



CONTROL ORDER HOUSE

The Prevention of Terrorism Act, passed in 2005, gave the home secretary the power to place a control order on anyone, of any nationality, suspected of involvement in terrorism. Since then, more than 50 men have been held under control orders, their liberty restricted and many removed from their homes. The photographer Edmund Clark was allowed to visit one man in the anonymous suburban house where he spent eight months in 2011. Photographs and text by *Edmund Clark*

Opposite: front elevation of the house where CE was held under a control order

Overleaf: a series of thumbnail images of the interior of the house, unedited and in the order they were taken

Be sure he stays inside and that you go straight in. He'll be in breach of his conditions if he steps outside the front door. And be careful what you ask him. Remember, the house is almost certainly bugged." That was my introduction to the life of a controlled person, the man known only as CE, when his lawyer allowed me to visit him to discuss a project on life under a control order.

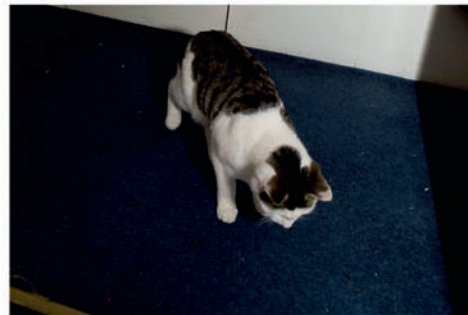
In December 2011, the Home Office gave me permission to work and stay in a house where a man suspected of involvement in terrorism had been placed under a control order, the first artist to be allowed to do so. I had worked in prisons and institutions for young offenders, at Guantánamo Bay and in the homes of ex-detainees, but nowhere where the justice system was so evidently at play in a domestic environment.

By that time, since the introduction of control orders in 2005, 52 men had been restricted for periods of between two months and four-and-a-half years. CE had been held for eight months when I first met him. Under the terms of the control order they were variously subject to a curfew of up to 16 hours a day (reduced from 18 hours after a court ruled that this was tantamount to depriving someone of their liberty), tagged, and required to report to a police station daily, to phone a security switchboard to notify them when they left home or returned, and not to stray beyond a predetermined boundary, which might enclose an area from a few square miles to a whole county.

Many, including CE, had been relocated in a process that critics have condemned as "internal exile". They could go to a designated place of worship, but not to airports or ports, internet cafés, travel agents or money transfer bureaux. Social gatherings required prior permission and there was a list of people they were not allowed to contact. They were not allowed internet access at ►



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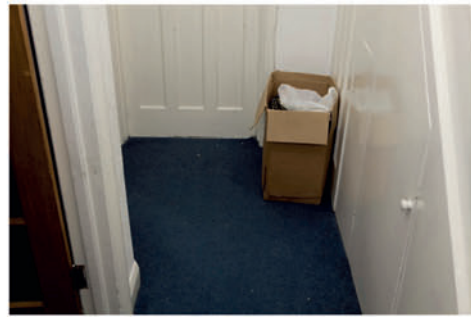
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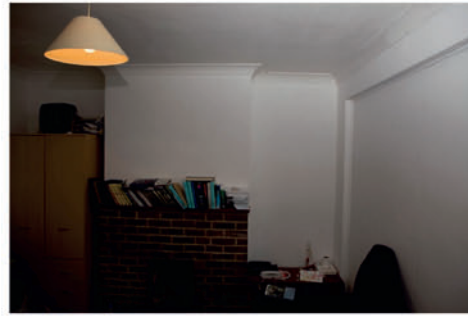
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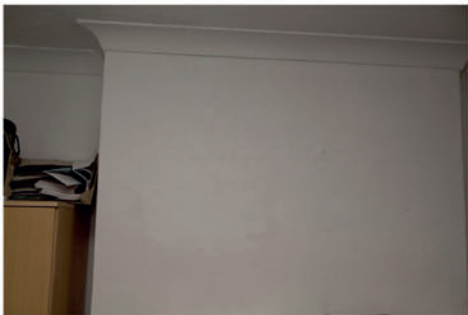
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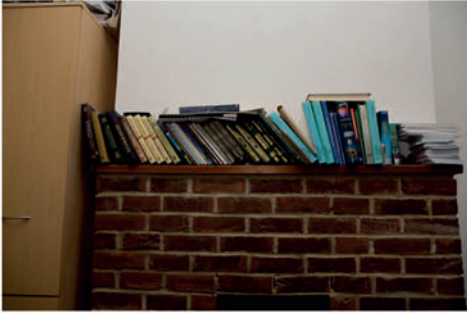
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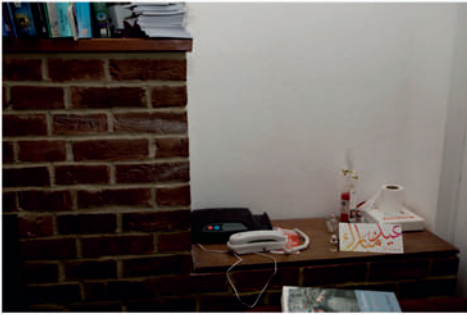
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CE is invisible, but he haunts the images like a ghost. His cat is the only living presence; the cat, which had the freedom to come and go

