

British government attacks civil liberties with pending deportations

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The detention of ten immigrants by the British government pending deportation is a wide-ranging attack on civil liberties and predicted by legal experts to become a landmark legal battle. The ten face deportation to regimes where they could be imprisoned without fair trial and possible torture.

The move follows last week's announcement by Prime Minister Tony Blair that any non-British citizen deemed by the government to be expressing "extreme views" considered "in conflict with the UK's culture of tolerance" would be deported. Anyone demonstrating "unacceptable behaviours" as defined by the government, such as "justifying or glorifying terrorism", can now be targeted.

These detentions show that the government intends to waste no time in applying police state methods using the pretext of the July 7 London bombings. Nor will Blair accept any legal opposition to the deportations from the judiciary. Last year judges ruled against detention without trial of foreign suspects on the grounds that it breached the Human Rights Act.

Prime Minister Blair has declared that he was prepared to amend the Human Rights Act, which incorporates Article 3 of the European Convention on Human Rights, if necessary, to secure the deportations. Blair said he hoped the judiciary would rule in his favour and support the deportations, given the changed atmosphere since July 7.

The Lord Chancellor, Charles Falconer, told the BBC's "Today" programme he was planning to introduce a bill that would force judges to give equal weight to the interests of state security and the rights of deportees. "I want a law which says the home secretary, supervised by the courts, has got to balance the rights of the individual deportee against the risk to national security. That may involve an act which says this is the correct interpretation of the European convention," he said.

The ten arrests came as Islamic preacher Omar Bakri Mohammed was excluded from Britain and had his indefinite leave to reside here revoked. Bakri left Britain for the Lebanon after the police and lawyers suggested in the media that he could be charged with treason. The Home Office said that Home Secretary Charles Clarke had used existing powers to exclude him as his presence was "not conducive to the public good." Like the ten people arrested, Bakri had not been charged with any crime.

Bakri said he had gone to the Lebanon to visit his mother and intended to return to Britain. He was arrested in the Lebanon after a television interview in which he said he wanted to settle there rather than being a persona non grata in the UK.

A Lebanese Ministry of Foreign Affairs spokesman said there was an official request from the Syrian authorities "to surrender him to the security forces in Syria." According to the BBC, the spokesman said, "They say he is a Syrian and has been convicted in Syria for many crimes, and that they need him for those crimes." He was later reported to have been released on the orders of Lebanese authorities.

In Britain, the ten arrested men, deemed to be threats to national security, were imprisoned Thursday August 11, just 24 hours after the government concluded an agreement with Jordan not to torture or mistreat detainees placed in Jordanian custody. Negotiations are under way with a number of other countries in an attempt to subvert the Human Rights Act, which prevents the deportation of people to countries where torture is practiced.

Dawn raids were carried out in London, Luton, Leicestershire and the West Midlands. One of the ten arrested is Muslim cleric Abu Qatada. He was previously held without charge at Belmarsh high security prison after being arrested following the September 11, 2001 terrorist attacks in the US. Qatada and others were detained until

the Law Lords ruling in December last year. Qatada was released into house arrest under a new control order imposed by the Labour government. According to the Jordanian interior minister, Qatada is expected to be deported to Jordan next week. Qatada was sentenced there in his absence to life imprisonment, accused of carrying out a series of bombings.

The BBC reported that at least two other former Belmarsh detainees were among those arrested on Thursday. “The man known as I is an Algerian who claimed asylum in the UK in early 1995. He was detained in April 2002, accused of supporting and raising funds for terrorist groups,” it stated.

Human rights lawyer Gareth Peirce, who is representing seven of the ten detained, told the BBC on August 12, “The Home Office did not think it necessary to give a single word of explanation to those individuals as to why this morning they can be safely deported to their respective countries of origin when last night they could not. The men themselves in any event have been throughout today deliberately put out of reach of lawyers who represent them. We do not know where they are and the Home Office will not tell us.”

A statement by the law firm Birnberg Peirce & Partners, which represents several of the people detained after September 11, said, “Of those likely to have been arrested today, five are the subject of serious psychiatric concern as a result of the damage each was caused by his previous indefinite detention.”

Peirce described Falconer’s suggestion of a new interpretation of the European Convention as “a constitutional challenge of the highest order. At the end of the day, we are subject to the European Court of Human Rights. Fine if we want to leave the Council of Europe in disgrace, fine if we want to banish ourselves, but that’s what it would mean.”

Human rights organisations have expressed grave concern over the government’s proposal to negotiate a “Memoranda of Understanding” with a number of regimes not to torture the deported men.

Shami Chakrabarti, of Liberty, said it would take “more than a piece of paper to convince me that Jordan and some of these other possible north African and Middle Eastern regimes are suddenly safe.”

Mike Blakemore, of Amnesty International, said the assurances the government was trying to obtain were not worth the “paper they were written on.” He added, “We are taking the word of known torturers that they won’t do it again.”

It is not only the civil liberties of the unfortunate individuals rounded up for deportation that is at stake but any pretence of the independence of the judiciary and any potential for independent supervision of government measures. In the past weeks, several attacks have been made on the judiciary by government and opposition spokespersons, with judges being accused of hindering the “fight against terrorism”.

On Thursday August 11, the *Independent* ran a lead feature citing several top judges criticising government proposals. The article states that senior judges “told the Government they will fight ‘root and branch’ any move to undermine their independence and warned MPs that, if they put pressure on the courts to abandon independent judgement to do their bidding on terrorism, the move would backfire.”

But the government represents the interests of a narrow financial oligarchy determined that constitutional and legal considerations cannot be allowed to hinder its authoritarian measures. Underlying these anti-democratic methods are fears over sharpening social tensions and broad opposition to the government’s predatory policies in the Middle East. Whilst sections of the ruling elite, like the judges, may express concern that Blair is proceeding too recklessly, they have no alternative policies.

The policies being brought forward in the aftermath of July 7 are not a knee-jerk reaction to a terrorist attack as some commentators suggest but measures which the Labour government has been pursuing for some time. By insisting that the London bombings changed everything, the Blair government hopes to use the threat of further terrorist attacks as a means of freeing the government from human rights legislation that impede the introduction of its police state measures.



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