

EUROPEAN RACE BULLETIN

INSTITUTE OF
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RELATIONS

■ **Freedom Party election material** ■ **Anti-terrorism and civil liberties round-up**

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Editorial

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One of the aims of the *Bulletin* is to document the impact of the electoral extreme Right on mainstream politics, particularly to changes to immigration and asylum law. In so doing, we often have to rely on newspaper reports and the statements of anti-racist organisations. Examining first-hand the campaign literature of the extreme Right – manifestos, leaflets, newspapers, party slogans and election hoardings – has proved more difficult. Here, Jon Higham goes back to such sources to examine the Austrian Freedom Party (FPÖ). He shows that the explicitness of the FPÖ's xenophobic message has varied over time, particularly in relation to its proximity to political power. (The FPÖ was part of the coalition government from 2000 to 2005.) But the language, metaphors and images this extreme-Right party deploys are often offensive and always disturbing.

The country roundups on anti-terrorism and security draw attention to the attack on civil liberties, which give succour to political forces such as Austria's Freedom Party. It is security laws that remove Muslim communities from the protection of the ordinary rule of law which legitimise the extreme Right's current racist campaign to 'stop the Islamisation of Europe'. When states remove civil liberties from Muslim communities on the grounds of national security, the extreme Right's toxic message that 'all Muslim are terrorists' does not appear abnormal.

Of the many trends that threaten human rights standards, perhaps the most alarming is the willingness to deport terror suspects to countries that practise torture. Research by Human Rights Watch indicates that at least seventy-one long-term residents and Muslim clerics were deported from France between 2001 and 2005 to countries with poor records on torture such as Algeria, Morocco, Turkey and Tunisia. (One man was stripped of his French citizenship to effect removal.) In order to deport around thirty national security detainees, the UK has signed diplomatic assurances (or Memoranda of Understanding) with Jordan, Libya and Lebanon and reached what is termed an 'agreement' with Algeria. And, to its lasting shame, it is leading the challenge of several EU member states, to the European Court of Human Rights' prohibition against return to a country that practises torture.

Liz Fekete

Editor

Austria: an examination of the Freedom Party's election campaign material

By Jon Higham

The collapse of the Communist bloc in 1989/1990 ushered in a caesura in the attitudes towards immigration displayed in the political arena in Austria. During the first thirty-five years of the Second Republic¹ Austrian governments adopted relatively welcoming policies towards immigrants. However, since 1990, there has been a hardening of legislation on immigration and asylum.² Similarly, immigration has become an increasingly contentious issue in political discourse in Austria. Of the parties represented in the Austrian parliament, the Freedom Party (FPÖ) has consistently been at the vanguard of those calling for tougher restrictions on immigration. In order to achieve a full understanding of the contours of debates on immigration in Austria, it is therefore essential to analyse the FPÖ's discourse on the topic. This piece will consider the stance which the FPÖ took on immigration-and asylum-related issues in its campaigns for the 1999, 2002 and 2006 general elections.

The 1999 election campaign: immigration 'threat' prioritised

Immigration was one of the central themes of the FPÖ's campaign for the election which took place in October 1999. The issue featured prominently in the party's manifesto and the FPÖ produced placards on the topic which were displayed throughout the country. In addition, the FPÖ's party newspaper, *Neue Freie Zeitung*³ [NFZ], devoted a considerable number of column inches to immigration-related stories during the election campaign.

Manifesto pledges

In the immigration-related section of the FPÖ's manifesto, the party called for:

- All immigration to be prohibited;
- An extension of the period immigrants had to wait before becoming eligible for naturalisation to ten years;
- Tough measures against organised crime;
- Longer sentences for drug dealing and people trafficking;
- Measures against social security fraud;
- Tough border controls;
- The deportation of foreigners who committed crimes in Austria;
- Refugees to be repatriated after the end of wars in their home countries.⁴

These proposals suggest that the FPÖ viewed immigration as an entirely negative phenomenon and believed that there were too many immigrants in Austria. By dealing with the themes of organised crime, drug dealing and social security fraud in the section of the manifesto related to immigration, the FPÖ implied that immigrants in general had a propensity to be involved in these types of criminality. The demands listed above focus exclusively on reducing the number of immigrants in Austria and combating problems supposedly caused by immigration. No consideration is given to potential humanitarian issues related to immigrants' plight. In this context, it is also significant that the manifesto fails to explicitly recognise the right to asylum.

Hoardings highlight 'excess' and 'abuse'

During the 1999 campaign the FPÖ mass-produced two placards on the topic of immigration.⁵ The slogans 'Stopp dem Asylmissbrauch!' ['Stop the Abuse of Asylum!'] and 'Stopp der Überfremdung!' ['Stop the excess of Foreigners!'] appeared on these placards in a large bold typeface. These slogans once again portray immigration and immigrants in an exclusively negative light, suggesting that there was a dangerous excess of foreigners in Austria and that abuse of asylum was widespread. The succinct nature of the slogans, the bold typeface and the use of exclamation marks combine to give the messages on the placards an aggressive resonance. Thus the placards are apt to incite resentment against immigrants and give the impression that immigration poses a serious threat to Austria.

Party newspaper stresses African criminality

The *leitmotif* in immigration-related articles published in *NFZ* in the months leading up to the 1999 general election was the portrayal of immigrants as drug dealers and organised criminals. Of fifteen randomly selected articles referring to immigration which were studied for this piece, nine either strongly implied or overtly stated that immigrants tended to be involved in drug dealing and organised crime. For instance, one report asserted that 'it is not uncommon that the right to asylum is abused and the asylum seeker becomes a drug dealer and leads our children astray'.⁷ Similarly, another piece claimed that 'when black Africans destroy their identity papers, and blackmail their way out of jail by going on hunger strike – a common, well-known and popular practice amongst them – then they are immediately free and continue their lethal drug dealing'.⁸ Whereas the manifesto and the hoardings analysed above do not single out any individual group of immigrants as constituting more of a threat than others, this quote identifies immigrants of African origin as being especially likely to commit drug-related crimes. This focus on Africans as a particular *bête noire* was a repeated feature of *NFZ's* discourse on immigration in 1999.

The FPÖ obtained 26.9 per cent of the vote in the 1999 elections, displacing the centre-right wing Austrian People's Party (ÖVP) as the second largest party in Austria. This electoral success enabled the FPÖ to enter a coalition government with the ÖVP in February 2000.

Between 1986 and 1999 a Grand Coalition between the ÖVP and the Austrian Social Democratic party (SPÖ) had governed Austria. Table 1 indicates that disaffection with this coalition and a desire for a change were the main voter motivations for FPÖ supporters in the 1999 elections by a substantial margin. The exit polls analysed suggest that antipathy towards immigrants was the second most frequently cited determinant of FPÖ voters' electoral preferences. It is important to treat data from exit polls with a degree of caution. Nonetheless, taken at face value the material tabulated below supports the inference that whilst the party's discourse on immigration was not the main driving factor behind the FPÖ's success in 1999, it made a significant contribution to this success.

Table 1: Responses FPÖ voters gave in 1999 to the question 'What was your main motivation for voting for the FPÖ in the general elections?'

	%
Desire for a change and rejection of the Grand Coalition	27
Resentment of foreigners	15
[FPÖ leader] Haider's image and leadership	13
Protest vote	13

2002 election campaign: securing borders, internalising controls

In 2002 the issue of immigration again featured prominently in the FPÖ's manifesto, on campaign placards and in articles in *NFZ*. It is therefore clear that the topic remained a major theme in the party's election campaign. The extant secondary literature suggests that immigration-related discourse played a bigger role in the FPÖ's electioneering in the second half of the campaign than in the first half.¹⁰

Manifesto pledges

In the section of its manifesto dealing with immigration the party pledged to bring about:

- A shortened processing time for asylum applications;
- Compulsory registration of asylum seekers with the local authorities;
- Quick deportations of asylum seekers who committed crimes or had their asylum applications rejected;
- Reduction in levels of immigration;
- Tighter border controls;

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- Tougher measures against illegal immigrant labour;
 - A reduction in asylum abuse, 'so that those who have really been persecuted get protection'.¹¹

The FPÖ's manifesto also boasted about the following achievements that it had made since its entry into government:

- Introduction of tougher sentences for people traffickers and of penalties for exploitation of those who had been trafficked;
- Reduction of abuse of immigration and asylum laws;
- Lowering of quota of immigrants allowed into Austria.

In addition, the party underlined the importance of ensuring that immigrants resident in Austria were integrated into Austrian society and asserted that: 'This integration can only be achieved if foreigners accept that they do not just have rights but also responsibilities. A successful integration requires that immigrants learn German, accept fundamental democratic rules and are incorporated into Austrian society.'

Finally the manifesto gave a damning indictment of the situation the FPÖ had inherited when it entered government, stating that the Grand Coalition had allowed uncontrolled immigration which had led to a reduction of wages and an increase in 'foreigner criminality'.

A large degree of continuity is observable between the 1999 and 2002 manifestos. Both documents viewed immigration as an exclusively negative phenomenon that harmed Austria and should be combated. Similarly both documents expressed the belief that levels of immigration were too high and implied that immigrants had a propensity to turn to crime.

New emphasis on integration

Emphasis on integration was new to the 2002 manifesto. Prima facie it may appear that the inclusion of references to integration implies a softening of the FPÖ's stance on the issue of immigration – in that it recognises that immigrants have a right to settle and stay in the country. However, by stressing that in order to be integrated it was essential that immigrants 'accept fundamental democratic rules' and 'accept that they do not just have rights but also responsibilities', the party implied that there was a significant chance that immigrants did not accept fundamental democratic rules and that they tended to demand rights without accepting responsibilities. Thus, the manifesto's discourse on integration (which benefited from the post-September 11 climate engendered by the War on Terror) was, once again, framed in terms of a negative stereotype of immigrants. In this sense this discourse was consistent with the attitude towards immigrants evinced in 1999. It is also interesting to note that integration was conceived of purely in terms of immigrants making concessions to the domestic culture. The manifesto at no point made any references either to the possibility that exposure to other cultures might enrich Austrian society or the need for the 'host' community to facilitate harmonious inter-ethnic relations by showing respect for cultural diversity.

In spite of all of this, the 2002 manifesto provides some evidence that the FPÖ slightly toned down its rhetoric on immigration in the election campaign in question. Not only did the manifesto refrain from demanding a complete stop to immigration, but, unlike in 1999, there was an explicit reference to the importance of granting asylum to those 'who have really been persecuted'.

Hoardings and newspaper: different messages

The immigration-related hoardings produced by the FPÖ during the 2002 campaign featured the slogan 'Those who want stricter immigration laws, vote blue' (blue is the colour of the FPÖ). This slogan makes it clear that the FPÖ took a hawkish stance on immigration. Nonetheless, by virtue of its greater length and lack of exclamation marks it does not have the same aggressive resonance as the slogans used on placards in 1999 and consequently is not as likely to stir-up passionate resentment of immigrants.

Articles that appeared in *NFZ* during the 2002 election campaign consistently expressed opposition to immigration and asserted that it was necessary that immigration laws be tightened in order to reduce the number of foreigners settling in Austria.¹² These views were frequently expressed using dramatic language. For example, one article quoted Helene Partik Pablé of the FPÖ as stating that Austria was 'flooded' with

asylum seekers and another piece asserted that it was ‘urgent’ that action to reduce the number of asylum seekers be taken.¹³ As has been stated, the use of charged language to address the issue of immigration seems likely to provoke heightened levels of resentment towards immigrants.

The material studied included occasional mentions of the fact that ‘people who were really persecuted’ should be entitled to asylum.¹⁴ Nevertheless, generally the primary focuses of references to asylum were the allegedly high levels of asylum abuse and the need to combat this.¹⁵ As well as arguing that asylum abuse was common, a number of articles featured in *NFZ* in 2002 gave the impression that immigrants and asylum seekers often had criminal tendencies. For instance, the paper quoted Hubert Gorbach, then head of the FPÖ in the province of Vorarlberg, as making the following comment apropos party’s demand that failed asylum seekers be deported more quickly: ‘The latest sad example of those asylum seekers, who plied their immoral trade as professional thieves in Vorarlberg for months, legitimises the reform of asylum processes as does the recent action against the drug mafia in Vienna, where 11 suspects, all asylum seekers, were arrested for being drug dealers!’¹⁶

This quote does not directly state that asylum seekers in general have a tendency to be criminals. However, since the anecdotes given were adduced as a justification for a more restrictive asylum policy, the assumption that the criminals mentioned were typical of asylum seekers was evidently implicit in the remark.

Whilst *NFZ*’s discourse on links between immigration and criminality in 2002 broadly speaking mirrored its discourse on this issue in 1999, there were two significant diachronic discontinuities in the paper’s stance on the topic. Firstly, the articles studied from the 2002 campaign did not identify any specific group of immigrants as being particularly associated with crime. Secondly, the motif of immigrants as criminals did not appear as frequently in *NFZ* in 2002 as it had in 1999. This further corroborates the argument that the xenophobia inherent in the FPÖ’s stance on immigration in the 2002 election campaign was toned down after the 1999 election campaign – particularly in relation to explicit attacks on African, or black immigrants.