◀ home and were issued with a mobile phone by the Home Office.

The legal requirement to preserve anonymity posed particular challenges. I must not reveal CE’s identity or his location. To do so would be an offence, in breach of the court-imposed anonymity order. My equipment had to be registered in advance and the photographs I took or the documents I wanted to use had to be screened by the Home Office. All this material, even the words written here, could become part of his case. His lawyers have requested that I do not go into detail of what he told me about his experience of the control order.

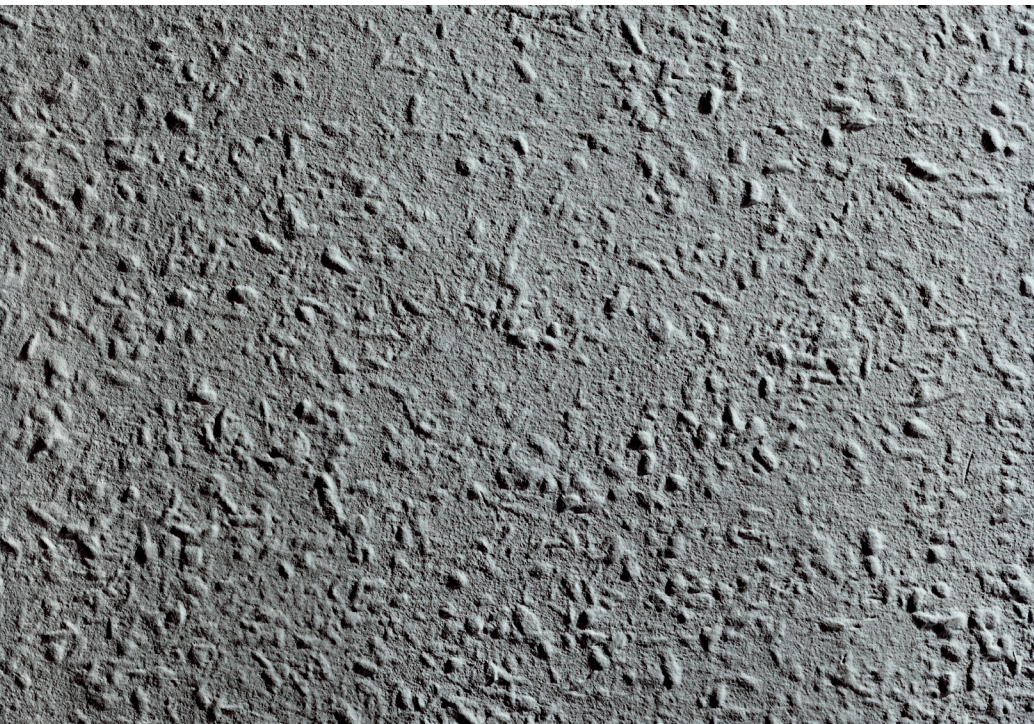
On March 11 2005, after 30 hours of debate, the longest sitting in the recent history of the House of Lords, the Prevention of Terrorism Act was passed and received Royal Assent. The new Act gave the home secretary the power to place a control order on anyone, of any nationality, including British citizens or residents, suspected of involvement in terrorist-related activity, replacing a provision introduced after 9/11 to detain non-British citizens in prison.

