining people for between 14 and 28 days. We strongly recommend that such an independent review be conducted by an appropriate body, such as the Crown Prosecution Service Inspectorate.

We also recommend that the Government seek independent advice about the impact on suspects of being detained for longer than 14 days, and we recommend that the Government takes such advice and shares it with Parliament prior to future debate.

We point out that court hearings to extend pre-charge detention are not proper "judicial" hearings and we repeat our longstanding recommendation that the Government must take steps to strengthen judicial safeguards at such hearings. Without strengthened safeguards, the renewal of pre-charge detention up to 28 days will lead to breaches of both the European Convention on Human Rights, and the common law right to liberty.

1 Introduction

Background

1. On 21 May 2008 the Home Secretary laid before both Houses the draft Terrorism Act 2006 (Disapplication of Section 25) Order 2008,[1] along with an Explanatory Memorandum ("EM"). The effect of the draft Order would be to renew for a further year the extension of the maximum period for detention without charge for terrorism offences to 28 days. Without renewal the maximum detention period would revert to 14 days on 25 July 2008.

2. The maximum period of pre-charge detention for terrorism offences was extended from 14 to 28 days by the Terrorism Act 2006.[2] One of the safeguards added during that Act's passage through the Lords was a requirement that the extended period of 28 days be subject to annual renewal by Parliament. The 2006 Act therefore contains a provision which would automatically reduce the maximum period from 28 back to 14 days after a year.[3]

3. However, the Secretary of State has a power to disapply that provision and so, in effect, renew the 28 day period for a year at a time.[4] The renewal order must be laid in draft before both Houses of Parliament and approved by a resolution of each House.[5] The Home Secretary exercised the power to renew the 28 day period in July 2007.[6] That order came into force on 25 July 2007 and renews the 28 day period until 25 July 2008. The draft order would renew the 28 day period for a further year until 25 July 2009.

4. The Minister of State at the Home Office, Tony McNulty MP, has made a statement of human rights compatibility in respect of the draft Order: "In my view the provisions of the Terrorism Act 2006 (Disapplication of Section 25) Order 2008 are compatible with the Convention rights."[7]

5. The draft Order was approved, after debate, by the House of Commons on 23 June 2008 and is scheduled to be debated in the House of Lords on 1 July 2008.

6. Under the Counter-Terrorism Bill currently before Parliament, an order extending the maximum period of pre-charge detention to 28 days under the Terrorism Act 2006 must already be in force before an order can be made by the Secretary of State making the reserve power of detention for up to 42 days available.[8]

[1] Under s. 25(6) of the Terrorism Act 2006 (hereafter "TA 2006").

[2] Section 23 TA 2006.

[3] Section 25 TA 2006.

[4] Section 25(2) TA 2006 which empowers the Secretary of State, by order made by statutory instrument, to disapply, for a period up to a year, the provision which provides for the expiry of the extended maximum detention period.

[5] Section 25(6).

[6] Terrorism Act 2006 (Disapplication of Section 25) Order 2007 (SI 2007/2181).

[7] EM para. 6.1.

[8] Counter-Terrorism Bill, HL Bill 65, clause 23(2)(a).

Our report

7. We wrote to the Home Secretary on 23 May about the imminent renewal of the 28 day period of pre-charge detention, for two reasons: first, to enquire as to what improvements the Government has made to the arrangements for parliamentary review of the extended period in light of our previous recommendations; and, second, to request some information about the operation of the extended period since its last renewal with a view to ensuring that Parliament is fully informed when it comes to debate the draft renewal order.[9] The Home Secretary replied by letter dated 4 June.[10]

8. In this report we consider the adequacy of the current arrangements for parliamentary review of pre-charge detention; the evidence of the need to renew the 28 day period; the compatibility of the provision for 28 day pre-charge detention with both the common law right of habeas corpus and the right to a judicial hearing of the lawfulness of detention under Article 5 ECHR, in view of the use of closed procedures at judicial hearings into extended detention and the limited scope of the inquiry carried out by the judge; and the impact of extended detention on suspects.

[9] Appendix 2 to the JCHR's Twenty-first report of Session 2007-08, *Counter-Terrorism Policy and Human Rights (Eleventh Report): 42 Days and Public Emergencies*, HL Paper 116/HC 635 (hereafter "Report on 42 Days and Public Emergencies").

[10] Appendix 1.

2 Parliamentary review of pre-charge detention

Background

9. In our Report on 28 Days, Intercept and Post-Charge Questioning, published in July 2007, we pointed out that the purpose of requiring annual renewal of the extension of pre-charge detention from 14 to 28 days is to provide Parliament with the opportunity to consider the matter again in light of the operation of the power in practice, and that for such parliamentary review to be meaningful it must be informed by a thorough, detailed and independent review of how the power has been operating in practice.[11]

10. We made a number of specific recommendations concerning the arrangements for parliamentary review of the operation in practice of the extended period of pre-charge detention up to a maximum of 28 days. The aim of our recommendations was to ensure that there is rigorous independent scrutiny of the operation in practice of the extended period, which is made available to Parliament sufficiently in advance of the renewal debate to ensure that Parliament is fully and reliably informed about how the power has actually been working before it is asked to approve renewal of the extraordinary power for another year.

11. We recommended that parliamentary oversight be improved by making available to Parliament, at least a month before the renewal debate, a report by an independent reviewer on the operation in practice of the extended period and on the continued necessity for it, and a detailed annual report by the Home Secretary on the use which has been made of the power by the police.[12] In response, the Government said that Lord Carlile already reports annually on the operation of the Terrorism Act 2000, including on the extended period of pre-charge detention.[13] The Government also said that it would be looking to ensure that there is sufficient parliamentary oversight of the pre-charge detention period as part of the consultation on the forthcoming counter-terrorism bill and would consider our recommendations as part of that consultation.

12. We also recommended that an appropriate independent body undertake an in-depth scrutiny of the operation in practice by the Metropolitan Police Service of the new power of pre-charge detention beyond 14 days. We suggested that the Metropolitan Police Authority, the independent statutory body charged with scrutinising the work of the Metropolitan Police Service, may be well placed to do this. The Government said in its response that it would consider whether there is a need for an independent body to review the operation of pre-charge detention as part of the consultation on the forthcoming counter-terrorism bill.

[11] Nineteenth Report of Session 2006-07, *Counter-Terrorism Policy and Human Rights: 28 days, intercept and post-charge questioning*, HL Paper 157/HC 394 (hereafter "Report on 28 Days etc."), at para. 32.