Election results and diachronic changes

In the 2002 elections the FPÖ obtained its lowest share of the vote since 1986, polling only 10 per cent. As table 2 illustrates, the party’s stance on immigration remained an important voter motivation for FPÖ supporters, in this sense it was a key driving factor behind support for the party. Nonetheless, the FPÖ’s attitude towards immigration was not a significant determinant of the party’s electoral fortunes in the sense that changes in attitudes towards immigration cannot be said to account for the downturn in the FPÖ’s popularity. Rather support for the party collapsed largely because of problems the FPÖ experienced adapting to being in government. Of these problems perhaps the most damaging was infighting between those who believed that the FPÖ should seek to behave as a responsible party of government and those who wished the party to continue behaving as a largely populist oppositional actor. This infighting resulted in the FPÖ leadership resigning in September 2002, which precipitated the elections and resulted in the election campaign being fought in a chaotic fashion against the backdrop of discord between different factions.¹⁷

The change in the tone of FPÖ’s rhetoric on immigration seems to be consistent with a desire to present a more responsible governmental image. Thus it is reasonable to infer that proximity to power and the resultant changes in party strategy led the FPÖ to somewhat temper its pronouncements on immigration and asylum. It is important to stress that this shift in strategy did not result in a fundamental change in the party’s attitude towards immigration, merely a subtle toning down of the way in which these attitudes were expressed.

Table 2: Voter motivations listed by FPÖ supporters in 2002¹⁸

	%
Desire to avoid an SPÖ-Green Coalition	56
Opposition to immigration	52
Voter had traditionally voted FPÖ	52
So the FPÖ remains influential	46
To avoid a Grand Coalition	37

The 2006 election campaign: aggression unleashed

In 2006, discourse on immigration played a more significant role in the FPÖ's election campaign than it had in 1999 or 2002. This is attested to by the fact that during the 2006 campaign NFZ devoted considerably more space to the topic than it had in the two previous campaigns. Once again the issue was dealt with not just in *NFZ* but also in the party manifesto and on placards which were displayed throughout the country during the campaign.

Manifesto pledges

In 2006 the FPÖ made considerably more immigration-related pledges than in either 1999 or 2002. These pledges are too numerous to list exhaustively in this piece. However, the party's key demands included:

- A complete stop to immigration and a constitutional amendment stating that Austria was not an immigration country;
- 'Refusal to integrate' should become a criminal offence;
- The special privileges which Turkish citizens have under the terms of the EU-Turkey Association Treaty should be repealed;
- Naturalised citizens should have their citizenship revoked if they showed a refusal to integrate or committed crimes. Indications of lack of willingness to integrate include inadequate knowledge of German and lack of 'knowledge of the country';
- The government should have a role in the selection of Religious Education teachers in order to ensure that RE lessons could not be abused by radical Islamists;
- An extension to fifteen years of the waiting period before immigrants resident in Austria become eligible for naturalisation;
- Foreign criminals should be deported immediately;
- A special police force should be established to deal with matters related to foreigners, including the 'multi-faceted' phenomenon of 'foreigner criminality';
- Deportation without right of appeal of asylum seekers who committed crimes.¹⁹

There are numerous continuities between these pledges and those made in the previous two FPÖ manifestos. The proposals listed above illustrate that the party once again viewed immigration as an entirely negative phenomenon and, as a result, wished to reduce the number of immigrants and asylum seekers in Austria. Moreover, in view of the numerous references to the need to take special measures to combat 'foreigner criminality', it is clear that in 2006 the FPÖ continued to espouse the belief that immigrants tended to be criminals. The 2006 manifesto also resembles the 2002 manifesto in that it placed emphasis on the importance of immigrants integrating into Austrian society. As in 2002, integration appears to be conceived of as the responsibility of immigrants, rather than as a reciprocal process.

Notwithstanding these diachronic continuities, the 2006 manifesto evinced a considerably harsher attitude towards the issue of immigration than either of the previous two manifestos. Not only did the document demand longer waiting periods for naturalisation than the 1999 or 2002 manifestos, but by proposing that naturalised citizens should have their citizenship revoked in certain circumstances, it effectively suggested that immigrants should only be able to become second class citizens. Such suggestions were not observable in 1999 or 2002. The increase in the levels of aggression observable in the FPÖ's 2006 manifesto is also evidenced by the fact that the document went beyond merely making demands for a complete halt to immigration, as it did in 1999, and specifically proposed that the constitution be amended to prevent future governments from allowing substantial amounts of immigration. Finally, the fact that, in contrast to the 2002 manifesto, which merely stressed the importance of integration, the 2006 manifesto suggested that immigrants who failed to integrate should be considered criminals attests to a hardening of the party's attitude to immigration.

New themes

Muslims as 'threat'

The 2006 manifesto also differed from the 1999 and 2002 manifestos in that it singled out Muslims as a

threat to security by demanding that measures be taken to prevent 'radical Islamists' from using RE lessons to indoctrinate children. Significantly, references to the dangers posed by Islamic fundamentalism were not tempered by caveats emphasising that not all Muslims are extremists. Thus readers could clearly be led to equate Islam as a whole with dangerous radicalism. This impression is reinforced by the fact that the manifesto at no point mentioned the dangers posed by other forms of religious fundamentalism. As Turkey is a predominantly Islamic country, the FPÖ's calls for restrictions on Turkish citizens' right to work in Austria, dovetail with the manifesto's apparent Islamophobia.

Protecting the Austrian way of life

During the 2006 election campaign, four different slogans were used on immigration-related placards displayed throughout the country. These slogans were: 'Welfare State instead of immigration'; 'Safe Pensions instead of Asylum Millions'; 'German instead of "I not understand"' and 'Home sweet home instead of Islam'. The first two slogans present immigration as posing a mortal threat to the financial viability of the Austrian welfare state. The third slogan encourages the idea that immigrants are generally unable or unwilling to learn German. Finally, by presenting Austrian culture and Islam as being mutually exclusive, the fourth slogan suggests that Muslim immigration to Austria poses a threat to the continued existence of the 'Austrian-way-of-life'. By virtue of being far more explicit about the catastrophic consequences the FPÖ believes immigration will have, the placards displayed in 2006 are more emotive than those displayed in 1999 and 2002.

A number of the topoi observable in the FPÖ's 2006 manifesto and in the placards analysed above appeared in *NFZ* during the election campaign. Several articles averred that the cost of paying for welfare for immigrants had brought the Austrian welfare state to 'the brink of collapse'.²⁰ Likewise, various articles presented immigrants as having criminal tendencies. For example, one piece stated that 'only the last denier of reality and fantasist believes that the increased criminality does not have anything to do with...the flood of asylum seekers – particularly from Africa'.²¹ As this quote illustrates Africans were once again singled-out as especially likely to commit crimes.

Another central theme of *NFZ*'s discourse in 2006 was opposition to Turkey joining the EU. This discourse was connected with the topic of Muslim immigration to Austria. *NFZ* asserted that Islamic culture in general and Turkish culture specifically were incompatible with Enlightenment values. On this basis, the paper argued that the increase in Turkish immigration which it believed would follow Turkey's accession to the EU would undermine liberal democracy in Austria, causing massive increases in the prevalence of practices such as 'honour killings' and providing 'radical Islamists' with an easy means of entry into the country.²²

Analysis of election results

As Table 3 illustrates, exit polls suggest that anti-immigrant sentiment was the primary voter-motivation for supporters of the party in 2006.

	%
Opposition to immigration	51
Dissatisfaction with other parties	49
Because the FPÖ takes a hard stance on crime	45
Because the FPÖ represents the 'small man'	29
Because the FPÖ represents my interests	29

The FPÖ obtained 10 per cent of the vote in the 2006 elections. The analysis above has identified demonisation of Islam and a hardening in the tone of the party's rhetoric as being two of the main features which distinguished the FPÖ's immigration-related discourse in 2006 from its discourse on the topic in 1999 and 2002. These changes in the focus of the party's campaigns can be explained in terms of the backdrop to the 2006 election. It seems reasonable to posit that both the start of negotiations regarding Turkish

accession to the EU in 2005 and the high profile attacks carried out or attempted in Europe by Al Qaeda-inspired organisations between 2003 and 2006 created an environment in which particularly large amounts of political capital could be made from playing on fears about immigration from Muslim countries. Thus it is not surprising that Islamophobia was a feature of the FPÖ's 2006 campaign.

In 2005, a group of FPÖ politicians including former leader Jörg Haider seceded from the party and founded a new right wing movement, the Alliance for the Future of Austria (BZÖ). Those who remained in the FPÖ after the split tended to be the more radical members of the party. This helps explain the shift to the right observable in immigration-related material from the 2006 election campaign. After the secession, the FPÖ left government and completely abandoned attempts to portray itself as a responsible party of government in favour of a populist strategy orientated towards maximising its electoral support.²⁴ This shift in the party's strategic paradigm helps explain the shift to the right under discussion. The radicalisation observed can also be attributed to the fact that the secession of the BZÖ increased competition for the anti-immigrant vote, thereby forcing the FPÖ to adopt more aggressive positions on the topic of immigration. Finally, it is important to consider that in 2005 there was a significant tightening of legislation dealing with immigration.²⁵ In order to continue to convey the image of wanting to toughen immigration regulations, the FPÖ had to respond to this by moving further to the right.

The FPÖ in opposition – what next?

This piece has shown that in recent elections the FPÖ has consistently taken a strongly xenophobic attitude towards immigration and that this xenophobia has proved attractive to significant numbers of voters. Political discourse not only responds to beliefs already prevalent amongst the population, it also helps shape popular beliefs. Hence it seems likely that in addition to playing on existing prejudices the FPÖ creates new xenophobia. This hypothesis is substantiated by recently observed increases in the tendency for landlords to ban people of African origin from their premises on the basis that they fear that they are drug dealers.²⁶

During the 1990s the SPÖ and the ÖVP responded to the FPÖ's successful instrumentalisation of controversies surrounding immigration by hardening their own stances on the subject.²⁷ This demonstrates that, in addition to affecting popular opinion, the FPÖ's discourse impacts upon the position other parties adopt on immigration. It therefore seems that, despite being in opposition, the FPÖ will continue to be able to exert an influence on government policy towards immigration. It is reasonable to infer that, whilst it is to be welcomed that the FPÖ is not in government, the party's xenophobia still has potential to have insidious effects on Austrian politics and society.

Jon Higham is a PhD student at the University of Aberdeen conducting research into post-1945 Austrian politics. His main research interests are post-World War Two political discourse on Nazism, the Austrian Freedom Party (FPÖ) and discourse on immigration in Austria.

References

1 The Second Republic was established after the end of World War Two and the collapse of Nazi rule in Austria.

2 See Sedlak, Maria, 'You Really do make an Unrespectable Foreigner Policy...Discourse on Ethnic Issues in Austrian Parliament', in Wodak, Ruth and Teun van Dijk (eds), *Racism at the Top*, (Klagenfurt: Drava Verlag, 2000), pp.107-166 (p.107).

3 New Free Paper.

4 FPÖ Manifesto 1999, Point 5, 'Österreich ist kein Einwanderungsland' (Austria is not an immigration country).

5 All placards studied for this piece were viewed in the Austrian National Library's Archive of Election Campaign Material. Since it is a legal obligation for political parties to send copies of election placards to the National Library's archive, this archive should, theoretically be comprehensive.

6 The term *Überfremdung* is difficult to translate concisely. It refers to a state of affairs in which there are too many foreigners in a country.

7 'FPÖ-Wahlauftakt in Wien: Heimatschutz, Kinderschutz', *NFZ*, 15/9/99, p5.

8 'Aktion gegen Dealer-Unwesen', *NFZ*, 18/8/99, p.10.

9 Statistics quoted in Luther, Kurt Richard, 'Wahlstrategien und Wahlergebnisse des österreichischen Rechtspopulismus, 1986-2006', in Plasser, Fritz and Peter Ulram, *Wechselwahlen. Analysen zur Nationalratswahl*

2006, (Vienna: Facultas Verlag, 2007), pp.231-253 (p249).

10 'Wahlstrategien und Wahlergebnisse des österreichischen Rechtspopulismus, 1986-2006', p.237.

11 FPÖ Manifesto 2002, Point 4, 'Wer strengere Einwanderungsbestimmungen will, wählt blau'.

12 For example 'Land im "Wahlfieber": Der Wahlkampf zur Nationalratswahl am 24. November ist eröffnet', *NFZ*, 30/10/02, p.5 and 'Einreisetipps für Illegale im Internet', *NFZ*, 6/11/02, p.3.

13 'FP ist Garant für konsequente Asylpolitik!', *NFZ*, 9/10/02, p.1 and 'Asylrecht weiter verschärfen', *NFZ*, 2/10/02, p.7.

14 "'Wir sind die Österreich-Partei'", *NFZ*, 30/10/02, p.3.

15 For example 'Asylrecht weiter verschärfen', *NFZ*, 2/10/02, p.7 and 'Massnahmen gegen Asylmissbrauch', *NFZ*, 9/10/02, p.7.

16 Massnahmen gegen Asylmissbrauch', *NFZ*, 9/10/02, p.7.

17 See 'Wahlstrategien und Wahlergebnisse des österreichischen Rechtspopulismus, 1986-2006', pp.236-238 and Plasser, Fritz, Peter Ulram and Gilig Seeber, 'Erdrutschwahlen: Momentum, Motive und neue Muster im Wahlverhalten', in Plasser, Fritz and Peter Ulram (eds), *Wahlverhalten in Bewegung*, (Wien: Facultas Verlags- und Buchhandlung AG, 2003), pp.97-152 (pp.98-101).

18 Information quoted in 'Erdrutschwahlen: Momentum, Motive und neue Muster im Wahlverhalten', p.142.

19 FPÖ Manifesto 2006, Point 3, 'Foreigners'.

20 'Strache: Wir wollen wieder drittstärkste Kraft werden!', *NFZ*, 10/8/06, p.3. See also 'Sozialstaat statt Zuwanderung', *NFZ*, 17/8/06, p.8 and 'FPÖ mit Volldampf dem 1. Oktober entgegen', *NFZ*, 21/9/06, pp.18-19.

21 'Kriminalität steigt! FP-Kurzmann: Graz ist besonder betroffen!', *NFZ*, 21/9/06, p.12.