The practice of preventative restraint for counter-terrorism purposes was well established. Executive detention was allowed under colonial and wartime law, and until the end of the last century with regard to the IRA. However, in March 2012, the independent reviewer of terrorism legislation, David Anderson QC, concluded in his report that the separation of the legal process from the criminal justice system put control orders “towards the more repressive end of the spectrum of measures operated by comparable western democracies”.

My first encounter with CE in the three-bedroom semi-detached house to which he had been removed revealed a nondescript property in an unremarkable street. Confronted with the limits to what I was permitted to show, I chose to represent the nature of control using photographs, written material, floor plans and architectural elevations – familiar visual forms related to the choice and control of living space.

I worked through the house from top to bottom, measuring systematically and photographing quickly. The resulting 500-plus unedited photographs evoke both surveillance and claustrophobia. CE is invisible, but he haunts the images like a ghost: floral flip-flops in one picture, a child’s mislaid plastic dinosaur in another. His cat is the only living presence in the images; the cat, which had the freedom to come and go as it pleased through an upstairs back window.

In the handwritten diary I asked CE to keep, he describes the monotony of time spent almost entirely on the ground floor of his house, where he slept on the sofa to have the company of the



television rather than feeling isolated in a bedroom upstairs. His family came to visit at weekends, his children sleeping on mattresses in the front room. As a guest, I slept in the front bedroom. During my time with CE we followed his daily routine of registration at the local police station, eating at fast-food restaurants and going to the mosque. Having had to leave his job at home, getting another was made too difficult by the restrictions of the control order, and he was eventually granted, with Home Office permission, a licence to run a market stall.

The 30-page high court judgment imposing the control order on CE forms a weighty contrast to his diary. The case reads persuasively. It is hard not to feel suspicion, and that was all that the law required – a suspicion. Again and again the judge refers to closed sessions and closed material: evidence unseen by CE’s own lawyers and not tested as it would have been in an open trial. This process is based on the premise that it would be unfeasible to test such evidence in open court: some might be inadmissible, coming from phone-tapping, paid informants or a mosaic of hearsay; more might originate with foreign intelligence services that the Home Office does not wish to compromise.

In the hearing, CE’s lawyers were effectively trying to disprove a suspicion, without knowing on what evidence it was based or where that evidence had come from. In a bizarre twist to the proceedings, the special advocate, a security-cleared barrister appointed to represent the suspect, is allowed to see the restricted material, but having done so is allowed no further contact with the controlled person or his lawyers, even though he continues to represent him. The final report of the independent review of the Prevention of Terrorism Act 2005 notes how distressing the process is for the controlled persons and their families and quotes the wife of one as saying that you “feel as though you are fighting a ghost”.

In January 2012, control orders were superseded by Terrorist Prevention and Investigation Measures (TPIMs). They are arguably less onerous in the restrictions placed on the individual and more rigorous in the evidential test, requiring “reasonable belief” rather than just “reasonable suspicion” of involvement with terrorist-related activity – but still not proof of guilt – and their imposition can still hinge on secret evidence.

CE is now living under TPIM conditions in a house closer to his family. His future is uncertain. If, after two years, the home secretary has reasonable belief of new terrorist-related activity, a further TPIM could be served. If not, he will be released. Nine men had their control orders replaced by TPIMs in January 2012. On Boxing Day last year, Ibrahim Magag telephoned for a taxi and became the eighth man to abscond from a control order or TPIM. He has yet to be traced.

There are arguments for and against the necessity, effectiveness and fairness of control orders and TPIMs. I do not seek to persuade the reader one way or another. My work gives substance visually and physically to a form of state control and its attachment to an anonymous young man and his family behind a suburban façade. **FT**

The book “Control Order House” is published by Here Press, www.herepress.org. To comment on this article, please email magazineletters@ft.com