[12] Ibid at para. 63.

[13] *The Government Reply to the Nineteenth Report from the Joint Committee on Human Rights Session 2006-07 HL Paper 157, HC 394* Cm 7215 (September 2007) at p. 2.

13. The Counter-Terrorism Bill which is currently before Parliament, however, makes no provision for improving the existing arrangements for parliamentary review of the operation of extended pre-charge detention. We therefore asked the Government whether it had now decided to reject our recommendations for improving parliamentary review of extended pre-charge detention and, if so, for its reasons for doing so.[14]

The Government response

14. The Government in its response said that it did not believe that the Metropolitan Police Authority should be charged with conducting an independent scrutiny of pre-charge detention beyond 14 days.[15] This was partly because the Metropolitan Police Service is not the only police force with the power to detain suspects for more than 14 days, and partly because "it is not clear what an independent body would scrutinise. It would not be appropriate, for example, for a police authority to scrutinise the decision of judges to authorise continued detention or for them to comment on charging decision taken by the CPS."

15. However, the Government does accept that Parliament needs to be fully and reliably informed about the operation of detention beyond 14 days if it is to properly consider whether to approve the annual renewal of the 28 day limit in advance of the renewal debates. It intends to do this in future by placing a memorandum setting out the relevant information in the libraries of both Houses in advance of the debates if the power has been used at all during the period under consideration. No such memorandum has been prepared for this year's renewal debate because the power to detain for more than 14 days has not been used since its renewal a year ago, but the Government asks us to accept that the subject of pre-charge detention has received extensive scrutiny over the past nine months in relation to the Counter-Terrorism Bill, including the questioning of a wide range of witnesses and the publication of a number of documents on pre-charge detention.

16. The Government also says that, where possible, it will ensure that the report by the statutory reviewer of terrorism legislation is made available in advance of the pre-charge detention renewal debates, but it cannot guarantee that the report will be available at least a month before those debates. In response to our question about when Lord Carlile's report on the operation in 2007 of the Terrorism Act 2000 would be available, the Government said that its intention was that it would be published in advance of the renewal debate. In the event, it was published on the morning of the renewal debate in the Commons.[16] As for ensuring that the reports of the statutory reviewer of the Terrorism Act include a detailed analysis of the operation in practice of extended pre-charge detention, the Government states that the requirements placed on the reviewer are set out in the Terrorism Act itself[17] and it is for the reviewer, not the Government, to decide what he includes in his report. Lord Carlile, in his report, however, says "I have not been asked by

[14] Letter to the Home Secretary, 23 May 2008, Appendix 2 to Report on 42 Days and Public Emergencies.

[15] Letter from Home Secretary, 4 June 2008 (Appendix 1).

[16] *Report on the Operation in 2007 of the Terrorism Act 2000 and of Part I of the Terrorism Act 2006*, June 2008, published by the Government on 23 June 2008 (hereafter "Lord Carlile's Report on the Terrorism Act in 2007")..

[17] Section 36 Terrorism Act 2000.

Ministers to provide a detailed analysis of this system."[18] He therefore says nothing at all about how the power to detain for more than 14 days has been used in practice.

Conclusion

17. **We welcome the Government's commitment to provide detailed statistical information on the use of the 28 days limit in advance of future renewal debates. We also welcome the intention to provide a breakdown of the exact detention time periods applied in all terrorist cases together with more detailed information on the outcome of detention including the charges brought against those charged. We expect this information to be provided sufficiently far in advance of the renewal debates to enable parliamentary committees such as ours to perform their scrutiny function, including by calling evidence if necessary to test the information contained in the Government's report. We repeat our recommendation that the information required by Parliament in order to debate the question of renewal should be made available at least a month before the renewal debate takes place. We regret, however, that such information has not been made available in advance of this year's renewal debates in both Houses, setting out clearly the use which has been made of the extended power since its introduction two years ago.**

18. **We also find it extremely regrettable that Lord Carlile's report was only published by the Government on the same day as the renewal debate in the House of Commons. This does not give Committees such as ours any opportunity to consider the reviewer's report. The Government, on the other hand, has had such an opportunity, having received the report in advance, and had time to draft a considered response to it, published at the same time as the reviewer's report.[19] We find this particularly disappointing in light of our frequent criticisms of the Government's practice in this respect and the Government's repeated assertions that it wishes to enhance parliamentary scrutiny in this area. We repeat again our recommendations that in future the reviewer report to Parliament, not the Secretary of State, and that the report be available 28 days before the debate to give parliamentarians, and not just the Government, a proper opportunity to consider it.**

19. **We are disappointed by the Government's apparent rejection of the need for an appropriate independent body to scrutinise in detail the circumstances in which the extended power has been used. The failure of Lord Carlile's report to perform this function only serves to demonstrate the necessity for it to be carried out in future.** We return to this matter below.

[18] Lord Carlile's Report on the Terrorism Act in 2007, para. 103.

[19] *The Government Reply to the Report by Lord Carlile of Berriew Q.C.*, Cm 7429 (23 June 2008).

3 The necessity for renewal

The Government's case

20. The Explanatory Memorandum accompanying the draft Order sets out the Government's justification for renewing the extension of the maximum period of pre-charge detention from 14 to 28 days. It sets out the reasons why the increase from 14 to 28 days was considered necessary in 2006[20] and states that

> "the need for 28 days' pre-charge detention has clearly been demonstrated, with 6 people having been held for the maximum period, 3 of whom were charged, and Parliament agreed to its renewal in July 2007."[21]

The information required

21. We considered whether the necessity of the increase from 14 to 28 days had been demonstrated in our report at the time of last year's renewal.[22] We concluded that it was impossible to make that assessment in the absence of the necessary information.[23] We identified the sort of detailed information which is required in order for Parliament to be able to reach an informed judgment about the necessity of the extended period.[24] This included the answers to questions such as whether the evidence on which individuals were charged after 14 days was available before the expiry of the 14 day period, how often suspects held for more than 14 days were questioned by the police, and whether the longer period affected the urgency with which the police pursued the investigation.

