

UK government seeks to deny legal aid to Shamima Begum

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The row over Shamima Begum's application for legal aid to challenge revocation of her British citizenship is a fresh outrage against democratic rights.

Foreign Secretary Jeremy Hunt, while ostensibly defending her right to legal aid, told the BBC he was "very uncomfortable" with the decision to grant it. Her lawyer has questioned whether hostile press coverage has been fuelled by the selective leaking of documents from government sources.

Having been groomed online, Begum left Britain in 2015 to join the Islamic State (IS) group in Syria along with two school friends. She was 15 when she left east London. The police were fully aware that Begum was being groomed. A letter from the police saying they wanted to interview her was found in her bag after she left.

In Syria she married a Dutch Islamist, Yago Riedjik, and they had two children who died. A third child, born in a refugee camp while she was seeking the right to return to the UK in February, also died.

Last year, Home Secretary Sajid Javid revoked Begum's British citizenship, saying he would "use all [his] power" to prevent anyone who joined IS from returning to Britain. Declaring Begum "a threat to the safety and security of Britain and the people who live here," he left her and her new-born baby stranded in appalling conditions and stateless.

Javid implied she would not be made stateless as she would be entitled to hereditary Bangladeshi citizenship. Dhaka rejected this as she had never visited the country, held a Bangladeshi passport, or even applied for one.

Bangladeshi Minister for Foreign Affairs, Abdul Momen, has since reiterated the position more strongly. "We have nothing to do with Shamima Begum... She was born in England and her mother is British."

Momen went further, saying that if she went to Bangladesh and had been involved with IS she would face the death penalty. "If anyone is found to be involved with terrorism, we have a simple rule. There will be capital punishment. And nothing else."

Javid's actions stoked a vicious storm of xenophobia and anti-Muslim sentiment. Under the guise of attacking a reactionary Islamist network that the British government has been protecting and using for its imperialist regime-change operations, his actions were aimed at eviscerating a whole framework of legal and democratic rights.

Her family appealed to Javid to help secure the return of Begum and her then surviving child to the UK "as a matter of urgency." Mohammed Tasnime Akunjee, the family's lawyer, said they were exploring "all legal avenues" to challenge the decision to make her stateless.

Akunjee is acting for others in Syrian camps whose citizenship has been revoked. He has warned that the number of cases is likely to grow.

According to government figures, 104 people were stripped of citizenship in 2017—up from 14 the year before—with a further nine temporary exclusion orders issued. The justification was that their presence in the UK was "not conducive to the public good."

The routine and increasing use of citizenship deprivation orders was invalidated by a decision of the Special Immigration Appeals Commission last November to restore citizenship to two British nationals made stateless by the government. Like Begum, they also had a Bangladeshi family background.

In Begum's case, the argument presented by Javid and other government figures was that she was fully aware of what she was doing when she left for Syria. Given the level of state protection and support for

Islamist groups, who have acted as proxy forces for the UK in wars in Libya and Syria, it is probable that they had a better idea of what a 15-year-old child was doing than she did.

This argument has been presented with renewed force since Begum's lawyers applied for legal aid to challenge the decision. Hunt said Begum had "made a series of choices and she knew the choices she was making, so I think we made decisions about her future based on those choices."

This comment is revealing. In fact, around 40 percent of the 900 people who have left Britain to fight with IS have already returned to the UK—many of whom will be British assets.

Having been subject to a punitive legal decision, however, Begum must be entitled to challenge it legally. As Akunjee explained, Javid "initiated a legal process and under that she's entitled to appeal. Legal aid enables her to fund that application with the help of solicitors."

As the anonymous blogger, The Secret Barrister, explained, "The rule of law requires that those affected have a route to challenge a decision and have an independent court review the evidence and decide whether that decision was taken in accordance with the law."

With predictable frenzy, the right-wing press swiftly came to the government's aid. A flurry of articles alleged that Begum had played a more active role in IS activities than previously indicated. The *Daily Telegraph* described her, without evidence, as a "cruel enforcer" in the IS "morality police," who was "allowed to carry a Kalashnikov rifle" and sewed suicide vests onto other jihadis.

Akunjee noted that the accusations were based on "hearsay" intelligence reports sent to the Home Office and Downing Street. He questioned how these had selectively "come into the public arena," asking whether the Official Secrets Act had been breached.

As Hunt's comments to the BBC make clear, there is an expectation in British law that "people with limited means should have access to the resources of the state if they want to challenge the decisions the state has made about them."

As the Secret Barrister put it, if we take the press reports at face value, "Would this make her despicable? Yes. Meritorious of opprobrium, disgust, contempt and

fury? Yup. A criminal? Among the very worst. Deserving of legal aid? Without a shadow of a doubt."

Budget cuts have already severely restricted access to legal aid. The 2013 Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) cut the legal aid budget by £751 million, one third of the total.

As Charles Falconer, Lord Chancellor under Labour Prime Minister Tony Blair, has acknowledged, the Conservative-led coalition's LASPO was "helped ... along" by the previous Labour government going "so hard on the offensive" in trying to control the budget.

Huge areas of legal advice, especially around welfare benefits, were removed from its coverage. The number of firms providing legal aid has fallen drastically, by 20 percent in England and 29 percent in Wales.

There are now only 43 centres in England offering specialist advice for those who cannot afford to pay a lawyer. There are none in Wales. The Law Society talks of "legal aid deserts."

Legal aid payments do not go to the client but to the lawyers and are set far below market rates. In the 1980s, 79 percent of the population was eligible for legal aid. By 2015 this had fallen to just 25 percent. In the eight years to 2018 the number of people accessing legal aid dropped by 82 percent.

The media frenzy against Begum is an attempt to justify further restrictions on eligibility. It seeks to cut away legal recourse against the actions of the state. Corey Stoughton of human rights group Liberty warned that Begum's case could have "widespread repercussions" in "how the government uses dramatic powers to take away fundamental rights."



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