

**TACKLING
EXTREMISM
IN THE UK:**

**A MANDATE
FOR
SECRET
CRIMINALISATION**

Introduction

The first part of the CAGE response to the UK government's Task Force into 'extremism' tackled the ideological deficiencies and assumptions that underpinned the way in which the Task Force approached the 'problem' of 'extremism'.

This second part to our response seeks to tackle the suggestions put forward in the report from a methodological perspective. As the government seeks to bring the term 'extremism' out of policy and into legislation, the ramifications on doing so from a civil liberties and human rights perspective could be devastating for Muslim communities.

Since 2001, the UK government has sought to use a civil system in order to bypass the requirements of due process that are recognised under the criminal justice system. By permitting there to be a raft of sanctions to restrict the liberty of individuals, they are capable of making arbitrary decisions, resulting in the individual having to go through an appeals process where the evidence against them is held in secret.

Already, difficulties in relation to the civil system have been witnessed as those who had their citizenships removed, placed under control orders (now TPIMs) or set for deportation to their countries of origin - have in many cases successfully challenged the sanctions against them, except that it took years to attempt to prove that somehow they had not committed any offences that were being alleged against them in secret.

The UK government's call for new sanctions is envisaged to very much fall within the context of this regime. Any of the orders that are made against an individual, whether that he/she is banned from mosques, or that they are not permitted to publicly deliver lectures, will be placed within a regime where the actual evidence of concern, will kept in secret.

While the designation of 'Islamist extremism' or even 'extremism' remains vague, the opportunities for the Home Secretary to abuse such powers are far too open. Before responding to the way in which the Task Force has recommended to deal with 'extremism' it is important to understand the way the term has already been used as part of a programme of secrecy, profiling and harassment.

Prior abuse of the label 'extremism'

While the term 'extremism' has not really been tackled within the hard-edge of counter-terrorism policy, it has found its way through some of the mechanisms that the security agencies are able to use, that have little to no scrutiny. There are a number of cases which illustrate the point regarding the use of 'extremism' in a way that provides no way of challenging the assumptions made by the authorities.

Harassment of British Somalis

A group of naturalised Somalis having grown up in the UK worked as part of a youth group in Kentish Town, London helping young people deal with problems relating to addiction and gang violence. After the conflict in Somalia ended with Ethiopia in early 2007, the men began to be harassed in various ways simply due to their ethnicity. All of the men have suffered difficulties in their travel without evidence being brought before a court

to show why they were stopped, however, the use of the allegation of extremism took on different forms based on their location.

Cases such as those of Muhammad Nur, Abshir Ahmed and Mahdi Hashi highlight how the UK security agencies use the excessive powers they have under Schedule 7 of the Terrorism Act 2000, in order to question individuals and even attempt to coerce them into becoming spies on their own communities.

Unlike most of his friends, Mohammed Nur was not stopped at a port by UK security officials, he was visited at his home. In August 2008 he was at home leaving for work when there was a knock on his door.

“Just before I was leaving for work, there was a knock on my door and all I heard was someone claiming to be the postman. I went to the door thinking that there might be a heavy package or something and so I went to open it.

As soon as I opened the door the man pulled out a badge and said, “Mohammed, I need to speak with you. I’m from the police and this is an emergency and we really need to talk.” I was thinking that something had happened to my brother who lived two minutes away. The man then introduced me to his colleague and explained that the colleague would speak to me. The other man showed me his badge and explained that he was from MI5 – I immediately asked him what he was doing in my home and he stated that he was there because they believed I was involved in extremist activities. I asked for evidence of how they could suspect that I was involved in such activities and who had told them and all he would say was that they had reasons to believe so. I categorically stated to them at that time that I had never been involved in extremist activities when the policeman jumped in and said that it depended on what I understood to be extremism and how they understood it. I said fine, define extremism to me to which he replied that basically it was going abroad to study extremist materials, training to be an extremist and eventually taking your own life for extremist purposes. I got angry and said, “WHAT! The only reason I went abroad to Egypt was to study Arabic. Now if you consider that to be an extremist activity then fine, I am an extremist.” He said no, that would not be an extremist activity but then changed subject completely. He asked me if I played football to which I said yes but then said let us get back to the conversation.

