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7 September 1982

The Prime Minister has noted the contents of the Home Secretary's minute of 31 August about the review of public order law and next assessment of the threat to the United Kingdom posed by the current situation in the Middle East.

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Prime Minister

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PRIME MINISTER

THE REVIEW OF PUBLIC ORDER LAW:
THE CURRENT POSITION IN THE MIDDLE EAST

Your Private Secretary's letter of 9th August to mine conveyed your agreement that it is neither necessary nor appropriate to introduce a statutory power for the police in Great Britain to order an assembly to disperse, with a related offence of non-compliance.

That letter also asked about the effect of the review of public order law in the context of possible problems on the streets of London resulting from the current position in the Middle East, and of the powers of the police either to prevent potentially troublesome gatherings from taking place or to deal with them if they occur; and for an assessment of the threat to the United Kingdom posed by the Middle East situation.

I have obtained an assessment* of the current terrorist threat, which has been agreed with the Security Service and the Metropolitan Police Special Branch.

The review of public order law has covered the law and police powers in respect of marches and demonstrations, whether or not they relate to recent events in the Middle East. The essential conclusion of the review is that substantive statutory change is not required. The review has concluded that the powers to impose conditions on marches or to ban them, under section 3 of the Public Order Act 1936, should be retained and be exerciseable to prevent public disorder. The review would preserve the current arrangement that marches may be banned if serious public disorder would otherwise result; that the initiative for making a banning order rests with the chief officer of police; and that,

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the Metropolitan Police District and the City of London, the respective Commissioners may make orders with my consent (outside London, an order would continue to be made by the local authority, on application from the chief constable and with the consent of the Secretary of State).

I intend to propose some amendments to the provisions, including a reduction in the test for the imposition of conditions on a march, a specific power to ban one march, and the introduction of a national requirement to give advance notice of the intention to hold a march. But these amendments would be comparatively minor. They would merely offer enhancement of a framework of control which has proved fundamentally sound.

The provisions of section 3 of the 1936 Act do not apply to static demonstrations. The review has concluded that the section should not be extended to such demonstrations. As I mentioned in my minute of 5th August, it has also concluded that there should be no attempt to codify the common law powers of the police to prevent or deal with public disorder.

The law already provides for the regulation of static assemblies and demonstrations in order to maintain public order. Statutory provisions include the law on obstruction, of the highway and of the police, as well as section 5 of the 1936 Act (the offences of using words or behaviour, or distributing or displaying material which is threatening, abusive or insulting, with intent to cause a breach of the peace, or whereby a breach of the peace is likely to be threatened). Provisions of the common law, particularly breach of the peace and unlawful assembly, also apply. In addition, the courts in England and Wales have endorsed the view that the police have a wide power, in pursuance of their common law duty to preserve the peace, to regulate the conduct of assemblies and to prevent a meeting or demonstration assembling or to disperse one already assembled if they have reasonable cause to believe that to do so is necessary in order to preserve or restore public order.

Current statute and common law seem, therefore, adequately to equip the police to deal with potential or actual public disorder here linked with the situation in the Middle East. The police are alert to the possible need to exercise their powers and to enforce the law in

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is context. The Metropolitan Police, in particular, have extensive experience in dealing with politically motivated marches and demonstrations.

Assessment of the terrorist threat will be kept under constant review. I will, of course, report to you any significant changes in the assessment.

I am copying this minute to Cabinet colleagues, to the Attorney General and the Lord Advocate, and to Sir Robert Armstrong.

Law

31 August, 1982

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PRESENT POSITION IN THE MIDDLE EAST: ASSESSMENT OF THREAT TO THE UNITED KINGDOM

The Israeli invasion of the Lebanon must be assumed to increase the general threat from Arab terrorism in Western Europe. Some Palestinian terrorist groups will be weakened and dislocated by their removal from Beirut, but those groups well placed to do so, particularly those based already outside the Lebanon, may quickly engage in terrorist attacks in countries in the Middle East and elsewhere, including the UK, if only to demonstrate that the Palestinians have not been crushed.

2. In the longer term, there is likely to be an increase of activity in Western countries by all Palestinian terrorist groups, with the emphasis on Israeli/Jewish and American targets. The Arab states which in the eyes of the terrorists have failed to give adequate support to the Palestinians are also considered to be at risk, in particular Jordan, Egypt and Saudi Arabia, although states like Syria and Libya in addition, well known for their support of the Palestinians, are now being criticised for falling short of Palestinian expectations.

3. Events in the Lebanon have not increased the threat to British targets in general, but there is a possibility of reprisals for the arrest of the three Arabs involved in the recent attack on the Israeli Ambassador in London. Although there is an increased general risk to Jewish/Israeli and United States interests in the UK, there is no reason to suppose that terrorist activity here will rise to the levels experienced on the Continent, especially in France. The Palestinian cause is not supported in the UK by indigenous terrorist groups similar to "Action Directe", and the success of police anti-terrorist operations in this country may have a deterrent effect.

4. The co-operation between the British and French police in the case of the Frenchman arrested recently in Portsmouth, who is believed to be a member of the Orly group of the Armenian Secret Army for the Liberation of Armenia, makes it likely that the threat of Armenian terrorist attacks on British targets abroad and especially in France, is higher than previously. ASALA may also be provoked to attack targets in the UK. They are understood to have threatened the UK amongst other countries after the recent attack at Ankara if Armenian prisoners were not released, but no Armenian terrorists are held in the UK and it is possible that the report of their statement was inaccurate.

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5. Some Middle East governments especially Iraq, Iran, Libya and Syria continue to engage in terrorist activity. They use such tactics mainly as a means of striking at their dissidents abroad but also as a means of attacking other enemies. In the case of Iraq and Iran, for example, there have been suggestions of attacks on one another (eg the explosion at the Iraqi Embassy in Paris on 11 August was allegedly claimed by the Movement for Islamic Action for Iraq which is an Iran-backed Iraqi dissident group).

6. There is current intelligence that the Iraqis are preparing to take violent action against members of the Dawa Party in the UK, a Shi'a group opposed to the regime of Saddam Hussein. Recent intelligence has also suggested that the Libyans have at least considered the possibility of further violence in this country. Threats have been issued to newsvendors selling anti QADHAFI literature in London and two incidents involving explosives at the home of an Arab journalist, well known for his criticism of the Libyan regime, are still under police investigation. A plot by the Syrians to attack a Jordanian target here in April appears to have been aborted.

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