

Britain refuses asylum to hijacked Afghanis

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Britain's Home Secretary Jack Straw announced Wednesday that he had granted asylum to just three of the thirty passengers on board the Afghanistan jet hijacked and flown to London in February. The decision came three weeks after Straw had announced in Parliament that he would take personal charge of the asylum applications, and expressed his "wish to see removed from the country all those on the plane as soon as reasonably practicable".

The Home Secretary explained that he had rejected claims for asylum by 27 of the passengers and their families because he was not satisfied that they "had a well founded fear of persecution". The fraudulent nature of this claim was underscored by Straw's announcement that those rejected would not be immediately returned to Afghanistan due to the "current situation in the country". The British government is reported to be discussing with other countries, such as Pakistan, to seek their agreement to accept the refugees.

A total of 151 passengers were freed from the aircraft on February 10 when the hijackers surrendered. There had been no violence by the 14 hijackers throughout the incident, leading many commentators to speculate that all those on board were party to the taking of the plane. It later transpired that the 14 had seized the jet in a desperate attempt to seek sanctuary from the repressive Taliban regime in Afghanistan.

The British government's official assessment of the current human rights situation in Afghanistan includes an acknowledgement that "cruel, inhuman and degrading punishments were believed to be widespread". All dissent is brutally suppressed. The government document lists instances of public executions, amputations and floggings of up to 100 lashes before audiences of 30,000 in Kabul stadium. Last year, 3,985 asylum applications were made in Britain by Afghanis seeking to escape the Taliban, of which only a small number were accepted.

The Labour government and the entire political establishment are working to undermine the right to asylum in Britain. Blair has introduced the draconian Asylum and Immigration Bill, which severely curtails asylum rights, forcing those awaiting a decision to be held in detention centres or to subsist on meagre food and accommodation

vouchers.

To justify this attack on democratic rights, politicians and the media have conducted a systematic campaign designating asylum applicants as "bogus". This reached new depths during the hijack crisis. Having got wind that those on board may be fleeing the Taliban, the media launched a xenophobic tirade, the essential aim of which was to subvert the right to asylum by demanding that, irrespective of evidence of persecution, those on board the jet must be despatched out of the country immediately.

The *Sun* demanded that the plane's occupants be "packed off immediately", whilst columnist Richard Littlejohn advised that the aircraft should have been shot down as soon as it entered British airspace.

The *Sunday Mirror* took the tabloids' reputation for gutter journalism to new lows. The pro-Labour paper railed against asylum-seekers "getting the kind of five-star medical treatment that's never available to Brits and a nice little (free) house with enough money to keep you and all your relatives in the lap of luxury for ever".

It was against this background that Straw announced he would personally vet all the asylum applications. Only days later, 73 passengers returned to Afghanistan. Claims that their decision had been made "voluntarily" were challenged by an interpreter, who said they had been subjected to enormous pressure and that many were frightened by the hostile press coverage. The International Office of Migration noted that they were "tired and quite confused" at the time.

Straw demanded that the asylum process, which would normally take months or even years, be drastically shortened to show that the Labour government was not a "soft touch" for immigrants. It has apparently taken his department just a few weeks to investigate the circumstances of the remaining passengers and their dependants. Exactly how the Home Office was able to gather the information has not been explained. Lawyers for the asylum applicants have complained that many of the passengers did not have legal representation during their initial interviews.

In deciding to return the 27 and their families to Afghanistan, the Home Secretary has effectively passed a death sentence on some of them, if not all. The 27 will be

deemed to have openly opposed the Taliban by applying for asylum in Britain. The Islamic fundamentalist regime had already said that it viewed all the passengers as complicit in the hijacking.

Four members of the flight crew were due to return with the aircraft on Thursday evening and arrangements are being made to return two other passengers who subsequently asked to go back. Straw said he was awaiting further information from the Medical Foundation for the Care of Victims of Torture before making a decision on another eight cases, whilst decisions on six other claims have been postponed because they involve the relatives of those charged in relation to the hijacking.

The remaining 14 people face a criminal trial in Britain for hijacking. Those convicted could face up to nine years in jail, and would normally be deported at the end of their imprisonment. Under international law the government is obliged to consider an asylum claim, but the press has already begun its campaign to make sure the 14 are dealt with most severely. The *Daily Mail* warned Straw to beware "a judiciary riddled to the core with political correctness—and only too willing to be swayed by the clamour of the immigrant lobby".

Straw explained his decision to allow two male applicants to remain, along with the wife of one whose own asylum application was rejected, and five dependant children on the grounds that they had reason to fear for their lives "before they had boarded the flight". This is a sop, designed to reinforce Straw's insistence that his main concern is that his decision should act as a deterrent to those using extreme measures to avoid immigration laws.

In his written Parliamentary reply, Straw explained, "The public interest in deterring future hijacks for the purposes of claiming asylum is a very strong one and, therefore, I have decided that they should not be given permission to stay in this country." Like his stated desire to "remove" those on board the aircraft from the country prior to assessing each individual's claim for asylum, this is a flagrant abuse of due process.

The Home Secretary has effectively declared that the so-called "public interest"—determined by whom?—stands above recognised laws and procedures concerning the right to asylum. This underscores that the decision is neither objective nor fair. It is a highly political ruling with reactionary consequences for both asylum-seekers and democratic rights as a whole.

Straw made plain that Labour is also seeking to challenge the 1951 United Nations Convention on Refugees. "The events surrounding this terrorist act of hijacking have shown serious weaknesses in the way in which international conventions relating to refugees, terrorism and human rights

operate. We shall be raising our concerns with like-minded countries and with the United Nations High Commission for Refugees," Straw said.

According to press reports, Straw intends to seek support from other European Union states also seeking to restrict the right to asylum. Officially, Britain is seeking the change because it wants the right to asylum to only apply to those refugees facing persecution from the state in the country they are fleeing. An EU directive along these lines would override previous court judgements that Britain should give refuge to people fleeing "non-state persecution". It could then be used to justify a change in the UN convention.

There is no real connection between the Blair government's campaign against the UN convention and the case of the Afghanistan refugees, who quite plainly face state persecution. The hijacking is being used as a stalking horse to overturn the right to asylum that has been in existence for hundreds of years and which was enshrined as a UN convention following the Nazi persecution of the Jews.

Straw will have no problem getting support from social democratic-led governments across Europe. Despite their current protestations against Haider and the Freedom Party in Austria, they are all riding roughshod over asylum rights and appealing to racist sentiments to do so.

According to Straw, current asylum legislation is "outdated" and should no longer apply in a world where international transport is more easily available. A comment in Labour's house journal, the *New Statesman*, explains this thinking more fully. On February 21, under the headline "Must the door stay closed?", the magazine argued against those "sections of the liberal left" who unfavourably compare "Britain's present treatment of refugees with earlier stages of history".

The need for a tough line against those seeking to circumvent stringent immigration laws by abusing the "global availability of easy transport" arises because of the growth of social inequality, the *New Statesman* argues: "if we indeed live in a single world economy, yet with monstrous gaps between rich and poor, the aspiration to move between countries will grow as surely as the aspiration to move within them."



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