The MI5 agent then came back into the conversation and said, “Mohammed, for your own benefit, it is best that you cooperate with us. You travel regularly, if you want to travel more, then I suggest you cooperate as we have very good connections all around the world. Any country that you go to, we can give you problems. If you don’t want those problems, then I suggest you cooperate with us.” I then said that there was no way I was going to cooperate when I did not even know what I did. I said that if they explained to me what I had done wrong then I would be more than willing to help, however they said that they could not discuss that. They then said that if we were to meet in three days time, they would be able to tell me why they were interested in me. I made it very clear at that moment that either they tell me right now what they had or I would not be meeting with them again. They then got up to leave the house and claimed that they would call me in three days despite me not giving them my number.”¹

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Qureshi A, *The Horn of Africa Inquisition*, CagePrisoners, 2010

The allegation of extremism in the case of Muhammad Nur, was purely used as an intimidation tactic in order to scare Nur into working for the security agencies. Without providing any factual basis for their assessment, the MI5 agent presented 'extremist activity' as an abstract concept that seemed to cover a wide range of behaviour.

Abshir Ahmed was stopped at UK immigration on his return from Saudi Arabia in order to perform minor pilgrimage (Umrah). Previously during his studies in Egypt, his flat had been raided by the Egyptian authorities but they found nothing of concern and released him immediately due to his official registration with the Al Fajr Centre. From then on Ahmed was continually stopped under Schedule 7 of the Terrorism Act 2000, with the UK security agencies using their wide powers in order to detain and harass him at ports:

*"She then tried to take the initiative in the conversation by saying that they knew I had gone to Egypt and that I was involved in extremism. I then asked what it was that I was involved with to which she replied, I think that we both know Abshir. I kept on requesting that she explain as the last I was aware, I had gone to Egypt to study. She kept on saying that they knew everything that I had done and that they were going to make things hard for me. She saw I was writing everything down and I could see that it was making her uncomfortable. I asked her if she was threatening me to which responded that I was a big boy. All she kept on saying was that every time I would try and travel in the future, they would make things very difficult for me."*²

Abshir Ahmed's case is very much indicative of the way in which many Muslims are treated when travelling through UK ports. Under their powers under Schedule 7, the security agencies often use allegations of extremism in order to intimidate Muslims. The individual will not be officially sanctioned, but sometimes the agencies will apply an informal travel ban, which is almost impossible to challenge, as there is no formal process that is being used to stop them. Such informal travel bans ultimately have the impact of alienating sections of British society, as they have no means of challenging this informal sanction due to it being based on suspicion and not any credible evidence.

Citizenship removal

As a 16-year-old, Mahdi was detained for a total of eleven days in Egyptian custody, in a cell that was roughly 3x3m. During this period of arrest, Mahdi was never told of the reasons for his detention by the Egyptians however it soon became clear it was a fishing exercise to try and implicate him in unlawful activity. He was released after 11 days.

On Mahdi's return to the UK, he became the victim of continual harassment from the UK security agencies, who used every available opportunity to question him, even cooperating with foreign agencies to make his life difficult:

"He goes, "Because of your extremist friends we suspect you're an extremist yourself. We hope that we're wrong, you know we hope so, but we have reason to believe that you're extreme. We hope that we're wrong." After that he threatened me, "We warn you not to get on that flight for your own safety." I'm like, "What you trying to say to me, what's happened?" I'm thinking like he's going to arrest me in Djibouti, and torture me, might wanna take me to Morocco like Binyam Mohamed, that

story. So I'm like, "Are you telling me not to get on that flight?" He said, "I'm not telling you not to get on that flight but it would be better for your own safety if you didn't. But it's your choice mate.