22. We pointed out that this information was not available, for two main reasons. First, because some of those held for the longer period had been charged and were awaiting trial and it was therefore inappropriate to scrutinise the investigation of their cases pending the outcome of their trial. Second, because, as we have noted above, there is no satisfactory provision for a thorough independent review, by an appropriate independent inspectorate, of the detailed circumstances in which the exceptional power to detain for more than 14 days before charge has been used. As we pointed out in that report, the report of the statutory reviewer of the Terrorism Act 2000 on the operation of that Act in 2006 did not even report in how many cases the power to authorise extended detention beyond 14 days had been used,[25] let alone scrutinise in detail matters such as whether the individuals charged after 14 days could have been charged earlier, or whether the availability of the longer period affected the urgency of the investigation.

23. A year later, the individuals who were charged between 14 and 28 days after their arrest are still awaiting trial and it would therefore still be inappropriate to examine in detail the use of the extended power in their particular cases. However, the same constraint does not

[20] EM para. 7.1.

[21] EM para. 7.3.

[22] Report on 28 Days etc., at paras 29-44.

[23] Ibid at para. 31.

[24] Ibid. at para. 41.

[25] Report on 28 Days etc., at para. 41.

apply in relation to those held for more than 14 days who were subsequently released without charge, but still no independent review of their cases has been conducted. **We repeat our recommendation that an appropriate independent body carry out an in-depth scrutiny of the operation in practice of the power to detain for more than 14 days before charge. Such an independent review would need to await the outcome of the trials, and any appeals, of those charged, but could start work immediately in relation to those individuals held for more than 14 days but released without charge.**

Evaluation of the need

24. In the absence of the necessary information from an independent source about the operation in practice of the power to detain terrorism suspects for up to 28 days, we asked the Home Secretary to provide us with some basic information about the number of times the power of extended detention beyond 14 days has been used since its renewal in July 2007.[26] **The Home Secretary's response told us that no suspect has been held for more than 14 days since the renewal of the power on 25 July 2007.**[27]

25. We also note that during the recent debate about the proposal in the Counter-Terrorism Bill to provide a reserve power to increase the maximum period to 42 days, Liberty claimed that the evidence relied upon to charge the two suspects who have so far been charged at the very end of the 28 day period "was obtained by the police within four and 12 days respectively."[28] We note that this is strongly contested by the Government and is contradicted by the evidence of the Head of the CPS's Counter-Terrorism Division, who clearly told us that the suspects in question had been charged at the earliest possible opportunity. The disagreement raises some important questions about whether it would have been possible to charge these two suspects on the threshold test (that is, the lower threshold of reasonable suspicion) before they were charged at the end of the 28 day period, and whether the CPS charges on the threshold test as soon as it is possible to do so or waits to see if evidence materialises which would enable the suspect to be charged on the Full Code test before the end of the maximum period of pre-charge detention. We also note that Lord Carlile in his report expresses "serious worries about the CPS using the so-called 'threshold test' for the charging of offences in terrorism cases, rather than the normal and more demanding 'full code test'.[29] In Lord Carlile's view, the use of the threshold test "contains at least as many and certainly more concealed risks of causing unfair extended detention" as the proposal in the current Bill to increase the maximum to 42 days. We will be writing to the DPP to ask some questions about this.

26. In the absence of any independent review of the detailed circumstances in which the extended power has been used, however, there is no satisfactory way of resolving this factual dispute in a way which can assist Parliament to reach a properly informed decision about the necessity for the power to detain for up to 28 days.

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[26] Letter to the Home Secretary, 23 May 2008, Appendix 2 to Report on 42 Days and Public Emergencies.

[27] Letter from the Home Secretary, 4 June 2008, Appendix 1.

[28] *"Up against the buffers": Fact and fiction about the existing 28-day pre-charge detention limit"*, Liberty Press Release, 10 June 2008.

[29] Lord Carlile's Report on the Terrorism Act in 2007, at para. 107.

Conclusion

27. **We therefore reach the same conclusion as last year on the question of whether the renewal of the power to detain for more than 14 days is necessary: we are not in a position to evaluate the Government's assertion that the need for the power has been clearly demonstrated because the information to make that assessment is still not available.**

28. Some clearly relevant information is available. The fact that the power has not been used at all since its last renewal is clearly relevant, and some useful information could be obtained by a proper independent scrutiny of the use of the power in those cases where individuals were held for more than 14 days before being released without charge.

29. **The most significant information, however, will be whether those charged after 14 days since the power was introduced could have been charged, on the threshold test, before 14 days. That analysis can only be done after the conclusions of the trials. In our view, it is imperative that such an independent review is conducted when the time comes to do so, and that it is conducted by an appropriate body, such as the CPS Inspectorate. Until that information is available, however, we are unable to reach a view as to whether the Government has made out its case of the necessity for renewal.**

4 Compatibility with the right to a judicial hearing

Background

30. A person who has been arrested on suspicion of being a terrorist or of being involved in the commission, preparation or instigation of a terrorist offence can be detained beyond 14 days and for up to 28 days without charge if their continued detention has been authorised by a judge. The same provisions as apply to extensions of detention beyond four days apply to extensions of detention up to 28 days.[30] The Government says that this requirement of judicial authorisation of detention beyond 14 days both enshrines the common law principle of habeas corpus and satisfies the requirement in Article 5(4) ECHR that the detained person has a right to "a judicial hearing to determine the lawfulness of their detention."

The inadequacy of the current judicial safeguards

31. **We do not accept that the current arrangements for judicial authorisation of extended pre-charge detention satisfy the stringent requirements either of habeas corpus or Article 5 ECHR.** Our predecessor committee first made this point about the inadequacy of the procedural safeguards in 2003 when the maximum period of pre-charge detention was increased from 7 to 14 days in the Criminal Justice Act of that year.[31] We made the point again, in greater detail, in 2005 when the maximum period was further increased from 14 to 28 days in what became the Terrorism Act 2006,[32] and again, in still more detail, in subsequent reports when it became clear that the Government was contemplating a further extension of the maximum period of pre-charge detention beyond 28 days.[33]

32. As we explained in those reports, we had two main concerns about the adequacy of the judicial safeguards at the hearings at which judicial authorisation of the suspect's further detention was sought. First, we were concerned that the hearing of an application for a warrant of further detention is not a fully adversarial hearing, because of the power to exclude the suspect and his representative from the hearing and to withhold from the suspect and his lawyer information which is provided to the judge. Second, we were concerned about the adequacy of the judicial oversight because of the narrowness of the questions which the court is required to answer when it decides whether or not to authorise further detention.

33. Since then, we have investigated carefully how the judicial hearings into extended pre-charge detention actually work in practice, taking evidence on the subject from the Head of

[30] Schedule 8 to the Terrorism Act 2000.

