



Guilty without charge

Justice for Pakistani Students

<http://www.j4nw10.org/>

The SIAC court on 18th May 2010 upheld Abid Naseer and Faraz Khan's appeal against deportation on the grounds that if returned to Pakistan their safety cannot be guaranteed. This appeal was lodged on the grounds that if you accuse someone of being a terrorist and send them back to a country engaged in a war, then their life is obviously in danger. At the same time the court ruled that these students guilty of being Al-Qaida operatives.

The students were never charged with such an offense, shown any evidence, let alone being tried fairly. The SIAC court simply endorsed the assessment from the Security Services that these men present a threat to our national security, whilst at the same time accepting the complete absence of any evidence of the handling or preparation of explosives by the students or any plot.

We therefore find ourselves living in a country where some people are denied the right to any trial or the presumption of being innocent until proven guilty, whilst others are not, arbitrary at the whims of spooks.

There is a barrage of hysterical media coverage, about these students, yet no one is putting the basic question: could these students be innocent? These students could and can go back to Pakistan at any time they want, they have stayed in Jail, trying to clear their names.

J4NW10 intends to carry out an extensive debate on the judicial developments that may deny communities their legal rights under the guise of national security. We hope others; particularly trade unionists and human rights activists will join us in the process.

A full text of the judgement can be read at our website. www.j4nw10.org

Trade Unionists and the Law

The UCU last year following the arrests of the Pakistani students passed a resolution of support for the arrested students. We welcome the UCU's support for the students. We also note

that the Trade Union movement historically has been one of the main victims of some of the injustices. We extend our support for the Ricky Tomlinson's campaign to clear his name and those of the other Shrewsbury pickets including Des Warren. We must not forget the use of the judicial process in the current British Airways dispute with its cabin crew. Both the Pakistani students and Trade Unionists and others in the past, including the Birmingham 6 and Guildford 4 are victims of injustices at the hands of the state.

Sarah Kellas of solicitors Birnberg Peirce, who represented the men, summarised the situation:

"The decision of SIAC today in respect of the two students we represent is in fact, for them, the worst of all worlds. "On the basis of secret evidence, which it refuses to disclose to the students, the court tells the world, in its judgment, that they are closely connected to an al-Qaida plot to cause explosions in the UK.

The court acknowledges they have not been told why it comes to this conclusion, yet these young men have been branded publicly and thereby exposed to personal danger for the rest of their lives. SIAC moreover refused them permission to appeal against its decision on the basis that they had 'won.' "At the same time SIAC has decided that neither can be deported to Pakistan without the probability that he will be tortured. "

"The risk of such a fate has, of course, been heightened but in all likelihood created by the Secretary of State's claim and SIAC's decision."

Janus Khan Appeals to the Vice Chancellor

Janus Khan, one of the students whose education was cut short as a result of their arrest recently wrote to the Chancellor of his university - Liverpool Hope University:

"I have seen the graduation photographs of my friends from Liverpool Hope

University from the convocation of January 2010. I could have had a picture just like them. All of my class fellows got their degrees. I got injustice. Now in Pakistan I am in limbo. I cannot come to the UK to finish my degree, my family has lost all their money and I am a traumatised man.

In view of the injustice I have suffered the trauma that my family had to undergo and the financial loss, the least your institution can do is to compensate me for all this is by allowing me to complete my education by waiving any fees that is outstanding.

As a consequence of my arrest my family can no longer afford to pay the remaining fees. I hope you will treat my request with fairness and compassion.

My completing the education at your institution will correct one of the injustices against me. "

The University has refused Janas's request.

We will be launching a financial appeal on behalf of the students. For details on the appeal and full texts of the letters visit our website.

www.j4nw10.org

SIAC's 'secret evidence' denies the right to a fair trial

The principle that a litigant should be able to see and hear all the evidence which is seen and heard by a court determining his case is so fundamental, so embedded in the common law, that, in the absence of parliamentary authority, no judge should override it ... [it] represents an irreducible minimum requirement of an ordinary civil trial," said the judges in a Guantanamo case recently. This was in response to MI5 and MI6, who wished to keep evidence in the case secret from everyone except the judges and "special advocates".