*I got to Djibouti when the police grabbed me. When I spoke to some of them properly on the level, he said, "We don't know why you're here but we've been told to keep you here. It's coming from the government and it's coming from your government."*³

Mahdi was held in Djibouti for 16 hours before he was eventually deported back to the UK. On his return his plight had not ended as MI5 waited for him. After waiting with him to collect his luggage, he was taken to a private room. There he was accused of being a terrorism suspect. They opened a book which had the pictures of a number of Muslim men, and asked him to identify all those that he knew, some being from the community centre. They explained that they wanted his help, and that in doing so, his status as a terrorism suspect would be lifted. They claimed that this was the only way for him to prove his innocence.³

In 2009, Mahdi again attempted to go to Somalia in order to assist his ailing grandmother. On seeing her condition, he chose to increase his stay there, as he felt it would not be appropriate to leave her with her condition worsening.

In 2010 Mahdi met his future wife in Somalia and by 2011 they were married. The following year in February, they were blessed with a son.

In mid 2012, Mahdi's family in the UK were sent a letter by the Home Office, explaining that they must inform Mahdi that his citizenship had been revoked on the grounds of alleged extremism.

The decision to remove his decision has potentially left Mahdi stateless, as it is believed his Somali nationality had been rescinded when he was granted British citizenship, due to Somali law at the time.

By the middle of summer 2012, Mahdi's family were informed that he had been detained in Djibouti. The family had no official confirmation of this, however, they were contacted by a man who claimed that he had been previously detained with Mahdi in a Djibouti prison. The man claimed that Mahdi was being interrogated by US authorities. The last piece of information the man gave, was that Mahdi was being mistreated and that he was consistently requesting assistance from the British embassy, unaware that he had already had his citizenship revoked.

The British have only told the family that as they have revoked his citizenship, they are unwilling to take any responsibility for his current plight.⁴

The vague allegations of 'extremism' hung like a thick fog around Mahdi Hashi's harassment and treatment at the hands of the UK security agencies. Whereas traditionally they would accuse an individual of specific acts or activities, the mere use of the term 'extremism' was enough to pressurise Hashi. The inevitable result of such a policy, was to force him to leave the country due to the consistent and abusive form of his harassment.

3 The Story, www.mahdihashi.net, CagePrisoners, 2013

4 The Story, www.mahdihashi.net, CagePrisoners, 2013

Control orders/TPIMs

As mentioned above, the allegation of being involved in 'extremism' has been considered enough to sanction an individual by restricting their movements in the UK.

Detainee CE was the victim of detention, rendition and abuse at the hands of Kenyan authorities and MI5 when he was unlawfully detained in Kenya in 2007. During the period of his detention, he was subjected to various forms of interrogations, many of which took place directly by MI5 under circumstances of coercion. Eventually CE and others were placed on a rendition flight to Somalia, from where they were eventually returned to the UK without having faced any charges in either country.

Years after this incident, despite not having any knowledge of the reason why, CE was designated to be placed under a control order:

"They then proceeded to knock on the door of my home and when I responded they asked me to confirm my details. It was at that point that I was informed they were from the Home Office, and that they would be fitting me with a control order.

*I am someone who is quite politically aware, especially in relation to counterterrorism efforts by the government in the UK, so I knew what a control order meant for me."*⁵

When asked about why he felt he had been subjected to such a regime, CE explained,

*"No reason at all! All I am told, is that my order relates to extremism, that is it. They told me that I would be moved to Oxford in three days after placing the tag on me. It is difficult to comprehend."*⁶

Whether information had been used from CE's coerced interrogations in Kenya or not, the reality is that as the UK government was not able to allege any criminality on his part, they subjected him this civil sanction in order to bypass the requirements of due process through the use of secret evidence.

Since the removal of control orders from the statute book, CE has been subjected to a TPIM instead and thus still has his liberty under the control of the UK Home Office. The case against him is still kept in secret, with only a gist of the case being permitted to be known against him.

5 Interview with Detainee CE, CagePrisoners, 19 Jul 2011

6 Ibid



Civil sanctions

Special Immigration Appeals Commission

The Special Immigration Appeals Commission (SIAC) is considered to be one of the most controversial and secretive courts in the UK. The appeals commission deals with cases where the Secretary of State has made an order for deportation, restriction of liberty or exclusion from the UK on the grounds of national security or public interest.

