

The Human Rights Committee

Going beyond Brexit

“Ripping up” Human Rights Laws to Combat Terrorism

The current Prime Minister of the United Kingdom stated yesterday, 6 June 2017, that she will “*rip up*” human rights laws if they stand in the way of implementing her anti-terrorist policies.

This has already been roundly condemned in the UK itself and reportedly by the EU.

Legally speaking, the most that the UK could do would be to invoke Article 15 of the European Convention on Human Rights and derogate from the Convention. To justify such a derogation the UK would have to contend that the “*life of the nation*” was threatened. In the absence of such a threat, or in the presence of an empty claim that such a threat obtained, any derogation would be an abuse of Article 15 and a departure from the rule of law.

The ECBA stresses that our society in general and its values in particular cannot in any event be defended by departing from the rule of law.

We recall the words of the late Aharon Barak, Chief Justice of Israel:

“When the cannons speak, the Muses are silent. But even when the cannons speak, the military commander must uphold the law. The power of society to stand up against its enemies is based on the recognition that it is fighting for values that deserve protection. The rule of law is one of these values.”

(Morcos v Minister of Defence, 45 (1) P.D. 467, 470-71)

The Prime Minister ignores this universal truth at her peril and at the peril of society in general.

Let her recant.