[31] Eleventh Report of Session 2002-03, *Criminal Justice Bill: Further Report*, HL Paper 118/HC 724 at para. 105.

[32] Third Report of Session 2005-06, *Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters*, HL Paper 75-I/HC 561-I at paras 93-99.

[33] Twenty-Fourth Report of Session 2005-06, *Counter-Terrorism Policy and Human Rights: Prosecution and Pre-Charge Detention*, HL Paper 240/HC 1576 at paras 136-138; Nineteenth Report of Session 2006-07, *Counter-Terrorism Policy and Human Rights: 28 days, intercept and post-charge questioning*, HL Paper 157/HC 394 at paras 58-61.

the CPS's Counter-Terrorism Division and from a defence barrister with experience of conducting such hearings on behalf of suspects. We concluded, in the light of that evidence, that the hearings at which judges are asked to authorise extended pre-charge detention are not fully adversarial hearings because of the limited disclosure of information to suspects before the hearing, the power to withhold information from the suspect and their lawyer which is seen by the judge and the power to exclude the suspect and their lawyer from parts of the hearing.[34] We also concluded that the focus of such hearings is the future course of the investigation and whether it is being conducted diligently and expeditiously by the police, rather than whether there is sufficient evidence to justify the original arrest and continued detention. We made a number of detailed suggestions for improving the judicial safeguards which apply to extended pre-charge detention.[35]

34. Subsequently, in our report on the Counter-Terrorism Bill which is still before Parliament, we recommended a number of specific amendments to the legal framework governing all pre-charge detention hearings, designed to ensure that they are truly judicial (that is, adversarial) in nature.[36] We reproduce these recommended amendments in an Annex to this Report.

The Government's response

35. The Government has now responded to our reports concerning the inadequacy of the judicial safeguards in the statutory regime governing hearings at which pre-charge detention is extended and to our recommended amendments to the legal framework to remedy those deficiencies.[37]

36. The Government's response is that hearings of applications to extend detention are already fully adversarial and therefore compatible with Article 5 ECHR, because the suspect is entitled to be legally represented and "to be present at the open part of the hearing" and the information provided to the suspect both in writing in advance and during the proceedings through representations and evidence is "extensive". According to the Home Secretary, it is enough to comply with the requirements of Article 5 that the suspect be brought before a judge within 48 hours and that thereafter there is continuing judicial approval of the need to detain the suspect. "Pre-charge detention is subject to regular judicial oversight, complying with the requirement in Article 5(3) that such a person be 'brought promptly before a judge or other officer authorised by law to exercise judicial power'. At these hearings a detainee may challenge the lawfulness of his detention, as required by Article 5(4) ECHR." The Secretary of State also invites us to infer that if those safeguards were incompatible with Article 5 we could expect them to have been challenged by now in Strasbourg or in our own courts under the HRA.

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[34] Second Report of Session 2007-08, *Counter-Terrorism Policy and Human Rights: 42 days*, HL Paper 23/HC 156 at paras 71-100.

[35] Ibid at paras 89, 96 and 98.

[36] Twentieth Report of Session 2007-08, *Counter-Terrorism Policy and Human Rights (Tenth Report): Counter-Terrorism Bill*, HL Paper 108/HC 554 at paras 21-26 and 33.

[37] Letters dated 5 and 6 June 2008 from the Rt Hon Tony McNulty MP, Minister of State at the Home Office, responding respectively to the Committee's first and second Reports on the Counter Terrorism Bill (Twenty-Second Report of 2007-08, *Counter-Terrorism Policy and Human Rights (Twelfth Report): Government Responses to the Committee's Twentieth and Twenty-first Reports and other correspondence.*

37. The Home Secretary makes essentially the same case in response to the criticism that the arrangements for judicial authorisation of pre-charge detention fail to satisfy the common law principle of habeas corpus, that is, that an individual is entitled to challenge the lawfulness of their detention before a judge. In response to a question from Mr William Cash MP in the course of the debate on the Counter-Terrorism Bill, the Home Secretary claimed that "the principle behind habeas corpus, which is that the court must determine whether it has the power to detain a person … is already enshrined in Schedule 8 to the Terrorism Act 2000" which applies to all extensions of pre-charge detention, including those up to 28 days.[38] Such hearings, she asserts, "involve a full adversarial hearing with the suspect represented."[39]

38. We do not accept the Government's argument that the requirement of judicial authorisation satisfies either Article 5 ECHR or the common law of habeas corpus.

39. **The description of extension hearings as "fully adversarial" is clearly incorrect in ECHR terms. The powers to exclude the suspect from the hearing and to withhold information from them which goes before the judge, without any provision for representation by a special advocate, is a clear breach of the right to an adversarial hearing which is required by Article 5 even at a hearing to decide whether to extend pre-charge detention.** This is clear from the decision of the European Court of Human Rights in *Garcia Alva v Germany*, cited in the Committee's Report on 42 days at para. 76, which prescribed a certain minimum content for a procedure to count as a "judicial procedure" for the purposes of Article 5:

> "39. The Court recalls that arrested or detained persons are entitled to a review bearing upon the procedural and substantive conditions which are essential for the "lawfulness", in the sense of the Convention, of their deprivation of liberty. This means that the competent court has to examine "not only compliance with the procedural requirements set out in domestic law but also the reasonableness of the suspicion grounding the arrest and the legitimacy of the purpose pursued by the arrest and the ensuing detention".
>
> A court examining an appeal against detention must provide guarantees of a judicial procedure. The proceedings must be adversarial and must always ensure "equality of arms" between the parties, the prosecutor and the detained person. Equality of arms is not ensured if counsel is denied access to those documents in the investigation file which are essential in order effectively to challenge the lawfulness of his client's detention. In the case of a person whose detention falls within the ambit of Article 5 §1 (c), a hearing is required
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> …
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> The Court acknowledges the need for criminal investigations to be conducted efficiently, which may imply that part of the information collected during them is to be kept secret in order to prevent suspects from tampering with evidence and undermining the course of justice. However, this legitimate goal cannot be pursued at the expense of substantial restrictions on the rights of the defence. Therefore,

[38] HC Deb 11 June 2008 col. 319.

[39] Ibid col. 321.

information which is essential for the assessment of the lawfulness of a detention should be made available in an appropriate manner to the suspect's lawyer."