22 See 'Strache: Blutige Kriege am Bosphorus nicht nach Europa importieren!', *NFZ*, 31/8/06, p.2 and 'Islamismus am Vormarsch', *NFZ*, 27/9/06, p.8.

23 Information quoted in Plasser Fritz, Peter Ulram and Gilig Seeber, 'Was Wähler(innen) bewegt: Parteien-, Themen und Kandidatenorientierungen 2006', in *Wechselwahlen. Analysen zur Nationalratswahl 2006*, pp.155-191, (p.183).

24 'Wahlstrategien und Wahlergebnisse des österreichischen Rechtspopulismus, 1986-2006', pp.238-241.

25 The package of immigration laws promulgated by the ÖVP-BZÖ coalition in 2005 contained numerous measures tightening existing restrictions on immigration. See *Der Standard*, 30/7/07 and *Der Standard*, 29/8/07.

26 *Der Standard*, 9/8/07.

27 'You Really do make an Unrespectable Foreigner Policy...Discourse on Ethnic Issues in Austrian Parliament', pp.107-108 and pp.164-165.

Anti-terrorism and civil liberties

AUSTRIA

Anti-terrorist operations

Muslim groups speak out against alarmism after anti-terror arrests

In September 2007, leading Muslim community figures expressed alarm that the arrest of two men and one woman on anti-terrorist charges was blown out of proportion and used by the media to magnify the threat terrorism posed to Austria. According to Omar Al-Rawi, spokesman for Austria's Islamic Religious Authority, Muslims were 'fed up' with repeated claims that the number of militant sympathisers with terrorism was on the rise.

Details of arrest

The three, a 22-year-old man, his 20-year-old wife and a 26-year-old man, all Muslim Austrian citizens, were alleged to have posted a video on the internet in the name of the 'Voice of the Caliphate'. In the video they allegedly made vague threats against Germany and Austria on account of these countries' military engagement in Afghanistan. Following the arrests, interior minister Günter Platter said that those arrested posed 'no direct threat to Austria' as no terrorist plot existed. The police made the arrests because they suspected the groups were planning to leave the country. However, the leader of the Freedom Party, Heinz-Christian Strache, said that the arrests confirmed that radical Islam was the 'fascism of the 21st century' and the media speculated that one of those arrested could be an al-Qaeda sleeper. (*Reuters* 12.9.07)

CYPRUS

National security expulsions

No charges but deportation for Pakistani terror suspects

The authorities announced that two Pakistani men arrested on suspicion of planning a car bomb attack on a western embassy in Nicosia would be deported. However, they were to be deported as illegal immigrants as no evidence could be brought forward to prove terrorist activity. The only evidence was that the men had, according to the authorities, admitted 'sympathising' with a group linked to terror-related acts.

Police confirmed that a third person, a Pakistani student, arrested at the same time, would be allowed to remain in Cyprus. (*The International News* 9.3.07)

DENMARK

Speech crimes

No prosecution against imams in cartoon row

The state prosecutor, Birgitte Vestberg, said that there will be no prosecution of a group of imams who were accused of disseminating false information and inciting hatred at the height of the controversy concerning *Jyllands-Posten's* publication of the prophet cartoons.

The group of imams visited Syria, Egypt and Lebanon and expressed support for action against Denmark, including the boycott of Danish goods. The state prosecutor said that the investigation focused on anti-terrorist laws regarding travel activity that threatened national security. Officials found that many statements the imams had made were incorrect, but there was nothing illegal in what they said and nothing that promoted violence against Denmark. Welcoming the findings, a spokesman for the Islamic Society declared "Of course we would do it again, but we would be more careful with our information so that it is precise and clear." (*Migration News Sheet*, February 2007).

EU

Security policy

EU Commission maps mosques linked to 'radical Islam'

The EU Commission stated that by Autumn 2007 it would have completed a project to identify imams in particular mosques who preach radical Islam. According to EU Justice and Home Affairs Commissioner Franco Frattini speaking in Venice, Europe has experienced the 'misuse of mosques, which instead of being places for worship are used for other ends'. Frattini also emphasised the need to strengthen dialogue with Islamic communities 'to avoid sending messages that incite hate and violence'. (*Expatica News* 23.5.07)

Proscribed organisations, individuals and entities

Most of the information in this section is taken from Ben Hayes, "Terrorist lists" – still above the law' (Statewatch Analysis, August 2007).

EU updates terrorist list

In December 2006, the EU added two groups to its list of proscribed organisations – the 'Hofstadgroep' in the Netherlands and the Teyrebazen Azadiya Kurdistan (TAK, aka Kurdistan Freedom Falcons, Kurdistan Freedom

Hawks). The Hofstadgroep was linked to the death of Theo van Gogh, and his killer, Mohammed Bouyeri, was one of nine individuals added to the list. (www.state-watch.org/terrorlists/docs/EU-update-dec06.pdf)

In July 2007, the EU, following a review, adopted a new terrorist list, upholding 101 out of 104 existing terrorist designations (three Italian left-wing groups were removed from the list as well as the Greek group Epanastatikos Agonas). Despite successful challenges from the People's Mujahedin of Iran (PMOI), Jose Maria Sison and Stichting al-Asqa, all remain on the list.

PMOI succeeds in proscription challenge

The EU Court of First Instance (CFI) annulled the EU Council Decision of December 2001 to include the PMOI on its list of terrorist organisations, stating that the PMOI was denied a fair hearing in which it could challenge the decision. This means that the EU must now provide a 'statement of reasons' to groups and individuals it designates as terrorist.

The Council, as well as the UK government, are considering whether to lodge an appeal with the European Court of Justice. The Council stated that it had no immediate plans to comply with the ruling. (www.state-watch.org/terrorlists/docs/Euterrorist-May-06.pdf, *Migration News Sheet* (January 2007).

PKK launches challenge

Following a ruling by the European Court of Justice (ECJ) in January 2007, the Kurdish Workers Party (PKK), which was added to the EU list of terrorist organisations in 2002, will be allowed to bring its case against proscription to the CFI. The CFI initially refused to hear the PKK's submission, stating, amongst other things, that statements were made to the effect that the organisation no longer existed. But the ECJ ruled that the PKK can not, simultaneously, have an existence sufficient for it to be subjected to restrictive measures (such as inclusion on the Proscribed Organisations List) and not have an existence sufficient to contest these measures. (*Migration News Sheet*, January 2007).

Challenge by Jose Maria Sison and Stichting al-Asqa

In July 2007, the CFI ruled that the EU decision to freeze the assets of Professor Jose Maria Sison and Stichting al-Asqa, both based in the Netherlands, were unlawful. The court followed the same reasoning as the December 2006 judgement in favour of the PMOI against its inclusion on the EU terrorist list. However, in all three cases, the complainants remain blacklisted as the CFI upheld the validity of the EU proscription list itself. (Ben Hayes, "Terrorist lists" still above the law)

Repeated challenges lead to EU internal review

The EU responded to the judgements of the CFI listed above by launching an internal review, conducted largely in secret. The result, according to *Statewatch*, has been a few minor reforms. Nevertheless, those groups and individuals that launched challenges still remain on the list. 'So after waiting four-and-a-half years for the CFI to rule in favour of their appeals, the successful parties are effectively back to "square one"', reports *Statewatch*.

Extraordinary rendition

Committee exploring extraordinary rendition issues final report

The final report of the Temporary Committee on the Alleged Use of European Countries by the CIA for Illegal Activities (TPID) was adopted in January 2007 by the European parliament despite opposition from some MEPs due to the report's strong criticisms of the governments of Poland and Romania which were not prepared to accept any suggestion that there were secret detention centres for terrorist suspects in these countries. Critical comments were also made about the present governments of Austria, Cyprus, Denmark, Germany, Greece, Ireland, Italy, Sweden, Spain, Portugal and the UK. Three non-member states, namely Bosnia, Macedonia (FYROM) and Turkey were also criticised.

Report's findings

The report pointed to serious breaches of human rights carried out with the collusion of the governments of some EU member states. It also cast doubt on the credibility of the assertions made by a number of European leaders with respect to such illegal activities. These leaders include Javier Solano, NATO's Secretary General and José Manuel Durão Barroso, president of the European Commission, who was the prime minister of Portugal at a time when CIA torture flight stopovers in that country were frequent.

Member states hinder inquiry

The report criticised the Polish government which failed to fully cooperate with the TPID when it visited Poland and displayed an attitude of 'overall rejection' to its inquiries. The Polish parliament carried out its own investigation, but the TPID concluded that this was not conducted independently. MEPs also deplored 'the lack of cooperation of many Member States'.

Council of EU and officials criticised

MEPs also criticised the manner in which the Council of the EU responded to the temporary committee and said that 'the serious lack of concrete answers to the questions raised by victims, NGOs, media and parliamentarians has only strengthened the validity of already well-documented allegations'. The EU Council, they said, initially withheld – and then provided only partial fragments of – information pertaining to regular discussions with high-level US officials. The Council of the EU's Secretary General, Javier Solana was criticised for 'omissions' in statements regarding the Council's discussions on fighting terrorism with US representatives. EU counter-terrorism coordinator Gijs de Vries was 'unable to give satisfactory answers'. De Vries announced his resignation a day before the report was adopted.

A second report

In June 2007, Dick Marty, the Council of Europe's special rapporteur on extraordinary renditions made public his second report in which he affirmed that there was 'enough evidence to state' that such secret prisons in Poland and Romania existed, in spite of repeated and sustained denials by the governments concerned. The evidence was based on information gleaned from indi-

vidual members of the American, Polish and Romanian secret services who had given evidence on strict condition of anonymity.

Bosnia-Herzegovina, a member state of the Council of Europe admitted to having participated in the CIA programme, stating that it handed over six persons to the CIA – something that it recognised constituted a violation of its obligations as a member state of the Council of Europe. Mr Marty said that a new small democratic country with a rather painful and violent past had given a very good lesson to the big democracies in Europe.

A spokesman for the American CIA described the report as 'biased and distorted'. (*Migration News Sheet*, March, July 2007).

Human rights groups name 39 suspected rendition victims

In June 2007, AI wrote to the President of the European Council, Angela Merkel, repeating its call for a ban on CIA renditions. Alongside five major human rights groups, it published a list of thirty-nine individuals who are believed to have been subject to enforced disappearance. (AI EU Office, Open letter to Heads of State or Government of the European Union to ban CIA renditions, European Council 21-22 June 2007).

FRANCE

National security expulsions

Human Rights Watch criticises deportation policies

National security exceptions to the legal protections against forced removal that apply in France to various categories of foreign residents mean that anyone designated as a threat can be removed, even if they have lived in France their entire lives. Human Rights Watch (HRW) is particularly concerned that France is deporting terrorism suspects to Morocco, Tunisia, Turkey and Algeria –countries with 'draconian counter-terrorism legislation, inadequate fair trial provisions, and poor records on torture'. In a report published in June 2007, HRW cited numerous cases including that of a French citizen who was stripped of his citizenship in order to effect his deportation to Tunisia. HRW concluded that such forced removals of long-term residents and Muslim religious leaders may prove counterproductive. Perceived by French Muslims to be discriminatory and unjust, such measures could end up alienating communities whose cooperation is vital to the effort to combat terrorism.

Vast majority of deportations are to Algeria

The vast majority of those expelled from France on national security grounds are returned to Algeria where terrorism suspects are at particular risk of torture and ill-treatment as documented in AI's April 2006 report 'Unrestrained Powers'. 'The history of threats and actual attacks attributed to Algerian networks in France, the large presence of Algerian nationals residing in France

and the special – if troubled – relationship between the two countries as a result of their shared colonial history explain this predominance.'

As the staff researcher for HRW was unable to obtain a visa, a HRW consultant conducted interviews in Algeria in November 2006 with twelve Algerian nationals deported from France. The interviews confirmed that terrorism suspects returned to Algeria are likely to be detained by the Department for Information and Security (DRS) for periods ranging from four to twelve days. While none of the men reported suffering torture upon return, they endured days and nights of uncertainty, and in some cases, constant interrogations. Their families also suffered immensely as they did not know their whereabouts. HRW cited the issue of double punishment – all except one of the twelve interviewed had served prison terms in France. One of them Mahdi E., 46, was an Algerian national who was born in France and had lived there his entire life. He was taken from his prison cell at 5am in the morning, put in a straight-jacket and driven to Marseille, where he was 'thrown in a cell' on a boat heading for Algiers.

Deportation of imams

Available government figures indicate that seventy-one individuals described as 'Islamic fundamentalists' were forcibly removed from France between September 11, 2001 and September 2006. Of these, fifteen were described by the government as imams who had engaged in speech deemed a threat to national security. One of these was Abdelkader Bouziane, an imam expelled by ministerial order despite not having been found guilty of any criminal or terrorist offence (see *Bulletin* no. 52). Bouziane, 54, was flown to Algeria on 21 April 2005 and taken to an unknown location where he was held for interrogation for seven days. During this time his family had no idea of his whereabouts and he was prohibited from using the telephone.

Insufficient procedural guarantees

The lack of an automatic appeal against expulsion (during which expulsion is suspended) and misuse of the expedited procedure have created a situation in which individuals facing deportation do not have access to an effective remedy. This means that the government is free to expel even in cases where the individual alleges a risk of torture upon return. Human Rights Watch heard evidence from a number of organisations, including Action by Christians Against Torture, that administrative judges view petitions grounded in concerns of torture with considerable suspicion. Judges also display insufficient knowledge about the situation in certain countries and rely on the opinions of the OFPRA (Office for Refugees). OFPRA rules that in cases of national security (as opposed to asylum) individuals may be deported while the Appeal Board reviews the case.

