

Britain: Court revokes terror conviction of Scottish student

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16 February 2010

The Crown last week confirmed that it would not seek a retrial of Mohammed Atif Siddique on charges under the draconian Terrorism Act 2000. The decision came in the wake of a January 29 appeals court ruling that the Scottish student had suffered a “miscarriage of justice” when sentenced to eight years imprisonment in his 2007 trial.

Siddique was convicted on three charges of terrorism in October 2007, two related to the Terrorism Act 2000, and another to the Terrorism Act 2006. The main charge was one of possessing articles that gave rise to “reasonable suspicion” that they were linked to plans for the “preparation, instigation or commission of an act of terrorism.” He was also charged with circulating material on the Internet linked to terrorism, with having set up a web site that contained links to terrorist materials, and with having committed a “breach of the peace” due to his comments to fellow college students about membership in Al Qaeda.

These latter charges were not overturned by the appeals court, although Siddique maintains his innocence on all counts. Having already served the requisite time for the lesser offences, he has been released.

Outside the court, Siddique commented in a statement read by his lawyer, “Our law should bring to account those who plan acts of terror and not criminalise young Muslims for thought crime and the possession of propaganda.

“I have always maintained my innocence, but they took my liberty, destroyed my family’s reputation and labelled me a terrorist, but I never had any bombs or plans to hurt anyone.”

His 2007 trial represented a sweeping attack on democratic rights, with the prosecution unable to present any evidence that demonstrated intent to commit a terrorist attack. Instead, the charge was based on various documents and videos obtained from Siddique’s laptop and personal computer, as well as a record of the web

sites he had visited over a three-year period.

As his lawyer, Aamer Anwar, commented at the time of the original prosecution, Siddique had been charged for doing “what millions of young people do every day—looking for answers on the Internet... The prosecution was driven by the state, with no limit to the money and resources used to secure a conviction in this case, carried out in an atmosphere of hostility after the Glasgow Airport attack and ending on the anniversary of 9/11.”

Anwar was later charged for contempt of court on the basis of the remarks he had made in the aftermath of the trial, a charge that was eventually dropped. (See “Scottish human rights lawyer Aamer Anwar prosecuted”)

Anwar’s assessment of the original prosecution was correct. In the immediate aftermath of the failed bombing of Glasgow airport in the summer of 2007, the Siddique trial was seized upon by the government and the media as an example of the dangers that Britain confronted. Without any evidence, the press uncritically parroted the accusation that Siddique was a “wannabe suicide bomber,” an allegation that the prosecution based on the discovery of videos on his computer portraying Islamist fighters in Iraq.

The government seized on the conviction, with ministers stating that it illustrated the ongoing terrorist threat. Then Home Secretary Jacqui Smith declared, “The successful conviction of the individual today in Glasgow is a reminder that the threat we face from terrorism is real and not isolated to any particular region. The government has invested heavily in counterterrorism over the last five years and will continue to provide those on the frontline with the resources they need to counter the threat we face.”

Although there is not to be a retrial of the case, a statement by the Crown said that this was because, “The fact that Mr. Siddique has already served the majority of

his sentence for charge one, and has de facto served his sentence in full for the other terrorist offences, of which he remains convicted, means that a retrial would have little practical effect.”

The collapse of the charges against Siddique is another blow to the anti-democratic terrorist legislation the Labour government has introduced since 2000. His original conviction in 2007 marked only the second time that an individual had been charged under the measures. Since then, a similar trial in 2008 against five young Muslims in England was thrown out, with the defendants arguing that they had been accused of “thought crime.”

Rather than questioning the draconian and increasingly discredited anti-terrorist laws, the role of the media has been to trivialise the significance of the case, while blaming Siddique and his supposed “stupidity” and “immaturity” for his prosecution. Explanations of Siddique’s behaviour have amounted to banal assertions about his personal life and his performance at college. According to the *Times*, Siddique went from being a “model pupil” at his high school to someone who “failed to shine academically” at college. As his interest in terrorist material developed, the *Times* asserts, he became “a low-achieving loafer.”

By neglecting to mention that the evidence shows that Siddique’s interest in Islamist videos began in 2003, press coverage has covered over the obvious link between the young student’s “search for answers on the Internet” and the beginning of the Iraq war. At the original trial this link was clear, with many of the videos on his laptop traced to resistance fighters in the occupied country.

Siddique was a victim of the Labour government’s oppressive and anti-democratic terrorism laws, the first of which was passed in 2000. As well as prosecution on the basis of “intent” to commit a “terrorist offence,” the act permitted the detention of suspects without trial, increased the power of the police to carry out stop and search operations, and reduced the restrictions of evidence permissible in court. This was followed by further anti-terrorism laws passed in 2001, 2005 and 2006, all of which increased state powers still further.

Siddique’s main charge was under section 57 of the 2000 Act, which declares that individuals should be convicted if they possess material which gives rise to “reasonable suspicion” that it could be used for the “preparation, instigation or commission” of an act of terrorism.

In releasing Siddique, Lord Osborne ruled along with two other judges at the appeals court in Edinburgh that

Siddique had suffered a “miscarriage of justice”—since the presiding judge at the original trial, Lord Carlway, had misdirected the jury. Since a direct link could not be found between the material on Siddique’s computer and a particular act of terrorism, he could not be considered guilty under the act.

An ominous indication of the response to this legal setback being prepared within ruling circles was given by Paul McBride, writing in the *Times*. A legal advisor to the Conservatives, McBride asserted that the problem with terrorist legislation was that its powers were inadequate. Referring to section 57 in particular, McBride claimed, “Even the dullest lawyer would see that for the prosecution to embark upon proving such a charge is an extremely onerous task. Evidentially one would have to link directly the possession of material such as documents on how to make a bomb to a particular act of terrorist activity.”

Rather than demanding that a state prosecution meet such basic legal standards, McBride proclaimed, “We cannot as a society wait to let these individuals pounce before arresting them when it may be too late. There is too much at stake for this country. We cannot allow our security services and the police to operate with their arms tied behind their back. There has to be clarity in our terrorism laws and there has to be certainty. At the moment we have neither.”

Allowing the police and security services to operate without “their arms tied behind their back” is a call for the establishment of a dictatorial system whereby no restrictions are placed on the state to pursue political opponents.

The call for such wide-ranging powers occurs in the context of a deep economic downturn, which will inevitably lead to the reemergence of mass social struggles. Painfully aware that Britain’s economic difficulties will sooner or later bring about mass opposition, the bourgeoisie wants the necessary tools of repression at its disposal to meet any challenge to its rule.



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