40. Nor do we accept that the requirement of judicial authorisation of extended detention under the existing provisions of Schedule 8 of the Terrorism Act enshrines the common law principle of habeas corpus as the Government claims. Habeas corpus requires the person who is alleged to be detaining an individual illegally to set out clearly, directly and with sufficient particularity the facts relied on as constituting a valid and sufficient ground for detention of the person concerned. That is not, however, the issue for the court at an application to extend pre-charge detention. As we have demonstrated in earlier reports, the focus of such judicial hearings is not the reasons for the individual being detained, but the future course of the investigation and whether that investigation is being conducted diligently and expeditiously. **A schedule 8 hearing into whether or not to authorise extended detention therefore falls far short of a habeas corpus hearing into whether there is a legal justification for continuing to detain the individual.** However, as we have also pointed out in previous reports, the High Court has held that a warrant of further detention hearing under Schedule 8 of the Terrorism Act 2000 is the "judicial hearing" to which a suspect is entitled under Article 5(4) ECHR,[40] and we therefore doubt, in the light of that case-law, that a court would entertain an application for habeas corpus by a suspect whose detention had already been authorised by a judge at a Schedule 8 hearing.

41. We note that the statutory reviewer of terrorism legislation, in his latest report, appears to agree that there is a need to strengthen the judicial safeguards at Schedule 8 hearings.[41] Lord Carlile suggests that the involvement of judges in the scrutiny of detention should be proportional to the length of detention sought, that is, "judges should be permitted to intervene more and make greater demands as the length of detention is extended." He says that the Government should consider "empowering judges to scrutinise the reasons for detention, and the adequacy of the work done to bring the case to charge, from the 7th day after arrest."

Conclusion

42. **We do not accept the Government's argument that the requirement of judicial authorisation satisfies either Article 5 ECHR or the common law of habeas corpus. We are encouraged that the statutory reviewer of terrorism legislation, who has long indicated that the judicial safeguards at detention hearings could be strengthened, appears to share our view and has now made specific proposals for strengthening those safeguards. We repeat our longstanding recommendation that the legal framework governing judicial authorisation of extended detention be amended in order to provide the same procedural protections for the suspect as are required by both Article 5 ECHR and the common law. In our view these amendments are necessary not merely in relation to 42 days' pre-charge detention, but in order to make all pre-charge detention hearings compatible with Article 5 ECHR and the common law of habeas corpus, including those concerning detention beyond 14 days. Unless those amendments are**

[40] *R (on the application of Nabeel Hussain) v The Honourable Mr Justice Collins* [2006] EWHC 2467 (Admin) in which an application for judicial review of a decision of a High Court judge under Schedule 8 of the Terrorism Act 2000, extending pre-charge detention to 21 days, based largely on Articles 5(3) and (4) ECHR, was dismissed on the basis that the High Court did not have jurisdiction to hear a judicial review challenge to a decision of a High Court judge.

[41] Lord Carlile's Report on the Terrorism Act in 2007, at para. 105.

made, in our view the renewal of the maximum extended period of 28 days will lead in practice to breaches of Article 5 ECHR as well as falling short of the common law's traditional protection for the liberty of the individual.

5 Impact on suspects

43. The Explanatory Memorandum accompanying the draft Order says that "an Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies."[42]

44. We have consistently been concerned about the impact of lengthy periods of pre-charge detention on suspects. We are particularly concerned about the impact on their mental health, their family life, employment etc.. We are aware that references have been made in the debates to the severe psychological impact on one of the suspects who was detained for nearly 28 days.[43]

45. We asked the Home Secretary what independent medical evidence she had sought of the psychological impact of extended pre-charge detention on those detained for more than 14 days.[44] She replied that the Government has not obtained any such advice, but that Annex G of PACE Code H provides guidance to the police and health care professionals to help them decide whether a detainee might be at risk in an interview.[45]

46. **We remain concerned about the impact on suspects of such lengthy periods of pre-charge detention. We recommend that the Government seek and make available to Parliament independent advice assessing (1) in general terms, the likely impact on individuals of being detained without charge for up to 28 days and (2) the actual impact, including the psychological effect, on those individuals who have been detained for more than 14 days pre-charge. In our view it is an important part of the information Parliament needs in order to be able to reach a proper judgment about the justification for renewing such an extraordinary power as the power to detain a suspect pre-charge for up to 28 days.**

[42] EM para. 8.1.

[43] Dominic Grieve MP, HC Deb 11 June 2008 col. 372.

[44] Letter to Home Secretary dated 23 May 2008, Appendix 2 to Report on 42 Days and Public Emergencies.

[45] Letter from Home Secretary dated 4 June 2008 (Appendix 1).

Conclusions and recommendations

1. We welcome the Government's commitment to provide detailed statistical information on the use of the 28 days limit in advance of future renewal debates. We also welcome the intention to provide a breakdown of the exact detention time periods applied in all terrorist cases together with more detailed information on the outcome of detention including the charges brought against those charged. We expect this information to be provided sufficiently far in advance of the renewal debates to enable parliamentary committees such as ours to perform their scrutiny function, including by calling evidence if necessary to test the information contained in the Government's report. We repeat our recommendation that the information required by Parliament in order to debate the question of renewal should be made available at least a month before the renewal debate takes place. We regret, however, that such information has not been made available in advance of this year's renewal debates in both Houses, setting out clearly the use which has been made of the extended power since its introduction two years ago. (Paragraph 17)

2. We also find it extremely regrettable that Lord Carlile's report was only published by the Government on the same day as the renewal debate in the House of Commons. This does not give Committees such as ours any opportunity to consider the reviewer's report. The Government, on the other hand, has had such an opportunity, having received the report in advance, and had time to draft a considered response to it, published at the same time as the reviewer's report. We find this particularly disappointing in light of our frequent criticisms of the Government's practice in this respect and the Government's repeated assertions that it wishes to enhance parliamentary scrutiny in this area. We repeat again our recommendations that in future the reviewer report to Parliament, not the Secretary of State, and that the report be available 28 days before the debate to give parliamentarians, and not just the Government, a proper opportunity to consider it. (Paragraph 18)

3. We are disappointed by the Government's apparent rejection of the need for an appropriate independent body to scrutinise in detail the circumstances in which the extended power has been used. The failure of Lord Carlile's report to perform this function only serves to demonstrate the necessity for it to be carried out in future. (Paragraph 19)

4. We repeat our recommendation that an appropriate independent body carry out an in-depth scrutiny of the operation in practice of the power to detain for more than 14 days before charge. Such an independent review would need to await the outcome of the trials, and any appeals, of those charged, but could start work immediately in relation to those individuals held for more than 14 days but released without charge. (Paragraph 23)