Citizenship revoked in case of Adel Tebourski:

Another case cited by HRW is that of Adel Tebourski, who was deported after being stripped of his French citizenship and despite warnings from the UN Committee for the Prevention of Torture that he was at risk of torture. Adel Tebourski, 42, came to France when he was thirteen, married a French citizen (he has a son born in France), and gained citizenship in 2000. Tebourski was

jailed in 2005 for two years following conviction of offering logistical support to the killers of the Afghan Northern Alliance leader Ahmed Shah Masood in 2001. On his release from prison in July 2006, he was stripped of his French citizenship. French law allows for naturalised citizens with dual nationality to be stripped of their citizenship if they have been convicted of a crime against the 'fundamental interests of the nation' or of an act of terrorism. (Tebourksi had dual nationality.)

On losing French citizenship, Tebourski applied for asylum. A number of human rights organisations petitioned the UNCAT on his behalf and UNCAT asked France to refrain from expelling Tebourski until the committee had examined its case. Following the rejection of his asylum claim, Tebourski was forcibly deported to Tunis, hand-cuffed and shackled and strapped into his seats with velcro belts around his chest and thighs. He was not detained in Tunis. The Refugee Appeals Board later ruled that Tebourski had a well-founded fear of deportation. Had this decision been reached while Tebourski was still in France, the French government would have had to either rescind the expulsion order or not execute it until a safe third country willing to accept him could be identified.

Misuse of expedited procedure

The interior minister can expedite administrative expulsions by citing 'absolute urgency' and in so doing bypass consultation with the Expulsion Commission composed of two judicial magistrates and one administrative magistrate, in a hearing at which the person subject to expulsion and his or her lawyer can participate. HRW believes that the authorities' action in several cases 'raise concerns that reliance on the expedited measure is more a matter of expediency than of genuine need.'

The case of Abdullah Cam: One case of expedited procedure cited is that of Abdullah Cam, a 43-year-old Turkish citizen who had lived in France for almost twenty years and had four children, all born in France. He was arrested in September 2005 outside his home in a suburb of Lyon as he was taking his young child to school. He was expelled the following day by a ministerial order which called him 'one of the principal religious leaders in France of the extremist Islamic movement KAPLAN that promotes recourse to violence and terrorist action'. The intelligence report, dated July 1 2006, summarising the case against Cam, listed numerous counts of so-called 'speech crimes', the majority of which date back to the mid-1990s. In addition it stated that 'His physical appearance (beard and head-gear) leave no room for doubt as to his fundamentalist convictions.'

Counter-terrorism measures counter-productive

The expulsion of imams identified as 'hate-preachers' is proving counterproductive. Geared specifically toward preventing violent radicalisation and recruitment to terrorism, it ends up instilling fear in Muslim associations and imams so that, in the words of Azzedine Gaci, the Lyon representative of the Regional Council of the Muslim Creed 'they don't know what they can say in their sermons. The imams do less and less in the mosques, they don't want to deal with young people, so they turn them away, and they can become radicalized. We have to find solutions, but not ones that

can lead to radicalisation. Expulsions bring more incomprehension, more fear, than a solution to the problem'. (Human Rights Watch, *In the Name of Prevention: Insufficient Safeguards to National Security Removals*, June 2007).

Legal challenge after Algerian expulsion avoids court checks

A legal action has been mounted on behalf of the Algerian national, Lahouari Mahamedi, who was expelled from France after serving a prison sentence for associating with terrorists. Mahamedi was expelled before an administrative court was given an opportunity to hear his appeal. He was issued with an expulsion order which claimed that 'on account of his overall behaviour' his removal 'constituted a pressing necessity for the security of the State and the public'.

The case of Lahouari Mahamedi

In December 2002, Mahamedi had given the keys to his apartment to a compatriot, allowing him to stay there while he was on vacation with his family in Oran, Algeria. This compatriot was named as Merouane Benhamed who, it was alleged, belonged to a terrorist group planning attacks in France. As soon as Mr Mahamedi learnt of the arrest of his compatriot (he discovered that his house was being raided while watching it on television in Algeria) he returned to France and presented himself to the authorities. He was arrested and subsequently convicted of 'participating in an organisation of criminals in view of a terrorist schemes' and sentenced to a six-year prison term. At the time of his conviction, he was not issued with a deportation order, which would be the normal procedure in such a case. This came after his early release from prison on account of good behaviour.

Association de malfaiteurs offence

It appears that the original case against Mahamedi was based on the offence of belonging to a criminal association in relation to a terrorist undertaking (*association de malfaiteurs en relation avec une entreprise terroriste*), which allows investigating magistrates to detain terrorism suspects before they have been linked to any specific act of terrorism that has been planned or carried out. The overwhelming majority of those accused in France of involvement in activities related to Islamist terrorism are charged with this offence. Human Rights Watch have pointed out that the *association de malfaiteurs* offence lends itself to arbitrary interpretation and application.

Criminal lawyers who work on terrorism cases are largely critical of the lack of legal certainty in the *association de malfaiteurs* offence. Jean-Jacques de Felice, an attorney who had acted in numerous terrorism cases, complained, 'You are the cousin of the cousin of the cousin of someone who's done something, so you are in an association de malfaiteurs. The concept is very vague.' (*Migration News Sheet*, March 2007, Human Rights Watch, 'In the Name of Prevention').

Religious profiling

Muslim airport workers deemed security risk take legal action

Trades unions and lawyers took up the cases of seventy-two baggage handlers, nearly all Muslims, who were stripped of their security badges at Charles De Gaulle airport because of alleged links to groups with 'potentially terrorist aims'. Some of the men are now bringing legal action against the authorities for discrimination on religious grounds.

Vague charges

Daniel Saadat, a lawyer for some of the workers, said that the allegations against them are 'all totally vague, they have nothing to go on, it's a scandal'. Philippe Decrulle of the CFDT union said, 'We are waiting for proof of the threat these employees represent – not just shock statements'. In letters from the regional government office, the employees were told that they presented a 'significant danger to airport security' or had shown 'personal behaviour threatening airport security'. The baggage handlers work for sub-contractors at the airport; without security clearance they lose their jobs. Lawyers say that under police questioning, the baggage handlers were never told the reasons they lost their badges – but were repeatedly asked about their religion.

What the authorities say

The (then) interior minister Nicolas Sarkozy said the move was necessary as a 'precaution'. The baggage handlers were said to have visited Pakistan and Afghanistan. Jacques Lebrot, the deputy prefect in charge of the airport, said that the crackdown followed recommendations by France's anti-terrorism coordination unit, UCLAT, as part of an 18-month investigation. He claimed that the men were 'linked to fundamentalist movements with potentially terrorist aims'. The 'great majority' were linked to an 'Islamist movement' he claimed, although badges had also been taken away from 'just under a dozen' people suspected of links to the Tamil Tigers in Sri Lanka as well as one Sikh worker. Another forty employees at the airport were being investigated as posing a possible security risk, Mr. Lebrot said. While he refused to discuss specific cases, he claimed that most were linked to radical circles and one had been in contact with someone who had been in contact with the shoe-bomber Richard Reid. (*BBC News* 3.11.06, icwales.co.uk 21.10.06)

Proscribed organisations, individuals and entities

Charity assisting Palestinians targeted by US and Israel

The Committee for Charity and Support for the Palestinians (CBSP) is a French-based registered charity founded in 1990 with a stated humanitarian mission to provide emergency assistance to Palestinians in Gaza, the West Bank and refugee camps in Jordan and Lebanon. Its activities are perfectly transparent and legal – it is not on the EU list of proscribed organisations – yet it has found itself under increasing pressure

since being proscribed in Israel in 1997 and by the US Treasury in 2003.

Simon Wiesenthal Centre found guilty of defaming CBSP

In March 2007, a court ruled that documents produced by the Wiesenthal Centre established no 'direct or indirect participation in financing terrorism' on the part of the CBSP, characterising the allegations as 'seriously defamatory'. The CBSP had filed a defamation suit after the head of international relations for the Centre had accused the CBSP of funding families of suicide bombers. The Wiesenthal Centre said it would appeal the verdict.

French bank prosecuted in US for assisting CBSP

A US District Judge ruled that a lawsuit, filed in February 2006 under the US Anti-Terrorism Act against the French bank Credit Lyonnais, should proceed. The lawsuit was brought by families of Americans who were victims of bombings and shootings in Israel between 2001 and 2003. They accused Credit Lyonnais of improperly doing business with the CBSP. The plaintiffs alleged the bank knew the charity was funnelling millions of dollars to Hamas to finance terrorism. The judge, while upholding this part of the lawsuit, dismissed another claim that Credit Lyonnais aided and abetted the murder and wounding of US citizens on the grounds that 'maintenance of a bank account and the receipt of transfer of funds does not constitute substantial assistance'. (*Associated Press* 5.10.06, *Agence France Presse* 8.3.07)

FINLAND

Securitisation of citizenship and residence rights

Security services' veto of nationality and residents permits challenged

The Helsinki and Kuopio administrative courts have criticised the Directorate of Immigration (UVI) for basing decisions on the granting of nationality and residence permits for foreigners on reports from the Security Police (SUPO). Ombudsman for minorities Mikko Puumalainen backs the criticism, saying that legislation does not sufficiently secure individual rights when a person is denied a residence permit on the basis of a negative decision by SUPO. But a later ruling by the Supreme Court have legitimised SUPO's role.

Details of cases

The Security Police gave 782 statements to the Directorate of Immigration in 2005; in nine of the statements a foreigner was considered a security risk. In 2006, two negative decisions were given out of a total of 325 statements. During a six-month period, the administrative courts annulled five negative decisions made by the UVI on the basis of SUPO statements which were not backed by any corroborating evidence. In its statements, SUPO had said that an Afghani, a Pakistani, a Somali and two Iranians posed a threat to state secu-

erty and public order. According to the courts, the UVI cannot reject a foreigner's application simply because the Security Police feel that the person is a threat to national security and without providing an explanation.

Immigration Directorate responds

The UVI disagreed stating that the Security Police are the experts in national security. It is enough for this body to make a statement on the possible dangers posed by a foreigner.

Legal decision favours status quo

In July, the Supreme Administrative Court (KHO) ruled that foreigners judged dangerous by SUPO should not be given access to SUPO reports used by the UVI to deny asylum, residence permits or citizenship. Hannu Moilanen, deputy chief of SUPO, welcomed the decision. SUPO had previously threatened to stop issuing the statements if any of the information was released, saying that such a move would undermine national security and hurt SUPO's reputation abroad. (*Helsingin Sanomat* 28.2.07, *The News Room Finland* (13.7.07))

GERMANY

Security policy

Government wants extension of anti-terrorism powers

The high-profile arrests in September of three men, allegedly planning to bomb US military facilities in Germany, led the government to call for an extension of anti-terrorist powers.

Calls for resignation of defence minister

Opposition parties demanded the resignation of defence minister Josef Jung after he suggested that it would be legitimate to shoot down hijacked aeroplanes – the killing of innocent citizens, he said, had to be counter-balanced against a wider disaster. The Constitutional Court had already thrown out a law allowing for the downing of planes and the military have expressed strong opposition.

Extension of computer surveillance

Interior minister Wolfgang Schäuble (CDU) wants the Office of Criminal Investigation to be able to hack into computer hard drives, a move which is unnecessary, according to Social Democrats as the high profile operation and arrests proved that existing surveillance measures are adequate.

New proposals outlined

Justice minister Brigitte Zypries introduced new legislation which would tighten the law on training in terrorist camps. This would, she said, apply not to just to those who undergo training in Pakistan but right-wing extremists who seek training in the use of explosives with the attention of blowing up a synagogue. The legislation would also make it easier to deport 'dangerous

foreigners'. (*Deutsche Welle* 6.9.07, *Expatica News* 18.9.07)

Emergency laws and targeted killings linked to new security strategy

Speaking in July, as the government announced a new security programme, the interior minister called for changes to the constitution to allow for targeted killings of terrorists, the introduction of emergency law and the use of preventative detention of terror suspects. The inter-security programme involves the separation of external security (military) and internal security (policing), paving the way for the development of armed forces internally.

The inter-security programme also refers to 'outdated democratic liberties'. At the Handelsblatt Conference 'Security Policy and the Defence Industry' on 3 July, Schäuble stated that 'the differentiation between international law at times of peace and international law at times of war no longer fits with the new threats'. Angela Merkel, presenting the CDU's security plan in a position paper of 31 March, also spoke of the need to 'think in totally new frameworks' as terrorism threatens 'our way of life'.

Civil liberties defended

There were calls for Schäuble's resignation because of his statements on targeted killings and criticism of his proposal to treat 'dangerous people as combatants and intern them'. Remarks made by him in an interview with the weekly magazine *Stern* in April, to the effect that the presumption of innocence does not apply to suspected terrorists also caused alarm. Green MEP Claudia Roth said that Schäuble was operating beyond the constitution 'if he wanted to suspend the assumption of a suspect's innocence'. The police union criticised Schäuble for engaging in 'pure party politics'. Spokesman Konrad Freiberg said that Germany's current laws were strict enough, the problem was a lack of manpower and financial resources to implement them. (*Statewatch* July 2007, vol. 17, no. 2, *Deutsche Welle* 18.4.07)

Lack of integration identified as terror threat

Speaking at the closing of a three-day conference hosted by the Federal Criminal Police Office (BKA) Ernst Uhrlau, president of the German Intelligence Service (BND), said that second and third generation immigrants were more likely than 'illegal immigrants' to be approached by terrorist organisations because they are less conspicuous and speak German. In the closing speech at the conference, BKA president Jörg Ziercke concurred that non-integrated immigrants were more susceptible to the appeals of religiously motivated terrorists. 'Successful integration is the best crime prevention method', said Ziercke, adding that police must increase their intercultural competency to better function in a diverse society.