Where the Secretary of State determines that the decision to deprive was based wholly or in part on reliance on information that should not be made public, the appeal against the decision is made through SIAC. The government has worked hard in order to centralise as many powers as possible to make decisions outside of the regular criminal justice system.

Initial commission rules stipulated a SIAC hearing should be heard in public, however a provision has been added to close off such proceedings and instead some evidence is heard in closed sessions. Furthermore; since most of the cases brought before SIAC now involve terrorism suspects, the intelligence services demand that a high level of secrecy is maintained of the government's evidence.

Most controversially the secrecy of the evidence is not only hidden from the public but is also kept from the appellant and their legal team, due to alleged reasons of national security and public interest. In such circumstances, the Attorney General appoints a Special Advocate to represent the interests of the appellant under Section 6 of the SIAC Act 1997. The Special Advocate cannot disclose the secret evidence to the appellant nor is able to take instruction from the appellant or their representative.

The commission judgments rely on a very low burden of proof, given that the evidence cannot be tested in the way it is in criminal courts. Added to this, the evidence which is relied upon may be sometimes obtained by intelligence in conditions of torture; thus for SIAC to use such evidence is contrary to international law.

Secret justice – a punitive culture

The circumvention of the regular criminal justice system has resulted in an overwhelming abuse of power by UK Home Secretaries. The lives of those who are impacted by an arbitrary order by the Home Office are often completely destroyed, as they are effectively being punished without any ability to adequately challenge the allegations against them. Former control order detainee, Cerie Bullivant, after a long battle to squash his order, spoke of the impact of such forms of secret justice, but the inherent punitive culture built into as well:

“Because of my close involvement in all of this I have found out a lot more about control orders and SIAC and how many cases there are. I didn't realise how wide reaching these measures they are putting me in are. There are people in prison on trial cases where the evidence is so flimsy or whimsical that it is unbelievable. For example they might say something like, we think that you knew about something that might take place before it happened, and that will be the extent of the evidence.

So many of the cases today are due to people being considered guilty simply because of association. It shocks me that in our free and just society that we can have secret hearings and secret trials for people, some of whom have come to this country to escape injustices; now they face systems akin to those countries they escaped. We might not use physical torture ourselves, I saw cases of people in Belmarsh who had been tortured in countries abroad with the knowledge and approval of the British security services through behind the scenes participation.

I just feel that the government has no basis for moral high ground anymore that they have completely lose that in their handling of everything at the moment. The other day I went to pick up my mother from the airport as she had come back from holiday and as soon as I entered the airport the police came up to me and did a 'random security check'. We were there for about two and half hours as the police searched us, searched our car, took swabs from the car, all under the terrorism act, all because I went to pick up my mum. They were with me when I went into the arrivals lounge to pick up my mum as she came through with her bags, so they saw that I had genuinely come to receive her with her friend. There was no doubt that I was there for any other reason. I am now being harassed everywhere I go."⁷

This punitive culture is not limited to the individual placed on any such order, but rather, impacts on an entire family and their ability to live their lives freely and without fear. Due to the nature of the sanctions that are currently in force and that the Task Force will eventually propose, families are at risk of living under conditions that could be termed as collective punishment due to the environment of detention within the home:

"Anti- terror laws change weekly. This is ironic when they say we have laws that have been around for three centuries and now they myself, my wife and children are under a control order. We have to wear tags on our wrists, very similar to the watch you are wearing. Every time I want to leave, I must call from this tag and inform them that I need to go out. Over the last three years my children have memorised what I say. Once my young daughter was playing with the tag and called the police and repeated to them what I usually tell them. Despite the fact that only information given by myself can be registered, they believed her and this was also recorded against me. My daughters have become so paranoid now that if anyone knocks on the door forcefully, they cry out, 'Police, police!' When they see a police car, they are frightened."⁸

The regime in place has completely removed the need for any cogent case to be made before a court in order to place sanction against an individual. The Home Secretary has taken on the right to punish individuals with the assumption built in that UK society should trust her judgement as she is aware of information that we are not. However, the very premise of this assumption should be questioned, particularly when there have been so many successful challenges to such orders. The problem however remains, that by the time those challenges are made, the lives of those affected have already been torn apart.