5. The Home Secretary's response told us that no suspect has been held for more than 14 days since the renewal of the power on 25 July 2007. (Paragraph 24)

6. We therefore reach the same conclusion as last year on the question of whether the renewal of the power to detain for more than 14 days is necessary: we are not in a position to evaluate the Government's assertion that the need for the power has been clearly demonstrated because the information to make that assessment is still not available. (Paragraph 27)

7. The most significant information, however, will be whether those charged after 14 days since the power was introduced could have been charged, on the threshold test, before 14 days. That analysis can only be done after the conclusions of the trials. In our view, it is imperative that such an independent review is conducted when the time comes to do so, and that it is conducted by an appropriate body, such as the CPS Inspectorate. Until that information is available, however, we are unable to reach a view as to whether the Government has made out its case of the necessity for renewal. (Paragraph 29)

8. We do not accept that the current arrangements for judicial authorisation of extended pre-charge detention satisfy the stringent requirements either of habeas corpus or Article 5 ECHR. (Paragraph 31)

9. The description of extension hearings as "fully adversarial" is clearly incorrect in ECHR terms. The powers to exclude the suspect from the hearing and to withhold information from them which goes before the judge, without any provision for representation by a special advocate, is a clear breach of the right to an adversarial hearing which is required by Article 5 even at a hearing to decide whether to extend pre-charge detention. (Paragraph 39)

10. A schedule 8 hearing into whether or not to authorise extended detention therefore falls far short of a habeas corpus hearing into whether there is a legal justification for continuing to detain the individual. (Paragraph 40)

11. We do not accept the Government's argument that the requirement of judicial authorisation satisfies either Article 5 ECHR or the common law of habeas corpus. We are encouraged that the statutory reviewer of terrorism legislation, who has long indicated that the judicial safeguards at detention hearings could be strengthened, appears to share our view and has now made specific proposals for strengthening those safeguards. We repeat our longstanding recommendation that the legal framework governing judicial authorisation of extended detention be amended in order to provide the same procedural protections for the suspect as are required by both Article 5 ECHR and the common law. In our view these amendments are necessary not merely in relation to 42 days' pre-charge detention, but in order to make all pre-charge detention hearings compatible with Article 5 ECHR and the common law of habeas corpus, including those concerning detention beyond 14 days. Unless those amendments are made, in our view the renewal of the maximum extended period of 28 days will lead in practice to breaches of Article 5 ECHR as well as falling short of the common law's traditional protection for the liberty of the individual. (Paragraph 42)

12. We remain concerned about the impact on suspects of such lengthy periods of pre-charge detention. We recommend that the Government seek and make available to

Parliament independent advice assessing (1) in general terms, the likely impact on individuals of being detained without charge for up to 28 days and (2) the actual impact, including the psychological effect, on those individuals who have been detained for more than 14 days pre-charge. In our view it is an important part of the information Parliament needs in order to be able to reach a proper judgment about the justification for renewing such an extraordinary power as the power to detain a suspect pre-charge for up to 28 days. (Paragraph 46)

Formal Minutes

Tuesday 24 June 2008

Members present:

Mr Andrew Dismore MP, in the Chair

Lord Bowness	Dr Evan Harris MP
Lord Dubs	Mr Virendra Sharma MP
Lord Lester of Herne Hill	
Lord Morris of Handsworth	
Baroness Stern	

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Draft Report (*Counter-Terrorism Policy and Human Rights (Twelfth Report): Annual Renewal of 28 Days 2008*), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 46 read and agreed to.

Summary read and agreed to.

A Paper was ordered to be appended to the Report.

Resolved, That the Report be the Twenty-fifth Report of the Committee to each House.

Ordered, That the Chairman make the Report to the House of Commons and that Baroness Stern make the Report to the House of Lords.

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[Adjourned till Tuesday 8 July at 1.30pm.

Appendix

Letter from the Rt Hon Jacqui Smith MP, Home Secretary, Home Office, dated 4 June 2008

Pre-Charge Detention: 28 Days Annual Renewal

Thank you for your letter of 23 May 2008 about the annual renewal of the 28 day pre-charge detention limit. The answers to the points raised in your letter are set out below.

Has the Government now considered our recommendations for improving parliamentary review of extended pre-charge detention (as set out in the JCHR report published in July 2007) and decided to reject them? If so, we would be grateful to receive your reasons.

The Government has considered carefully the recommendations made by the JCHR. Where possible, we will ensure that the report by the independent reviewer of terrorism legislation is made available in advance of the pre-charge detention renewal debates. We cannot, however, guarantee that the report will be available at least a month before the debates.

We do not believe that the Metropolitan Police Authority should be charged with conducting an independent scrutiny of pre-charge detention beyond 14 days. This wrongly assumes that the only police force with the power to detain suspects beyond 14 days is the Metropolitan Police Service. It is also not clear what an independent body would scrutinise. It would not be appropriate, for example, for a police authority to scrutinise the decision of judges to authorise continued detention or for them to comment on charging decisions taken by the Crown Prosecution Service.

As you will be aware, we have included in the Counter-Terrorism Bill proposals for the increased scrutiny of detention of suspects beyond 28 days. Under the proposals in the bill, the independent reviewer of terrorism legislation would be required to report on both the reasonableness of the decision by the Home Secretary to make the reserve power available and on whether the detention of individual suspects was in compliance with the relevant legislation and codes of practice. The report by the independent reviewer would be subject to parliamentary debate.

We do, however, accept that Parliament needs to be fully and reliably informed about the operation of detention beyond 14 days if it is to properly consider whether to approve the annual renewal of the 28 day limit. I do therefore accept, that where appropriate, the Government should endeavour to provide detailed statistical information of the use of the 28 day limit in advance of the renewal debates. We would intend to do this by placing a memorandum setting out the relevant information in the libraries of both Houses in advance of the debates.

I am sure you will accept, in the context of this years renewal debate, that the. subject of pre-charge detention has received extensive scrutiny over the past nine months in relation to the Counter-Terrorism Bill. This has included the questioning of a wide range of witnesses by your own Committee, the Home Affairs Select Committee and the Counter-

Terrorism Bill Committee and the publication of a number of documents on pre-charge detention.

Will Lord Carlile's annual report on the operation of the Terrorism Act 2006 during 2007 be available before the renewal debate? If so ,when?