Meanwhile, the new Aliens Bill provides tougher sanctions, including the risk of expulsion, for those foreigners deemed hostile to integration. The measures are aimed at parents who create obstacles to the integration of their children and to those foreigners who incite hatred or are malicious or contemptuous or insulting

towards sections of the population. Foreigners who fail to proceed with an integration course could be fined up to 1,000 Euros. (*Migration News Sheet*, March 2007, *Deutsche Welle* 17.11.06)

Alternative constitutional report warns of surveillance society

Former constitutional court judge, Jürgen Kühling, launching a report authored by nine German human rights organisations, warned that individual rights were being 'sacrificed to satisfy disproportionate security requirements'. Presented on the occasion of Germany's Constitutional Day (May 23), the 'alternative constitutional report' focussed primarily on excessive state surveillance, illegal searches and the degrading treatment of immigrants. Speaking at the press conference, political scientist Peter Grottian said he was spied on by police officers simply because of his participation in the Berlin Social Forum. (*Deutsche Welle* 24.5.07)

Religious profiling

Intelligence services' crude definitions of Islamic terrorism criticised

The International Crisis Group in a report on 'Islam and Identity in Germany', criticised the Verfassungsschutz (German Intelligence Service) for adopting a 'slippery slope' view of Islamic extremism. And the Open Society Institute EU Monitoring and Advocacy Programme has also questioned 'the role and power of definition' that the intelligence services have been given to distinguish between 'real' and 'misguided' Muslims.

The International Crisis Group stated that by approving the surveillance of Islamic organisations per se, and by lumping together many non-violent organisations with a 'few potentially violent' groups, the intelligence services create a 'blunt instrument that leads to stigmatisation'.

Pyramid of gradual radicalisation

The International Crisis Group cites a Verfassungsschutz pyramid diagram which appears in a 2005 interior ministry publication on 'entry ways into radicalisation'. On the lowest rung are '1. Muslims in Germany (3.2 million)' followed by '2. Sporadically religious Muslims', '3. Muslims who live religiously', '4. Moderate Islamists', '5. Islamists (30,000)' 6. 'Those who tolerate violence', and the smallest niche at the top '7. Those who are ready to commit violence'. Groups in the upper three echelons receive 'constitutional observation'. The surveillance list includes supporters of the Caliphate State (approx 750-800 members), Hizbollah, Hamas and Hizb-ut-Tahir (banned in 2003). Amongst Iranian organisations under observation is the Islamische Zentrum-Hamburg (IZH) and its Imam Ali mosque.

Stigmatisation of Milli Görüs criticised

The Crisis Group also criticises the content of the security services' semi annual reports as well as lawsuits against preachers and officials connected to the organisation Milli Görüs, which represents a large number of Turkish Muslims. Milli Görüs has been the target of investigations for anti-constitutional activities at the federal level as well as in nearly every Land where it is active. It

is also the subject of regular media demonisation, with its followers described as rampant fundamentalists. The Crisis Group's concerns are shared by the Open Society Institute which states that Milli Görüs is one of the most important actors within the Muslim community in Germany and yet it has been effectively marginalised from mainstream debate. It also seems that Christian organisations which would like to work with Milli Görüs at a grassroots and practical level are being discouraged from so doing. In December 2006, the Evangelische Akademie Loccum planned to host a meeting to promote its charitable work in aid of the needy in East Africa which is based on inter-faith cooperation in the region. The ministry of interior initially promised to fund the event, but funding was withdrawn when it was discovered that a participant at the event – and one of the initiators of this inter-faith project – was Mustafa Yoldas, a member of Milli Görüs. For the organisers of the Evangelische Akademie Loccum, the interior ministry's action could not go unchallenged. They refused an offer by Yoldas to withdraw from the conference, saying that Yoldas' work was too respected and they could not just 'uninvite' him through fears that the funding would be cut. (Yoldas had already lost his job as a translator for the federal refugee service after the intelligence services revealed that he was a member of Milli Görüs.)

Milli Görüs members have successfully launched lawsuits against the intelligence services in North Rhine-Westphalia and Bavaria. In doing so, they have shown that Verfassungsschutz reports have sometimes included basic translation errors, defamatory material or unfair innuendo and accusations. Successful legal actions have led to court orders preventing officials there from reprinting 'falsehoods and hearsay' against the organisation.

In this climate, says the Crisis Group, and in the absence of legally actionable offences, local authorities have relied on administrative measures (including some bordering on harassment) to deny Milli Görüs members and officials legitimacy or comfort. The rejection of naturalisation applications, the refusal of visas for imams and expulsion orders for activists, 'translates into an exclusion policy from which only a handful of administrators have dared to deviate'.

The Milli Görüs deputy director in Cologne said there are 200 cases of Milli Görüs employees' naturalisation requests being turned down, with most cases cited in Bavaria, Baden-Württemberg and Hessen. When an administrative court in Hessen ruled that four Milli Görüs members could keep German citizenship even though they were members of an organisation under observation by the Verfassungsschutz, local SPD and Green officials proposed a new procedure to prevent 'extremists' from becoming citizens.

Mosques stigmatised as security threat through 'aggressive raids'

The Crisis Group argued that aggressive mosque raids and administrative exclusion of 'undesirable (though actually law-abiding) interlocutors give fodder to extremists, who thrive on an antagonistic relationship with the state'. Most importantly, as the Open Society points out, highly-publicised raids on mosques practically never result in terrorism-related arrests or convictions. Research by Sabine Schiffer over some months in 2002 found that

announcements about the raids on mosques were always placed on the front page of the newspaper. While over ninety nine per cent of these cases resulted in no further action, this was either not reported at all or in a place in the newspaper where it would hardly be noticed. (International Crisis Group Europe Report no. 181, Islam and identity in Germany, 14 March 2007, Open Society Institute EU Monitoring and Advocacy Program, Muslims in the EU –Cities Report, Germany)

More checks for foreign students anticipated

Aliens legislation which tightens entry regulations for foreign students and allows for more background checks is effecting students from Islamic countries. New restrictions limit study visas to one year from the current two, and Germany's nearly 250,000 foreign students will have to report more regularly to local government offices. Foreign students eyeing Germany as a possible place to study may think twice now, said Christiane Wille, an advisor at the University of Cologne's International Relations Office. (*Deutsche Welle* 25.10.06)

Extraordinary rendition

Journalists placed under investigation

According to a US journal, seventeen top journalists, who had published articles about a parliamentary investigation of German involvement in CIA rendition flights, have been placed under investigation. (*Nation* 24.9.07)

Extraordinary rendition victim sent to psychiatric institution

Khaled el-Masri, a 43-year-old German of Lebanese descent, who has now been sectioned, was left a 'psychological wreck' after he was kidnapped by the CIA and sent to an Afghan prison, say his lawyers.

The case of Khaled el-Masri

Khaled el-Masri was released from secret detention in May 2004 and dumped on a road near the border between Macedonia and Albania. His case is now the subject of a major parliamentary investigation over whether the government of Chancellor Gerhard Schröder had knowledge of the kidnapping. German state prosecutors issued international warrants for the arrest of several suspected CIA agents alleged to have taken part in el-Masri's abduction and torture in January after US courts refused to take up the case, claiming that to do so would be to jeopardise national security.

Destitute and desperate

In the meantime, though, el-Masri was left without any psychological support, despite pleas from his lawyer. He was committed to a psychiatric institution for an indefinite period after setting fire to a supermarket in the southern city of Ulm. This was apparently the latest in a long series of acts of desperation that appeared to stem from the deep psychological trauma he had been suffering from since his captivity. Lawyer Manfred Grijidic said that Mr el-Masri, in common with other victims of the CIA's rendition programme, was severely traumatised and unable to recover. He asked doctors and appealed to the government to help by providing psychiatric care for his client, but nobody responded. El

Masri was left cooped up in his apartment in constant fear that his children would be shot and in the end suffered a nervous breakdown. His behaviour had become increasingly unstable and violent. (*Independent* 19.5.07, *Migration News Sheet* July 2007)

Extradition

Extradition to Syria blocked

A Hamburg court ruled that Mamoun Darkanzali, a 48-year-old German-Syrian businessman who lives in Hamburg should not be extradited to Syria as requested by Spanish courts which claim that he was a go-between for al-Qaeda and a member of a Spanish terrorist cell. Darkanzali acknowledged past contact with some of the Hamburg cell linked to 9/11 but denied any involvement in terrorism. (*Expatica News* 30.4.07)

Crimes of association

International protests over sociologist's arrest on terror charges

Academics from around the world protested the arrest on 31 July 2007 of Berlin's Humboldt University's Andrej Holm on suspicion of 'terrorist association' with a militant organisation suspected of carrying out more than twenty-five arson attacks in Berlin since 2001. Mr. Holm made a name for himself with research into the gentrification of Berlin and wrote the academic volume *The Restructuring of Space*.

Arrests under section 129a

On 31 July, police raided the homes and workplaces of Dr Holm and Dr Matthias B, as well as two other people, all sociologists. The federal prosecutor's office then arrested Holm under section 129a of the German Penal Code, established in 1976 during the state's pursuit of the Baader-Meinhof Gang. The authorities have gone to considerable lengths to portray Holm and his scholarly colleagues as guilty by association. They cite the repeated use of words such as 'gentrification' and 'inequality' in academic papers, terms similar to those used by the urban activist organisation 'militante gruppe' (mg). The prosecution report states that the frequency of the overlap between words used by Holm and the group was 'striking and not to be explained as a coincidence.' It also cited the fact that he had twice met three men who were arrested on suspicion of involvement in an arson attack in Brandenburg on 31 July and were accused of belonging to the mg. The prosecutor's office said the fact that he did not take his mobile phone to these meetings added to the 'conspiratorial circumstances'. The fact that he and another academic had access to a library meant that they were 'intellectually in a position to compile the sophisticated texts of the "militante gruppe"', the prosecutor's office said.

Conditions of detention

Holm was initially taken by helicopter to the federal court in Karlsruhe. He was then put in pre-trial solitary confinement in Berlin's Moabit Prison where he was kept in his cell twenty-three hours a day, with almost no access to lawyers and little contact with his family.

Academics join new coalition against section 129a

More than 3,000 urban scholars from universities and academic organisations around the world, together with activists and organisers, have signed open letters protesting the arrests and demanding the repeal of Section 129a (see www.einstellung.so36.net/en). A Coalition for the Immediate End to the Section 129a Proceedings was formed and there were immediate demonstrations in Berlin and elsewhere in Germany.

An open letter from German and international scholars protesting the case argued that 'critical research, in particular research linked with political engagement, is turned into terrorism'. The arrests were based on his academic writings and the evidence used to connect him to terrorism was, at best, flimsy. 'We strongly object to the notion of intellectual complicity adopted by the federal prosecutor's office in its investigation... such arguments allow any piece of academic writing to be potentially incriminating', the academics state. Dr. Richard Sennett and Saskia Sassen said it was possible that the police had knowledge and solid evidence that they were withholding. In the meantime, their 'public statements' belonged to 'the realm of farce'.

Release follows protests

After more than three weeks in jail, and following international protests, Holm was released on bail. However, all the charges remain against Holm and his fellow accused. (*Nation* 24.9.07, *Guardian* 21.8.07)

GREECE

Extradition

Motives for Pakistani extradition request questioned

The Pakistani government unsuccessfully sought the extradition from Greece of a prominent community leader who spoke out against the alleged abduction and unlawful interrogation of immigrants by Greek and British secret agents in July 2005. The Supreme Court turned down a request to extradite Javed Aslam, leader of the Pakistani Unity Organisation, stating that Pakistan failed to substantiate its allegation that Aslam had smuggled illegal immigrants into the country.

Arrest and charges

Aslam was arrested in November 2006 on the basis of an Interpol warrant originating in Pakistan for 'illegal migration and smuggling of human beings' – a charge which is punishable by up to 14 years imprisonment in Pakistan. Similar charges were brought against him by the Greek authorities after anonymous complaints were made against him. (He was acquitted of all these charges in September 2006.) While in detention pending the Pakistani extradition request, neither Aslam nor his lawyers were informed in detail about the substance of the charges. Supporters of Aslam claimed that the Pakistani government had fabricated the charges to

punish him for speaking out in the abduction case. AI concluded that the charges against Javid might 'constitute a form of judicial harassment'. (AI www.amnesty.org/library/print/ENGEUR250012007)

ITALY

Extraordinary rendition

Italian role in CIA abduction of Egyptian imam

In February, Milan judge Caterina Interland ruled that twenty-six US citizens should stand trial for the abduction of an Egyptian imam Osama Mustafa Hassan (also known as Abu Omar) on 17 February 2003 and his unauthorised forced removal to his home country where, he allegedly endured four years of imprisonment and torture. Seven Italian citizens, including the former head of the Italian secret services (SISMI), were also indicted.

Who is Abu Omar?

Abu Omar entered Italy illegally in 1997 and was granted political asylum four years later. He fled Egypt after being imprisoned twice in the late-1980s for delivering anti-government sermons at a mosque in Alexandria. Although he was not charged with a crime in Italy, he was under investigation for allegedly recruiting Muslim men to fight in Iraq. Italian officials have said they were about to detain him for questioning when the CIA abducted him.

Who are the US citizens?

With the exception of one, an officer in the US air force, all the other citizens were CIA agents, including Jeff Castelli and Robert Seldon Lady, the former CIA heads in Rome and Milan, respectively. The court indictment failed to name all of the suspects who had, it seems, assumed false identities while carrying out clandestine operations in Italy. None of the suspects were still in Italy.

Who are the Italians?