The students have appeared in the "Special Immigration Appeals Commission" (SIAC) in the High Court several times since then, and



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have found themselves in exactly the same position of not knowing what (if anything) they are trying to defend themselves against. Neither they, nor their solicitors, nor their barristers, know what “evidence” there is against them. The only people who can see this “evidence” are the judges, the array of civil servants and spooks, in the “closed” court, together with appointed “special advocates” – who can make representations for evidence to be made open, but who aren’t allowed to talk to the students, nor their lawyers, nor anyone else. The remaining students’ appeal was finally heard in March 2009 (decision awaited - still in the hands of MI5 and MI6 perhaps?)

The students have been charged with nothing, no evidence is shown to them or their lawyers and yet they are declared guilty of being Al-Qaida operatives, based solely on interpretations of spooks, presented behind closed doors..

NW10 students targets of unjust Anti-Terrorism Law powers

Over the last decade, the government has put in place 5 anti-terrorism laws beginning with the draconian Terrorism Act of 2000. These have enhanced police powers massively- to stop and search, to arrest without a warrant on the basis of suspicion and to search premises and seize property. The power to detain without charge was extended to 28 days.

Terrorism was defined vaguely, blurring any distinction between protest and organized violence. Political organisations were labelled ‘terrorist’, erasing the difference between freedom movements and terrorists. Freedom of speech and association curtailed and political activists prosecuted. Countless house raids and arrests took place. Of the almost 1500 anti-terror arrests so far, only 10 percent were charged with terror offences.

After 11 September, the 2001 Act granted further powers of detention. Ten

foreign nationals mostly Algerian were detained for an indefinite period in Belmarsh. The Law Lords declared this power illegal in December 2004. The government rushed through 2005 Act imposing ‘control orders’ on the detainees who were now under ‘house arrests’. More than 40 control orders have been issued since 2005.

The law criminalised any statements ‘glorifying terrorism’, or possession of any item which ‘may be useful for terrorism’. Some ‘suspects’ have been prosecuted simply for downloading documents, for possessing ‘radical’ DVDs, and for exploring websites.

A different system of justice has been created for the ‘terror suspects’. Instead of a trial by jury, they have to appeal to the Special Immigration Appeals Court where a panel of three judges decides their fate. This court admits ‘secret’ evidence and does not allow a detainee a lawyer of his choice when secret evidence is heard.

Throughout this period, the media continued a poisonous Islamophobic campaign. The shocking bombings of July 21 2005 aggravated this politics of fear. The Muslim community was seen as breeding grounds for extremism. Academic and think tanks also reinforced this growing tide. These blanket laws placed entire Muslim community under suspicion of associated with ‘terrorism’. The NW10 were a fair game for this odious counter terrorism system.

Surveillance as ‘empowerment’

In the 1990s a virulent specifically anti-Muslim racism driven by US global strategies and shaped in Britain by the media’s portrayal of events like ‘forced marriages’ and the Salman Rushdie affair swept Britain. In the next decade, facilitated by 9/11 and its portrayal this racism has hugely escalated and the state has strengthened the already draconian anti-terrorism laws, instituted the machinery of surveillance and set up a shadowy framework of disinformation. It is against this background that we must see the case of the North West 10.

Their experiences link in to with the wider experiences of the community where everything from education to basic social services now incorporates a strand of surveillance. These services have in any case been severely curtailed in the name of national security, bringing them also conveniently in line with neoliberal imperatives. Cuts in welfare services have been accompanied by the securitization of what remains. For example the domestic violence work on prevention of violence and support for women facing violence has been largely abandoned in favour of a punitive criminal justice approach, where perpetrators are frequently profiled particularly in areas with large South Asian and Black populations. While PVE (Preventing Violent Extremism) programmes which are a component of the main counter terrorism policy, ‘CONTEST’, are being implemented as a statutory duty by Local Authorities - often in the name of empowerment. So while long established Black, South Asian and Refugee women’s organizations dealing with domestic violence are being ruthlessly closed down, these PVE programmes are claiming to ‘empower’ the Muslim community and particularly women by giving them a ‘stronger voice, increased confidence and the knowledge to challenge and tackle violent extremism’. In other words the state’s measure of Muslim women’s ‘empowerment’ is not whether they are able to confront or escape domestic violence but whether they can be involved as the state’s allies in the surveillance, which is central to the ‘War on Terror’. Protests from a large number of organizations about PVE’s role in heightening Islamophobia and suspicion, encouraging far right groups and completely eroding the relationships of trust traditional in the welfare sector are likely to mean that PVE will be renamed, however the policies are likely to remain substantially the same attempting as they do to woo and establish a class of collaborators