The intention is that Lord Carlile's report on the operation of the Terrorism Act 2000 during 2007 will be published in advance of the renewal debate. The draft order renewing the 28 day limit was laid before Parliament on 21st May 2008 and the debate on the order in the Commons is expected around the end of June.

Have you asked Lord Carlile to ensure. that his next report on the Terrorism Act 2000 contains a detailed analysis of the operation in practice of extended pre-charge detention?

The requirements placed on the independent reviewer are set out in section 36 of the Terrorism Act 2006. It is for the independent reviewer to decide what he includes in his report.

Will any other independent reviewer be providing Parliament with any analysis of the use which has been made of the extended period?

No.

Will you be providing your own detailed report to Parliament, in advance of the renewal debate, on the use which has been made of the power to detain without charge beyond 14 days, in the year since renewal?

As no suspect has been held for more than 14 days since the renewal of the power on 25 July last year, there would be nothing to report. However, as mentioned above, the Government intends to provide relevant information to support the renewal debates in future if the power has been used during the period under consideration.

What additional statistics or information in relation to pre-charge detention did you or the police decide to collect as a result of your joint review?

The review is not yet complete as we are now in the consolidation phase, checking with all police forces to ensure that all records can be, and are being, properly captured. However, once complete, we expect to be able to provide a breakdown of the exact detention time periods applied in all terrorist cases together with more detailed information on the outcome of detention including the charges brought against those charged.

How many times in the past year has a terrorism suspect been released without charge and then subsequently rearrested, or sought for arrest, because of information which has only subsequently come to light as a result of searching computer or related material after their release?

None.

In respect of how many terrorism suspects has the power of extended detention beyond 14 days been used since its renewal in July 2007? Please provide the dates on each occasion when detention was extended.

There have been no cases since 25 July 2007 in which a terrorism suspect has been held for more than 14 days before charge.

Please provide a thorough analysis of the way in which each of those suspects were dealt with, including:

- **Precisely how long after their arrest they were charged or released without charge**
- **The reasons relied on at each application to a court for an extension of authorisation for detention**
- **The exact charges brought against those charged**
- **Whether the Threshold Test of the Full Code Test was used when charging them.**

There have been no cases involving the detention of suspects beyond 14 days and it is therefore not possible to provide the analysis requested.

What independent medical evidence. have you sought of the psychological impact of extended pre-charge detention on those detained for more than 14 days?

We have not obtained any independent medical advice on the psychological impact of extended pre-charge detention. However, Annex G of PACE Code H provides guidance to the police and health care professionals to help them decide whether a detainee might be at risk in an interview.

A copy of this letter goes to Deputy Assistant Commissioner John McDowall, Sue Hemming and Lord Carlile of Berriew QC.

Reports from the Joint Committee on Human Rights in this Parliament

The following reports have been produced

Session 2007-08

First Report	Government Response to the Committee's Eighteenth Report of Session 2006-07: The Human Rights of Older People in Healthcare	HL Paper 5/HC 72
Second Report	Counter-Terrorism Policy and Human Rights: 42 days	HL Paper 23/HC 156
Third Report	Legislative Scrutiny: 1) Child Maintenance and Other Payments Bill; 2) Other Bills	HL Paper 28/ HC 198
Fourth Report	Government Response to the Committee's Twenty–First Report of Session 2006-07: Human Trafficking: Update	HL Paper 31/ HC 220
Fifth Report	Legislative Scrutiny: Criminal Justice and Immigration Bill	HL Paper 37/HC 269
Sixth Report	The Work of the Committee in 2007 and the State of Human Rights in the UK	HL Paper 38/HC 270
Seventh Report	A Life Like Any Other? Human Rights of Adults with Learning Disabilities: Volume I Report and Formal Minutes	HL Paper 40-I/HC 73-I
Seventh Report	A Life Like Any Other? Human Rights of Adults with Learning Disabilities: Volume II Oral and Written Evidence	HL Paper 40-II/HC 73-II
Eighth Report	Legislative Scrutiny: Health and Social Care Bill	HL Paper 46/HC 303
Ninth Report	Counter-Terrorism Policy and Human Rights (Eighth Report): Counter-Terrorism Bill	HL Paper 50/HC 199
Tenth Report	Counter-Terrorism Policy and Human Rights (Ninth report): Annual Renewal of Control Orders Legislation 2008	HL Paper 57/HC 356
Eleventh Report	The Use of Restraint in Secure Training Centres	HL Paper 65/HC 378
Twelfth Report	Legislative Scrutiny: 1) Health and Social Care Bill 2) Child Maintenance and Other Payments Bill: Government Response	HL Paper 66/HC 379
Thirteenth Report	Government Response to the Committee's First Report of Session 2006-07: The Council of Europe Convention on the Prevention of Terrorism	HL Paper 67/HC 380
Fourteenth Report	Data Protection and Human Rights	HL Paper 72/HC 132
Fifteenth Report	Legislative Scrutiny	HL Paper 81/HC 440
Sixteenth Report	Scrutiny of Mental Health Legislation: Follow Up	HL Paper 86/HC 455
Seventeenth Report	Legislative Scrutiny: 1) Employment Bill; 2) Housing and Regeneration Bill; 3) Other Bills	HL Paper 95/HC 501

Eighteenth Report	Government Response to the Committee's Sixth Report of Session 2007-08: The Work of the Committee in 2007 and the State of Human Rights in the UK	HL Paper 103/HC 526
Nineteenth Report	Legislative Scrutiny: Education and Skills Bill	HL Paper 107/HC 553
Twentieth Report	Counter-Terrorism Policy and Human Rights (Tenth Report): Counter-Terrorism Bill	HL Paper 108/HC 554
Twenty-First Report	Counter-Terrorism Policy and Human Rights (Eleventh Report): 42 days and Public Emergencies	HL Paper 116/HC 635
Twenty-Second Report	Government Response to the Committee's Fourteenth Report of Session 2007-08: Data Protection and Human Rights	HL Paper 125/HC 754
Twenty-Third Report	Legislative Scrutiny: Government Replies	HL Paper 126/HC755
Twenty-Fourth Report	Counter-Terrorism Policy and Human Rights: Government Responses to the Committee's Twentieth and Twenty-first Reports of Session 2007-08 and other correspondence	HL Paper 127/HC756
Twenty-fifth Report	Counter-Terrorism Policy and Human Rights (Twelfth Report): Annual Renewal of 28 Days 2008	HL Paper 132/HC 825