7 Interview with Cerie Bullivant, CagePrisoners, 16 Apr 2008

8 Statement of Detainee DD taken from Qureshi A, *Detention Immorality*, CagePrisoners, Dec 2009



Tackling extremism in the UK

Further powers

The Task Force's report does not go on to specify all of the sanctions it hopes to bring in within the context of this report. Rather, it lays out a general platform for the concept, that civil powers are a requirement in tackling 'extremism'. Until those measures are released, it will be difficult to respond by highlighting areas of concern, however, based on the report, the following areas should be looked at again, in light of the past abuses mentioned above.

2.3 ...considering if there is a case for new civil powers, akin to the new anti-social behaviour powers, to target the behaviours of extremists use to radicalise others.

This paragraph within the Task Force's report clearly highlights the intention by the government to bring into force new/extend civil sanctions which will restrict the liberty of individuals through an arbitrary process of decision making. As mentioned above, the key to such provisions being within the civil, rather than criminal system, is that the evidentiary requirements are significantly weaker, and thus the UK government will be able to restrict the lives of individuals, knowing that the appeals process will take at least two years to be successful in challenging such an order.

3.1 ...look at using existing powers to exclude from the UK those who post extremist material online who are based overseas.

The use of exclusion powers has already been in effect in the UK as demonstrated by the cases of Dr Zakir Naik and Shaykh Raed Salah, both of whom are prominent Islamic figures from different parts of the Muslim world. In both cases, the decision to exclude them was based purely on a decision by the Home Secretary. In the case of Raed Salah in particular, he successfully managed to challenge the exclusion order against him, however at great personal cost after he was detained for ten months:

"In June 2011 I came to Britain to begin a speaking tour to draw attention to the plight of my people, the Palestinian citizens of Israel. The tour was meant to last 10 days. Instead I had to stay for 10 months in order to resist an attempt by the home secretary, Theresa May, to deport me – itself the result of a smear campaign against me and what I represent. I fought not just for my own sake, but for all who are smeared because they support the Palestinian cause..."

After a 10-month legal battle, I have now been cleared on "all grounds" by a senior immigration tribunal judge, who ruled that May's decision to deport me was "entirely unnecessary" and that she had been "misled". The evidence she relied on (which included a poem of mine which had been doctored to make it appear anti-Jewish) was not, he concluded, a fair portrayal of my views. In reality, I reject any and every form of racism, including antisemitism."⁹

As evidenced by the Raed Salah case, built into the arbitrary nature of the powers given to the Home Secretary,

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Salah R, *Britain's duty to the Palestinian people*, The Guardian, 19 Apr 2012

is the opportunity for serious abuses to take place, ones which not only infringe on the moral integrity of the UK's justice system and openness, but can have a devastating impact on an individual.

The wording of this paragraph does not just suggest that it is foreign preachers who will be excluded, but rather suggests that UK nationals who are abroad, could be excluded by not permitting them to return to the UK. The case of Mahdi Hashi, as mentioned above, shows how just through an allegation of 'extremism', an individual can be blocked from entering into the UK.

Conclusions – towards a police state

The Task Force have been thorough in their approach of attempting to bring every single aspect of daily life under the purview of the security state. From schooling to hospitals, the obligations that will be imposed under the PREVENT strategy will dictate much of the way that Muslims will be understood and scrutinised.

When CAGE wrote its response to the UK government's revised PREVENT strategy in the report *Good Muslim Bad Muslim*, there were a number of key areas that were identified as being problematic with the approach that the government was taking. The report by the Task Force very much reinforces the concerns that were set out in relation to the intrusiveness of the strategy and the culture of fear and suspicion that it would foster. Requiring citizens to report on their Muslim co-nationalists for being at threat of 'extremism', will only ever warrant Muslim communities to feel isolated and disenfranchised.

CAGE asserts that a key problem in the strategy is the analysis of the root causes. It follows that if the analysis of the problem is flawed, then the solutions arising from them will have little impact.