One of the Italian citizens indicted is the former head of SISMI, Nicolò Pollari. Another is his former deputy, Marco Mancini. Two of the suspects reached plea bargains with the authorities. An Italian policeman admitted that on the day of the abduction he had stopped Abu Omar and asked to see his identity papers in order to ascertain that the CIA did not target the wrong man. The other, a former reporter, was charged with being an accessory to the crime. He was given a six months prison sentence that was converted to a fine.

How did the case come to light?

An Egyptian woman who was standing on her balcony witnessed the abduction and immediately called the mosque which alerted a prominent lawyer in Cairo. Abu Omar eventually phoned his wife and friends on his release from an Egyptian prison describing the abduction. He did not know that Italian prosecutors, investigating the allegations that he had been abducted, had tapped the phones at his home and a mosque in Milan

as part of the investigation into the CIA plot. Those wiretaps provided Italian investigators with the first full account of the case. When word got back to the Egyptian authorities that the information was leaked, Abu Omar was rearrested.

Evidence of joint US-Italian operations

In November 2006, fresh evidence emerged indicating that the abduction of Abu Omar was authorised at a high level when Silvio Berlusconi was prime minister and that the illegal operation was a joint US-Italian endeavour. Berlusconi maintains that neither his government nor the SISMI were informed of the operation and no Italian agents took part.

Where is Abu Omar now?

Abu Omar is not allowed to leave Egypt or make any public statements. 'The Egyptian authorities warned him that if he speaks about the case, he will be sent back to prison', said lawyer Montasser al-Zayyat. Egypt did not respond for an Italian request for access to the cleric. Abu Omar says his experiences in prison left him permanently scarred. He is addicted to tranquillisers, hardly manages to get through a night without screaming in his sleep and is deaf in one ear due to repeated blows to the face.

The trial commences

The trial of the twenty-six US citizens (allegedly members of the CIA) and members of the Italian secret services began on 8 June 2007 but, according to critics, the 'Italian government has deprived it of any meaning' by applying to the Constitutional Court to have proceedings annulled on the grounds that unlawful means were used in the course of the investigation, namely the wire-tapping of conversations of secret agents. Ten days after the proceedings began, the presiding judge announced that it was not opportune to continue as 'the course of the case depended, in fact on the decision of the Constitutional Court'.

Abu Omar is not present because the Italian consulate in Cairo has refused a visa. He no longer enjoys the status of political refugee in Italy (it seems it expired while he was in prison in Egypt). And the Egyptian authorities have prohibited him travelling abroad. Only two defendants are present – Nicolò Pollari and his deputy Marco Mancini. Both have said that in the interest of national security they will not answer any questions put to them. The presence of the US defendants was not sought as the Italian government refused to seek their extradition from the US.

More scandals

Documents seized in connection with the Abu Omar rendition investigation led to official proceedings against the SISMI for violating privacy and carrying out activities that did not fall within SISMI's remit. The Superior Council of the Judiciary (CSM) passed a resolution criticising the surveillance of judges and magistrates from associations such as Magistratura Democratica (MD) and the European Network of Democratic Lawyers (MEDEL). The aim of the surveillance – in which Nicolò Pollari is deeply implicated and which included the use of informers and the monitoring of private correspondence – was intended to intimidate and discredit specific magis-

trates, condition their judicial activity and prevent their appointment to supranational bodies, states CSM, which suggests that the surveillance began in the summer of 2001, shortly after Berlusconi came to power. The most significant documents seized included notes from spring-summer 2001 detailing a plan for observation and intervention activities targeting sectors of the magistrate deemed to be 'carriers of destabilising notions and strategies... and close to the past governing majorities.' (*Migration News Sheet*, March, July 2007, *International Herald Tribune* 15.2.07, *The Nation* 9.4.07, *Statewatch* July 2007, vol 17. No 2).

MPs seek pardon for extraordinary rendition victims

MPs from Italy and the European parliament are to ask the Moroccan government to grant a pardon to an Italian citizen of Moroccan origin, Abou Elkassim Britel, who was arrested in Pakistan before being rendered to the Moroccan authorities. His case for a pardon was also supported by the Italian undersecretary for justice, Luigi Li Gotto who expressed concern for Britel's situation. The European parliament's TDIP commission investigating renditions called on the Italian government to take concrete steps to obtain his immediate release.

The case of Abou Elkassim Britel

In September 2006, an Italian investigating magistrate concluded that there was not enough evidence to bring a case against Abou Elkassim Britel for suspected involvement in terrorist activities. But when Britel travelled to Pakistan he was arrested and interrogated by Pakistani and US officials before being rendered to Morocco where he was detained and tortured in a secret detention facility in Temera. He was then released without charge but rearrested at the border crossing into Spanish North African enclave of Mellila as he was making his way back to Italy in May 2003. He was then brought to trial in Morocco and found guilty of membership of a subversive organisation and of holding unauthorised meetings and sentenced to nine years imprisonment. Claims were made that allegations in the Italian press, and the initial judicial proceedings against him in Italy, influenced his subsequent trial and sentencing in Morocco.

Links between Italian and Moroccan secret services

The European parliament received documentation showing that the Italian Ministry of Internal Affairs was in 'constant cooperation' with foreign secret services following Britel's arrest in Pakistan. (*Statewatch News Online* www.statewatch.org/news/2007/jan/10britel.htm)

National security expulsions

Moroccan expulsions delayed by ECHR

In May, the European Court of Human Rights (ECtHR) asked the government to suspend the deportations of two Moroccans cleared of terrorism charges but immediately taken into pre-deportation custody.

Not guilty of terrorism charges

Abdelmajid Zergout, the former imam of the northern town of Varese (and prior to that of Gallarate) and

Abdelillah el Kaflaoui were released from jail after a court cleared them of raising money and recruiting for the Islamic Combatant Group. On release, they were immediately taken into police custody and held pending deportation to Morocco. A third Moroccan, Mohamed Raouiane, was also cleared of the terrorism charges but is now in prison facing extradition. He had been sentenced in absentia in Morocco to ten years in prison for terrorism-related offences.

Terrorism law allows for rapid expulsions

The interior ministry said the expulsions were ordered under an anti-terrorism law Italy passed after the London bombings which allows the authorities to rapidly expel non-Italian suspects considered a threat to security. (*Associated Press* 29.5.07)

Proposed Tunisian deportation goes to ECtHR

In October 2007, the ECtHR asked Italy to suspend the deportation to Tunisia of Nassim Saadi until it issues a final judgement in the case, expected before the end of the year. Nassim Saadi's case is one of a number of cases pending which challenge the application of Italy's Pisanu Law, the constitutionality of which is currently under review.

The case of Nassim Saadi

Nassim Saadi, a Tunisian national residing lawfully in Italy, was convicted in May 2005 and sentenced to four years and six months imprisonment for criminal conspiracy and forgery. At the same trial, he was found not guilty of association with international terrorism. In August 2006, while the appeal was pending, the interior minister ordered Nassim Saadi's deportation to Tunisia. This would take place under the Pisanu Law which allows for the deportation of an individual suspected of terrorism on the orders of the interior minister or a Prefect without being charged or tried and without any right of appeal. Mr. Saadi claimed that deportation to Tunisia exposed him to a risk of torture and other ill-treatment and violated international law. In May 2005, Saadi was convicted in his absence by a military court in Tunisia of membership of a terrorist organisation operating abroad and of incitement to terrorism, reportedly based on his alleged conduct in Italy. He was sentenced to 20 years imprisonment.

UK and other member states intervene

Saadi v Italy is one of three cases pending at the ECtHR in which the UK and other governments are seeking to change the Court's case law on the absolute prohibition against return to a country that practice torture. While agreeing to hear the UK's application, the Court refused to hear the written submissions of a group of NGOs, including AI, the AIRE Centre, the International Commission of Jurists, INTERIGHTS AND Redress. (AI Index: IOR 30/016/2007, Human Rights Watch, press release, 28.9.07).

Anti-terrorist policing

Northern League calls for closure of all mosques after police raids

The police claimed that raids on a mosque and other

addresses in July 2007 in the area of Perugia discovered a 'veritable school of terrorism'. Shortly after the raids, Northern League MP Roberto Caldrolì said that all Italy's mosques should be closed and allowed to reopen only after they had been checked for illegal activity. Imam of Perugia, Abdul Qadar, said an arrested imam was not known for preaching militancy or violence. (*Islam Online* 22.7.07, *New York Times* 23.7.07)

NETHERLANDS

Security policy

Four-year plan to combat radicalisation

The government has announced a four-year plan to combat radicalisation especially (but not solely) among Muslim youths. Most of the budget of EUR 28 million will go to local governments to support projects designed to keep youths from turning against Dutch society and values. Eight ministries are involved in the plan which pulls together earlier measures in areas such as education, child support, anti-discrimination and employment.

Radicalisation of far-Right also identified

The funding will also be aimed at combating the radicalisation of far-Right groups. There are no official figures on the problem of radicalisation among white Dutch youths, although the minister said the government was funding a study of the problem.

Emphasis on training

Interior minister Guusje ter Horst presented her plan in the Slotervaart district of Amsterdam where the killer of Theo van Gogh hailed from. Slotervaart district council president Ahmed Marcouch said that much of the budget will be spent on training teachers, social workers and parents on how to deal with youths who are coming under radical influences. "It's not some form of thought control where we say what kids can and cannot think. We want to give teachers the tools to initiate the discussion and not be afraid," he explained. "We also have to make sure not every Muslim youth is seen as a potential problem," added Marcouch. (*Expatica News* 27.8.07)

National security expulsions

Legal challenges focus attention on expulsion of Eindhoven imams

The former interior minister Rita Verdonk ordered the expulsion of three imams from the Al Fourkaan mosque in Eindhoven on the grounds that they had 'knowingly and willingly' contributed 'to the radicalisation of Muslims in the Netherlands'. While the appeal of one of the imams, Mohammed Mahmoud, against the removal of his residence permit is still pending, the expulsion of Eisha Bershma was subsequently declared unlawful.

The case of Eisha Bershma

In November 2006, an Amsterdam court ruled that the expulsion of imam Eisha Bershma to the Sudan after being declared an 'undesirable' alien by former immigra-

tion minister, Rita Verdonk, was unlawful. It is not clear whether he will return to the Netherlands.

In June 2005, Verdonk, acting on information from the Dutch intelligence services (AIVD), refused to renew Bershma's Dutch residency. Several months later he was detained and sent to the Sudan. But the court ruled that while the AIVD had shown that the Al Fourkaan mosque in Eindhoven was a breeding ground for militants, it could not be shown that Eisha Bershma had played an active role.

The case of Mohammed Mahmoud

Mahmoud appealed against the withdrawal of his residence permit. As he is married to a Swedish citizen resident in the Netherlands, the government will have to comply with EU law in order to effect his removal. (*Reuters* 2.11.06, *Migration News Sheet*, September 2007).

Another imam threatened with deportation

In November 2006, Verdonk said that she was examining whether an imam in The Hague could be expelled. It is alleged that he had condemned Theo van Gogh in a sermon shortly before the filmmaker was murdered by a Dutch Moroccan man two years ago. The media alleged that killer Mohammed Bouyeri heard the sermon. (*Reuters* 2.11.06)

Extradition

Dutch citizen extradited to the US to face terror charges

In January 2007, Iraqi-born Dutch citizen Wesam Al-Delaema was extradited to the US to face six charges relating to conspiracy to kill US citizens abroad and to damage or destroy US property and teach the making of explosives. His extradition was requested in 2003 after a videotape was shown on Arabic TV stations showing him and other members of the mujahideen from Fallujah planting explosives along an Iraqi road used by US troops. Mr Al-Delaema, a native of Fallujah, claimed he was forced to make the videotape after being kidnapped and beaten, and feared he would be beheaded if he refused. The Dutch government sought an agreement with the US that he would be tried in a Federal Court not a military tribunal and that, if convicted, he would serve his sentence in the Netherlands. (*Migration News Sheet* February 2007).

Religious profiling

Dutch study concludes that profiling of terror suspects is pointless

Edwin Bakker, a researcher at the Clingendael Institute in the Hague, authored a study of 242 Islamic radicals convicted or accused of planning terrorist attacks in Europe from 2001 to 2006. He concluded that there 'is no standard jihadi terrorist in Europe' and that attempts by intelligence services to form profiles of terrorists are useless. 'We should focus more on suspicious behaviour and not profiling', he wrote.

Details of research profiles

Most of those convicted or accused were men of Arab descent who were born and raised in Europe and came from lower or middle-class backgrounds. They ranged in age from 16 to 59 at the time of arrest. About one in four had a criminal record. Bakker examined almost twenty variables concerning the suspects' social and economic backgrounds. In general, he determined that no reliable profile existed – their traits were merely an accurate reflection of the overall Muslim immigrant population in Europe.

Women and terrorism

Dutch researchers stated that more young women are becoming involved in radical networks as they come under the influence of 'Moroccan lover boys'. However, it seems that only five of the 242 suspects examined in Bakker's study were women. Even so, Dutch counter-terrorism officials maintain there has been a significant rise in the number of female suspects in the past two years. It is 'simply a matter of time before these women also become actively involved in violence' stated the AIVD.