Session 2006–07

First Report	The Council of Europe Convention on the Prevention of Terrorism	HL Paper 26/HC 247
Second Report	Legislative Scrutiny: First Progress Report	HL Paper 34/HC 263
Third Report	Legislative Scrutiny: Second Progress Report	HL Paper 39/HC 287
Fourth Report	Legislative Scrutiny: Mental Health Bill	HL Paper 40/HC 288
Fifth Report	Legislative Scrutiny: Third Progress Report	HL Paper 46/HC 303
Sixth Report	Legislative Scrutiny: Sexual Orientation Regulations	HL Paper 58/HC 350
Seventh Report	Deaths in Custody: Further Developments	HL Paper 59/HC 364
Eighth Report	Counter-Terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005	HL Paper 60/HC 365
Ninth Report	The Meaning of Public Authority Under the Human Rights Act	HL Paper 77/HC 410
Tenth Report	The Treatment of Asylum Seekers: Volume I Report and Formal Minutes	HL Paper 81-I/HC 60-I
Tenth Report	The Treatment of Asylum Seekers: Volume II Oral and Written Evidence	HL Paper 81-II/HC 60-II
Eleventh Report	Legislative Scrutiny: Fourth Progress Report	HL Paper 83/HC 424
Twelfth Report	Legislative Scrutiny: Fifth Progress Report	HL Paper 91/HC 490
Thirteenth Report	Legislative Scrutiny: Sixth Progress Report	HL Paper 105/HC 538
Fourteenth Report	Government Response to the Committee's Eighth Report of this Session: Counter-Terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9 order 2007)	HL Paper 106/HC 539
Fifteenth Report	Legislative Scrutiny: Seventh Progress Report	HL Paper 112/HC 555

Sixteenth Report	Monitoring the Government's Response to Court Judgments Finding Breaches of Human Rights	HL Paper 128/HC 728
Seventeenth Report	Government Response to the Committee's Tenth Report of this Session: The Treatment of Asylum Seekers	HL Paper 134/HC 790
Eighteenth Report	The Human Rights of Older People in Healthcare: Volume I- Report and Formal Minutes	HL Paper 156-I/HC 378-I
Eighteenth Report	The Human Rights of Older People in Healthcare: Volume II- Oral and Written Evidence	HL Paper 156-II/HC 378-II
Nineteenth Report	Counter–Terrorism Policy and Human Rights: 28 days, intercept and post–charge questioning	HL Paper 157/HC 394
Twentieth Report	Highly Skilled Migrants: Changes to the Immigration Rules	HL Paper 173/HC 993
Twenty-first Report	Human Trafficking: Update	HL Paper 179/HC 1056

Session 2005–06

First Report	Legislative Scrutiny: First Progress Report	HL Paper 48/HC 560
Second Report	Deaths in Custody: Further Government Response to the Third Report from the Committee, Session 2004–05	HL Paper 60/HC 651
Third Report	Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters Volume I Report and Formal Minutes	HL Paper 75-I/HC 561-I
Third Report	Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters Volume II Oral and Written Evidence	HL Paper 75-II/ HC 561-II
Fourth Report	Legislative Scrutiny: Equality Bill	HL Paper 89/HC 766
Fifth Report	Legislative Scrutiny: Second Progress Report	HL Paper 90/HC 767
Sixth Report	Legislative Scrutiny: Third Progress Report	HL Paper 96/HC 787
Seventh Report	Legislative Scrutiny: Fourth Progress Report	HL Paper 98/HC 829
Eighth Report	Government Responses to Reports from the Committee in the last Parliament	HL Paper 104/HC 850
Ninth Report	Schools White Paper	HL Paper 113/HC 887
Tenth Report	Government Response to the Committee's Third Report of this Session: Counter-Terrorism Policy and Human Rights: Terrorism Bill and related matters	HL Paper 114/HC 888
Eleventh Report	Legislative Scrutiny: Fifth Progress Report	HL Paper 115/HC 899
Twelfth Report	Counter-Terrorism Policy and Human Rights: Draft Prevention of Terrorism Act 2005 (Continuance in force of sections 1 to 9) Order 2006	HL Paper 122/HC 915
Thirteenth Report	Implementation of Strasbourg Judgments: First Progress Report	HL Paper 133/HC 954
Fourteenth Report	Legislative Scrutiny: Sixth Progress Report	HL Paper 134/HC 955
Fifteenth Report	Legislative Scrutiny: Seventh Progress Report	HL Paper 144/HC 989
Sixteenth Report	Proposal for a Draft Marriage Act 1949 (Remedial) Order 2006	HL Paper 154/HC 1022
Seventeenth Report	Legislative Scrutiny: Eighth Progress Report	HL Paper 164/HC 1062

Eighteenth Report	Legislative Scrutiny: Ninth Progress Report	HL Paper 177/ HC 1098
Nineteenth Report	The UN Convention Against Torture (UNCAT) Volume I Report and Formal Minutes	HL Paper 185-I/ HC 701-I
Twentieth Report	Legislative Scrutiny: Tenth Progress Report	HL Paper 186/HC 1138
Twenty-first Report	Legislative Scrutiny: Eleventh Progress Report	HL Paper 201/HC 1216
Twenty-second Report	Legislative Scrutiny: Twelfth Progress Report	HL Paper 233/HC 1547
Twenty-third Report	The Committee's Future Working Practices	HL Paper 239/HC 1575
Twenty-fourth Report	Counter-Terrorism Policy and Human Rights: Prosecution and Pre-Charge Detention	HL Paper 240/HC 1576
Twenty-fifth Report	Legislative Scrutiny: Thirteenth Progress Report	HL Paper 241/HC 1577
Twenty-sixth Report	Human trafficking	HL Paper 245-I/HC 1127-I
Twenty-seventh Report	Legislative Scrutiny: Corporate Manslaughter and Corporate Homicide Bill	HL Paper 246/HC 1625
Twenty-eighth Report	Legislative Scrutiny: Fourteenth Progress Report	HL Paper 247/HC 1626
Twenty-ninth Report	Draft Marriage Act 1949 (Remedial) Order 2006	HL Paper 248/HC 1627
Thirtieth Report	Government Response to the Committee's Nineteenth Report of this Session: The UN Convention Against Torture (UNCAT)	HL Paper 276/HC 1714
Thirty-first Report	Legislative Scrutiny: Final Progress Report	HL Paper 277/HC 1715
Thirty-second Report	The Human Rights Act: the DCA and Home Office Reviews	HL Paper 278/HC 1716