The Home Secretary, in the 2011 PREVENT strategy, stated that:

"First, we will respond to the ideological challenge of terrorism and the threat from those who promote it. In doing so, we must be clear: the ideology of extremism and terrorism is the problem; legitimate religious belief emphatically is not."

All terrorists and acts of political violence have an ideology. But terrorism and political violence is not caused by ideology. Terrorism is a methodology not an ideology.

British Muslims believe that the violence emanating from the Muslim world is a direct consequence of the political situation in those countries, and western involvement in occupation, support for dictatorships that have, and continue to, cause so much suffering to Muslims. This key grievance has been completely glossed over by the report.

We also do not accept that some commit acts of terrorism because they don't support parliamentary democracy. This is more to do with alienation from the entire system than it is with parliamentary democracy in particular.

The strategy seems to draw on all kind of sources in analysing causes and the problem, except the most obvious one, those that have been convicted of terrorism and related offences throughout Europe. It breaks down their social characteristics, age and ethnicity, but not their views and motivations. This should be redressed in order to provide a correct conceptual framework for understanding these issues.

As we have seen, the measures proposed by the Task Force will be of no use to preserve the security of the United Kingdom. However, the strategy will have a great impact on the lives of 'everyday Muslims' and the wider society. It is the latest move of the government that for the last twelve years has stripped UK citizens of their most basic liberties.

It is under the guise of the ever-widening War on Terror, the government is dramatically transforming the British and European legal tradition into one in which endemic bias and racist assumptions are built into the very DNA of their policies.

Recommendations

Political violence

- As long as the causal analysis is flawed and at odds with the overwhelming majority of Muslims, the policy will not enjoy much support from them
- The strategy should incorporate alternative analysis of causes as well as the view put forward from think-tanks close to the government. These should include a variety of views from the Muslim communities, as well as the views of non-Muslims who provide an alternative analysis.
- Independent academic research, interviewing those convicted of terrorism should be conducted and results available widely to get a real understanding of causes rather than relying on theory, conjecture and propaganda.

Definitions

- The Strategy should make it clear at the outset, that extremism and radicalism is not unlawful and can be healthy. That Muslims have a right as citizens to freedom of political thought, assembly and association, and that Prevent should not be used to deny them those rights.
- The Government and Local authorities should list clearly those beliefs considered to be 'extremist' and 'radical'. It should ensure that all public service providers know that this applies equally to all communities not just Muslims.
- It should publish lists of those groups and individuals locally and nationally who fall within these definitions and, hence are ineligible to apply for funding, excluded from public debate, and booking venues.
- It should lay down clear procedures for those who wish to challenge their exclusion.
- The Government should clarify whether support for resistance to occupation overseas falls within the definition of extremism in the glossary.

Mechanisms

- A comprehensive impact assessment is carried out on the likely impacts on the Muslim community in particular.
- Clear guidance is issued on what views and behaviours constitute 'extremism' and 'radicalism'.
- Procedures are in place to prevent discrimination against Muslims because of political or religious views.
- There should be a mechanism for the right of appeal and challenge to those labelled as extremists and radicals. Redress in the case of wrongful accusation.
- Government to clarify that the scope of the strategy includes all communities.
- The right to challenge security check information held on individuals and groups to be built into the strategy; where this about political/religious views and activities.
- Where Muslim community groups or mosques are told to not allow individuals and groups to book venues or carry out activities this should always be in writing with clear reasons. Those affected should be allowed to challenge these decisions.
- What mechanisms are in place at national and local level to ensure that advice by Muslims is free from sectarian bias?
- What mechanisms are in place to ensure that political and sectarian differences used by Muslims to make accusations of extremism are not given due serious consideration?



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CAGE is an independent advocacy organisation working to empower communities impacted by the War on Terror policies worldwide. The organisation highlights and campaigns against such policies in hope to achieve a world free from oppression and justice.

27 Old Gloucester Street London WC1N 3XX

www.cageprisoners.com

Tel: +44 (0) 207 377 6700

Email: contact@cageprisoners.com