One case that has aroused a lot of interest is that of Bouchra el-Hor, a 24 year old Dutch Moroccan suspect from Zutphen, who was arrested alongside her husband, Yassin Nassari, at Luton airport. El Hor was charged with failing to disclose information to prevent a terrorist attack. (*Washington Post* 12.3.07)

NORWAY

National security expulsions

Expulsions need a special court say police

The Police Special Branch (PST) called for special measures to be introduced to speed up the deportation of foreigners deemed a threat to national security. This would involve denying suspects access to the court and the formation of a special committee within the Aliens Board where 'aliens' would be represented by lawyers vetted by the state. (*NRK* 2.2.07)

SPAIN

Racial and religious profiling

Mosques under surveillance

In July, the head of anti-terrorist police told the newspaper *El Mundo* that police had placed mosques under surveillance and increased the force's Arabic translators tenfold. 'There is special monitoring of mosques and some informal places of prayers' said Joan Mesquida. 'We have an extra 1,000 police and civil guards dedicated to fighting this phenomenon. And to show you what I mean, three years ago we didn't have more than six Arabic translators in the police force and now we have more than fifty.' (*Reuters* 23.7.07)

Advocacy groups launches test case

In September 2006, a coalition of civil advocacy groups including the Open Society Justice Initiative (OSJI), Women's Link Worldwide and SOS Racismo filed an application with the UN Human Rights Commission concerning a ruling by the Spanish constitutional court in 2001 which condoned racial profiling on the basis that physical or racial characteristics are 'reasonable indicators of the non-national origin of the person who possesses them'. The OSJI says that its action is necessary in the current climate where 'racial and religious minorities are increasingly being subjected to police stops and scrutiny'. (*Statewatch* vol 16, no. 5/6, August-December 2006).

Extraordinary rendition

Moroccan says Spanish agent present at his interrogation

Mohammed Haddad, a Moroccan citizen aged 38 who lived for fourteen years in Spain, alleged that Spanish police took part in his interrogation after he was kidnapped by agents of the Moroccan DST intelligence agency on 17 March 2004 and taken to the infamous underground Temara prison – a place where, according to AI, torture is a systematic occurrence.

Haddad, who was called as a witness in the ongoing Madrid train bombings trial, was never charged by the Moroccans who had no official record of his detention, owing to the fact that he was kidnapped. After 45 days, during which he says he was tortured, Haddad was escorted from the prison blindfolded and taken to the Rabat bus station where he was released. He was adamant that on one occasion during his interrogation a Spaniard had been present. Haddad's answers were being translated into Spanish for the benefit of a man of distinctive Spanish physical appearance. (*El Pais* 26.3.07)

National security detention

Wife of detained British resident claims husband tortured

The Islamic Human Rights Commission (IHRM) in London called for the release of Mohammed Fahsi, a British resident of Moroccan descent married to a British citizen, who was arrested in Spain in January 2006 and has been detained ever since, following accusations of 'recruiting fighters for the Iraqi insurgency'. The conditions of his detention in Spain has led lawyer Clive Stafford Smith to draw parallels with Guantanamo Bay.

Arrest and allegations of torture

Mohammed Fahsi, his brother Munir and eighteen other people – members of a mosque association near Barcelona – were detained in January 2006. His wife, Khadija Podd, claims that on arrest detainees were taken to a detention centre in Madrid, where they were tortured for four days, through 'cold, sleep deprivation, extreme light, beating, threats, forcing them to denounce their religion, trying to coerce them to lie and incriminate fellow detainees'. Fahsi is now detained at the Mansilla de La Mulas prison near León, where he is well-treated, according to his wife. The Spanish Civil Guard deny the torture allegations and that prisoners

were kept naked though they might be blindfolded when moved from one place to another.

Fahsi is president of an Islamic Cultural Association in Spain and, according to the IHRM, was promoting cohesion and understanding with different communities in Spain through peaceful means. (Appeal, IHRM, *Guardian* 20.8.07)

SWEDEN

National security expulsions

Proposed expulsion of Palestinian refugee to Jordan

Social Democrat MEP Inger Segelström – a member of the committee on CIA flights – added his voice to criticisms by AI and the Swedish Red Cross of the government's plan to deport Palestinian Hassan Assad to Jordan on the basis of classified information from the Swedish Security Police (SÄPO). Amidst intense media interest in the case – and the intervention of the European Court of Human Rights – the Swedish government lifted certain daily restrictions imposed on Assad by the security police, although still not ruling out eventual deportation. Segelström said that there was a clear risk that Assad would be tortured if returned to Jordan but interior minister Tobias Billström disagreed.

The case of Hassan Assad

Hassan Assad spoke to the blogger Rami Abdelrahman about his life and the accusations made against him by the Swedish secret services. Assad, born in Kuwait, went to Sweden ten years ago from Jordan as a humanitarian refugee and married a Swedish citizen (also of Jordanian origin). He has three children, one of whom is disabled, all born in Sweden. Five years ago, Assad applied for citizenship but was refused, he believed because he had refused a request by SÄPO to act as a paid informer. Assad denied that he has funded terrorism, saying that he merely gave money to registered Swedish charities engaged in humanitarian relief work in Palestine including work with orphans, schools and universities. He sponsors an orphaned child in Palestine.

Security services fight removal of restrictions

Assad, whose passport was confiscated, reported to the police several times a week until the government removed the restrictions in May. On 8 June, security police asked the government to reverse this decision. (*Svenska Dagbladet* 27.2, 23.3. 07, Ramiswall.blogspot.com, additional information provided by AI European press desk)

EU justice court delays Moroccan's deportation

The EU Court of Justice told Sweden to delay the deportation of a 27-year-old Moroccan citizen deemed a security risk while it reviewed the case. The Moroccan originally applied for asylum in Sweden in 2004 but left the country after his case was rejected. He reapplied for asylum in Sweden at a later date. The man's lawyer said that his client was not informed of the accusations against him and the man risked the death sentence if

deported. (*Dagens Nyheter* 26, 27, 28.3.07)

Court rules that terrorist suspect can be deported to Iraq

After the security police named Bahman Abdullah Hussein as a terrorist, the Higher Migration Court ruled that it would be safe to deport him to northern Iraq where the situation was 'relatively stable'. Hussein's wife and children were granted residence permits because they were considered to have strong connections to Sweden. The court did not specify why Hussein had fewer connections to Sweden than his family. (*Svdsvenskan* 27.4.07)

New developments in Egyptian expulsion cases

There have been developments in the cases of Mohammed Alzery and Ahmed Agiza whose cases became a cause célèbre after they were deported from Sweden to Egypt by CIA agents in December 2001.

In November 2006, the UN Human Rights Committee (HRC) found Sweden guilty of violations of the International Covenant on Civil and Political Rights (ICCPR) in the case of Mohammed Alzery. It stated that Sweden was under an obligation to provide Mohammed Alzery with an effective remedy, including compensation.

Revocation of expulsion orders

In May the government revoked the expulsion order issued to Ahmed Agiza. The expulsion order issued to Mohammed Alzery had been revoked earlier in the year. This has now opened the way for the Swedish Migration Board to reconsider Alzery's application for a residence permit. The Swedish Helsinki Committee (SHC) is aiding Alzery in his application for damages of 4.4 million US\$ from Sweden. (*The Local* 19.3.07, *SR* 19.3.07, *Svenska Dagbladet* 5.8.07)

Security services influence over deportation decisions increase

The SHC and the Red Cross have criticised the role the Swedish services play in deportation decisions on national security grounds. Criticisms focusing on the lack of legal safeguards come amidst concerns that the number of such deportations is increasing. And the lawyer of Mohammed Alzery (see above) has also criticised the fundamental and unchecked role that SÄPO played in his client's expulsion.

According to media reports, since September 11 2001, some 300 foreigners suspected of terrorism or whose presence is deemed not conducive to the public group have been deported. And in 2006 alone, sixty-five foreigners, mostly from the Middle East (forty of whom were asylum seekers) were expelled after being deemed a national security threat by the SÄPO. During the last two years, some 7,500 residence permit cases were sent back from the Migration Board or the Ministry for Foreign Affairs for review by SÄPO. (*Svenska Dagbladet* 12.3.07, *Svdsvenskan* 12.3.07)

SWITZERLAND

National security detention

Compensation claim for national security detainees

Seven defendants from Yemen, Somalia and Iraq are to receive compensation for time spent in investigative custody after they were cleared of links to al-Qaida in the first trial of its kind in Switzerland. Lawyers had maintained that there was insufficient evidence (which consisted of SMS messages and telephone calls) to bring a prosecution. Six of the men, who were arrested in January 2004, were found guilty of violating the law on foreign residents and handed down conditional sentences of up to six months. Three other cases involving alleged links to suspected Islamic terrorists are pending. (*Swissinfo* 28.2.07)

Proscribed organisations

Businessman wins damages in Switzerland but remains on UN list

Youssef Nada, an Italian national of Egyptian descent, who has lived in the Campione D'Italia, a small Italian enclave in Switzerland, for more than thirty years, is campaigning to have his name and that of his now defunct company, Al Taqwa, removed from the UN list of terrorist organisations.

The case of Youssef Nada

In October 2001, Nada and the Al Taqwa bank appeared on the UN terrorist list after the US Treasury accused him of financing the 9/11 attacks. Following a raid on his business by Swiss police, his assets were frozen and he was barred from travelling outside the 1.5km of his village. The Swiss Federal Prosecutor launched an investigation which after deliberating for three-and-a-half years, finally resulted in the authorities dropping the charges against Nada and paying his legal costs. Nevertheless, Nada remained on the UN list of proscribed organisations. He won a compensation claim from the Swiss government but the sum awarded was paltry – inferring that the damages arising from the UN blacklisting and the asset freeze were not the fault of the Swiss state but the UN.

Muslim Brotherhood link

Youssef Nada seems to have come to the attention of the US authorities because of his membership of the Muslim Brotherhood, a fact that he has never sought to hide. It is alleged that a senior member of the Muslim Brotherhood in Cairo said that al-Taqwa was set up to provide banking services in Europe according to Islamic principles, which forbids the paying of interest. Dick Marty, the chair of the committee on legal affairs and human rights at the Council of Europe, points out that these allegations have led to the destruction of the life of a 75-year-old man with serious heart problems. As Nada is still forbidden from travelling outside Campione D'Italia, which is a mere 20km from Italy, his country of citizenship, he is prohibited from visiting his children and grandchildren who live there. (*Statewatch*,

“Terrorist lists” still above the law’, August 2007, *swiss-info* 1.6.06)

Extradition

Swiss-Turkey expulsion policy criticised

In June 2007, HRW wrote to the Swiss president and government ministers expressing concern at government proposals to deport a number of Kurds to Turkey on the basis of diplomatic assurances that they will receive fair treatment and not be tortured. The Swiss government ‘has departed from its previous principled position against reliance on diplomatic assurances against torture and ill-treatment in all circumstances and now seeks to carve out an exception to justify the use of unreliable “no torture” promises in the extradition context’, argues HRW.

The treatment of Kurds in Turkish prisons

HRW research indicated that most PKK-associated prisoners were held in F-type prisons in Turkey, where ill-treatment has been a serious human rights problem and where access to prisoners is denied. The Izmir Independent Prison Monitoring Group documented patterns of ill-treatment that included disciplinary measures whereby prisoners were left in a padded cell for prolonged periods lying on the floor with their wrists bound behind their backs, their ankles bound and wrists then bound to ankles. Prisoners said they were subjected to beatings, falaka (beatings on the soles of their feet), prolonged periods of solitary confinement and verbal threats.

No exemption for extradition cases

The Swiss government stated that while UN and other EU human rights bodies oppose diplomatic assurances in connection with other forms of transfer, no negative conclusions can be drawn with regard to the effectiveness of the guarantees in extradition cases. But HRW cited the warnings of Louise Arbour, the Council of Europe Human Rights Commissioner Thomas Hammarberg and the European parliament, to argue otherwise. (Reply Letter to the Swiss Government, Regarding the Swiss Government’s Use of Diplomatic Assurances Against Torture for Extraditions to Turkey, 28.6.07)

Pending cases involving proposed expulsion of Kurds to Turkey

Erdogan Elmas and Mehmet Esiyok

Erdogan Elmas, 28, who has lived in Switzerland since 1996, was accused by the Turkish government of involvement in the murder of a policeman in 1994 when he was aged fifteen, as well as membership of the DHKP-C. The Federal Justice Office (OFJ) initially refused an extradition request on the grounds that Turkey practised the death penalty. But when Turkey made another request in 2006, the Swiss authorities ruled that this would be possible but only if a guarantee of fair treatment was provided. Then, in January 2007, the Swiss authorities ruled extradition unlawful on a variety of grounds including a) the extradition order was issued nine years

after the alleged crime b) Elmas was only 17-years-old at its time c) Turkey was in a state of quasi civil war at the time of the alleged offence and Kurds were regularly tortured after arrest and d) the DHKP-C was only added to the EU terrorist list in 2002.

In total contradiction to the Elmas case, the Federal Court ruled, on the very same day, that Mehmet Esiyok, a member of the PKK since 1989, could be extradited to Turkey, if his claim for asylum is refused. (The expulsion has not yet taken place due to the legal challenge in the Erdogan case.). Esiyok made an asylum claim at Zurich airport in December 2005 and has been detained ever since. Turkey’s demand for his expulsion is based on thirty allegations, only one of which is considered by the Swiss authorities as grounds for removal.

The question of refugee status

Elmas has lived in Switzerland for eleven years with temporary leave to remain and has not been granted refugee status. While the PKK is on the EU list of terrorist organisations, it is not outlawed in Switzerland

The question of Turkish guarantees

The Federal Court ruled that the torture practices of the Turkish state need not always be a reason to deny an extradition request. It would be acceptable to deport in cases where Turkey issued a ‘feasible guarantee bond’ and if employees of the Swiss Embassy in Ankara were allowed to monitor criminal proceedings and make unannounced prison visits. Turkey has said that it will allow Esiyok to choose his own lawyers and grant visits to his family.

Conditions of detention

By March 2007, Esiyok, who was on hunger strike, had been held for around 15 months in extradition detention, with only one hour’s exercise per day. (*Statewatch*, vol. 17, no. 1 January-March 2007, *Solidarité san Frontières*, June 2007)

UK

Security policy

New strategy to counter extremism aimed at winning Muslim hearts and minds

At the end of 2006, the (then) home secretary John Reid said that counter-terror activity should prioritise younger people and that a prison strategy should ensure that only ‘moderate imams’ would be employed in prisons. There were growing fears in government circles that the UK may have lost a generation of disaffected young Muslims to radicalism and potential terrorist activities.

New local government strategy

In April, the Department of Communities and Local Government launched a new strategy to counter extremism. Minister Ruth Kelly told *BBC News* that the strategy was aimed at winning hearts and minds. Measures included:

■ The creation of a faith and social cohesion unit to work with religious institutions to prevent extremist groups taking over mosques;

■ Funding to the tune of £6m to local authorities for projects such as supporting students excluded from schools believed to be easy targets for extremist recruiters;

■ A development programme for leaders from all faiths aimed at boosting leadership and communication skills so they can engage better with young people. All imams working for the state in hospitals, colleges and prisons, where young people are believed particularly vulnerable to extremist messages, would be obliged to undergo such training.

■ Encouraging the teaching of citizenship in Islamic and religious schools. (*Guardian* 6.4.07 *Scotland on Sunday* 12.11.06)

Extraordinary rendition

Scottish airports – key staging point in renditions circuit

Research by the charity Reprieve suggests that Scottish airports have been used as a key staging point in the renditions circuit. Lawyer Clive Stafford Smith, speaking at the Edinburgh Book Festival, named six individuals transported to torture via Scottish territory. Scotland Against Criminalising Communities (SACC) called for a thorough police investigation with powers to subpoena witnesses. Police say there is insufficient evidence to proceed. (Press release, SACC 23.8.07)

National security expulsions

Government strategy of securing Memorandums of Understanding criticised

In order to deport around thirty national security detainees, the government has been trying to reach agreements with a number of countries whereby they provide 'diplomatic assurances' that they will not mistreat persons the UK transfers to their territory. Central to the government's strategy is the securing of Memoranda of Understanding (MoU) with certain countries, which would allow it to circumvent the prohibition of sending persons to countries where they face a risk of serious human rights violations, including torture. In order to further this, Tony Blair, the (then) prime minister appointed Lord Triesman as his special envoy to secure more deportations to Middle Eastern states. So far, the government has signed MoUs with Jordan, Libya and Lebanon and reached, what is termed an 'agreement', with Algeria.

MoU with Jordan

An MoU was signed with Jordan in 2005. Expulsions under the MoU will be monitored by a local non-governmental organisation, the Adaleh Centre for Human Rights Studies, which appears to be funded, in large part, by the UK government. AI and Human Rights Watch state that existing independent monitoring bodies, including the UN Special Rapporteur on Torture and the International Committee of the Red Cross, as well as

detainees lawyers, have, in the past, all been denied prompt and private access to detainees held by the Jordanian security police, the General Intelligence Department (GID). According to Human Rights Watch, the 'lack of any credible enforcement of the ban against torture in Jordan, and particularly for those in GID custody, makes it unlikely that any person detained there on terrorism-related charges would even be willing to report torture to Jordanian officials, much less to a small non-governmental monitor. To do so would be to risk reprisals against the detainee or his or her family members. Even if a detainee makes allegations of torture, Jordan's record of impunity for torture makes a credible and comprehensive investigation extremely unlikely.'

The January 2007 report of the UN Special Rapporteur on Torture, which followed a fact-finding visit to Jordan in 2006, concluded that 'the practice of torture is routine at the GID' and there is 'institutional impunity' for perpetrators, including even the head of the GID's anti-terrorist unit who had been 'clearly identified by a number of detainees as being personally involved in torture practice'. In September 2006, Human Rights Watch issued *Suspicious Sweeps: The General Intelligence Department and Jordan's Rule of Law Problem*, a report detailing sixteen case studies of arbitrary arrest and abuse, including torture, of persons in GID custody. Two detainees described how the GID subjected them to the a technique consisting of beating the soles of detainee's feet until they bled and then forcing them to walk on a mixture of salt and vinegar.

No MoU with Algeria

The UK government has failed to reach a MoU with Algeria. The government initially claimed that an MoU, enforced by a complementing monitoring mechanism, would allow the UK to deport Algerian national security detainees safely and lawfully. Having failed to secure such an agreement, the UK authorities changed its argument, suggesting that measures taken by the Algerian authorities to consolidate 'national reconciliation' via an amnesty granting impunity from prosecution, now made the need for an MoU and the monitoring mechanism redundant. AI and Human Rights Watch are deeply sceptical about the government's argument, stating that it has completely misunderstood the terms of the Algerian amnesty. For Human Rights Watch, the law, 'in the guise of "peace and national reconciliation", effectively sanctions impunity for torture and other human rights abuses committed during the years of rampant civil strife in the 1990s'. It does this by 'exempting from prosecution any actions taken during the "national tragedy" whose purpose was to protect persons and property, or to safeguard the nation and state institutions'. AI points out that the amnesty only applies to people involved in activities within Algeria who presented themselves to the authorities within six months of the issuing of the law, and not to those against whom there were allegations that they were involved in criminal activities abroad, such as 'participation in a terrorist network operating abroad'. In addition to this, the Algerian law retains a broad definition of terrorism, which was initially introduced under emergency legislation in 1992 and later incorporated into the Penal Code. The definition of terrorist offences is so broad as to allow for the

criminalisation of the peaceful exercise of certain civil and political rights. In fact, the amnesty law made it a criminal offence punishable by up to five years' imprisonment to publicly criticise the past or ongoing conduct of the security forces. (AI, United Kingdom. Deportations to Algeria at all cost, 26 February 2007, AI Index: EUR 45/001/2007, Human Rights News, U.K. – Algeria deal to deport suspects is fig-leaf for torture, March 2006. Human Rights News, UK: Abu Qatada ruling threatens absolute ban on torture, 1 March 2007, *Guardian* 27.2.07)

Special Court rules Abu Qatada can be returned to Jordan

In a ruling that sets a legal precedent, three judges, sitting on the Special Immigration Appeals Commission (SIAC) – an immigration court that hears appeals against deportation on national security grounds – ruled that the Muslim cleric Abu Qatada faces 'no real risk of persecution' if sent back to Jordan. The decision, which establishes the legal principle that foreign nationals can be deported on national security grounds on the basis of diplomatic assurances secured in MoU, was welcomed by the home secretary John Reid. But AI described the proceedings as 'deeply unfair'. Qatada was denied the right to a fair hearing, making it impossible for him to effectively refute the UK authorities' secret information, including intelligence material, that he was a 'national security risk'.

Two versions of judgement

Qatada is a Jordanian national who in 1994 was granted refugee status in the UK. The ruling described Qatada as a significant international terrorist and a 'leading spiritual adviser' to an extensive extremist network. The published version of the judgement was vetted by the British security service. A separate 'closed', or secret version, containing details of the national security case, also exists.

Use of torture evidence

An appeal was launched by Qatada's lawyers, who say that much of the evidence against Qatada was inadmissible in that it was provided by detainees in Guantanamo Bay who were tortured.

SIAC judges acknowledged that Qatada would most probably be at risk of beatings by prison guards when sent back to Jordan, but rejected arguments that diplomatic safeguards would fail to protect him from torture (*Observer* 25.2.07. AI Public Statement, Index: 45/00202007)

Expulsions to Algeria – deportees at risk

AI's fears about the fate of national security detainees expelled to Algeria were confirmed in January 2007 when AI issued an urgent appeal on behalf of two men arrested by Algerian security services after their deportation from the UK on national security grounds. The two men were arrested, imprisoned and charged with terrorist activities, despite assurances from Algerian officials in the UK that they would face no criminal proceedings. AI believes that the two men will face an unfair trial using evidence obtained by torture.

The case of H and Reda Dendani

One of the men is only known, for legal reasons, as H. The other is Reda Dendani, formerly known as Q. Both were detained indefinitely without trial in the UK under anti-terrorist legislation and later subjected to virtual house arrest under control orders. In August 2005 they were imprisoned under immigration rules pending deportation.

Background

In August 2005, the Home Office commenced with its plans to expel 15 Algerians deemed, on the basis of secret intelligence, a threat to national security. Some of the fifteen Algerian men were asylum seekers, others were officially-recognised refugees. The government maintains that deportation is a measure of last resort since it does not have sufficient evidence to bring charges against the men.

Algerians agree to leave – why?

Altogether, six of the Algerians have now withdrawn their appeals against deportation from UK. They had faced a stark choice: either challenge the deportations while held in a high security prison, perhaps for years or end, or brave an uncertain future fraught with risk by returning to Algeria. It seems that they had lost faith with the justice system in the UK. A statement issued by solicitor Gareth Peirce on 20 January 2007 stated that Algerian national security detainees with families here in the UK had agreed to leave in order to give their families the hope of a normal existence in the UK without them. The men also stated that it was preferable to chose 'a quick death' in Algeria over 'an endless slow death' in the UK. After H was arrested, he withdrew his appeal against deportation after a British official told the SIAC in a statement that 'The British government has absolutely no reason to believe that H will be arrested or otherwise detained for a prolonged period of time if deported to Algeria'.

UK government puts men at risk

The men agreed to go despite concerns that the UK government had failed to reach a MoU with Algeria or put in place an independent monitoring mechanism to provide a minimum guarantee of protection. AI warned that SIAC's open judgments concerning the Algerians are fully available to the Algerian authorities. This, in itself, puts the men at risk. But AI also stated its belief that the UK authorities passed to their Algerian counterparts the secret information, including the intelligence material, on the basis of which they had formed their suspicions against the men. This, in turn, exposes the falsities in the UK government's claim that the men would be protected by the recent amnesty law which does not cover those suspected of plotting terrorist activities abroad.

AI were also informed that, H, together with other Algerian men, had, prior to his deportation, attended the Algerian Embassy in London where they agreed to sign certain documents but only on the understanding that they would benefit from the amnesty measures once they were back in Algeria. They were assured, as they had been on other occasions by Algerian officials, that they were not wanted in Algeria and that they

would most likely spend only a few days in custody as is customary in deportation cases.

According to Gareth Peirce, the British government initially adopted the use of initials of the alphabet for each man to protect families in Algeria from official attention. However, after deportation, it was discovered that 'far from ... promised anonymity in Algeria', the 'allegation of links to or involvement in terrorism' had been 'transmitted to the Algerian regime with his name attached to it, but that each family in Algeria had been questioned at the request of the Government here and the findings of the unlawful internment proceedings handed over lock stock and barrel to the same regime whose torture chambers and intelligence services remain intact.'

Details of arrest and imprisonment

H was deported on 26 January 2007. He was not detained on arrival, possibly as a result of the presence of an official from the British Consulate. However, he was later asked to report to the Intelligence and Security Department (DRS) which he did on 30 January. He remained incommunicado in DRS detention for approximately twelve days. On 17 February he appeared in court for the second time subsequently charged with 'participation in a terrorist network operating abroad'. He has been allowed to see his family and legal representative.

Reda Dendani, formerly known only as 'Q', was arrested on 25 January 2007, five days after his deportation from the UK, and held by the DRS. Charged with the same offences as H, he is reportedly held in Serkadji Prison.

Charges could be based on torture evidence

AI has expressed concern that the case against Reda Dendani could be based on evidence obtained by torture. Dendani was arrested in the UK on the basis of evidence provided by Mahmoud Meguerba, an intelligence source in the ricin trial. Meguerba, who was not called as a witness because he was considered unreliable, was said to have been tortured by the DRS. An article in *The Times* newspaper in May 2005 details the experiences of Meguerba who was arrested in December in 2002 in Algeria and held by the DRS for seventeen months in a secret detention centre and probably tortured. He may well have implicated men other than Dendani while in detention.

AI fears that H and Dendani will be tortured, as they are most probably being held by the DRS. AI has documented the DRS's record of torture, which include beatings, electric shocks and the forced ingestion of dirty water, urine or chemicals. (AI, press release 26.1.07, *IRR News Service* 1.2.07, Statement from Gareth Peirce, 20.1.07, *Guardian* 26.2.07)

Acquitted Algerian ricin defendant faces deportation

In August 2006, SIAC dismissed an appeal by Mustapha Taleb, formerly known for legal reasons as Y, against deportation on national security grounds to Algeria. Mustapha Taleb was among those who were charged, tried and eventually acquitted in 2005 of all charges in the UK in connection with an alleged conspiracy to produce poisons and/or explosives. According to AI, which

monitored the open hearings before SIAC of Mustapha Taleb's challenge against deportation, the UK authorities case against him during these open hearings relied on the same allegations made at the original seven-month criminal trial at which he was acquitted. Three members of that jury have written to AI stating that, in their opinion, Mustapha Taleb has been 'persecuted by our government beyond all realms of imagination'. They had really believed that following his release 'he could begin to rebuild his life in this country'. What they have witnessed, in the case of Mustapha Taleb, is 'contrary to anything we thought could be possible in a democratic, free society'. (*IRR News Service* 17.5.07)

SIAC rules against deportations to Libya

At the end of April 2007, the SIAC, in the case of two Libyan terrorist suspects, ruled that they could not be sent back to Libya due to the risk of torture and a show trial. The government launched an appeal and the eventual decision will affect a further eight of the twenty-three foreign terror suspects held at Long Lartin maximum security prison for more than eighteen months pending deportation in the wake of the July 2005 bombings.

Test case for MoUs

The decision was seen as a watershed, because it was the first test of a specific memorandum of understanding signed by Libya and the UK. The judges said that although the agreement had been signed in good faith by Libya there 'remained the real risk' that human rights breaches could happen. They stated that their conclusion was strongly supported by secret intelligence evidence.

The MoU between Libya and the UK was signed on 18 October 2005. It set up assurances that, if the men were returned to Libya, they would receive humane treatment during detention, be informed about the charges against them, given access to lawyers and a monitoring body. The monitoring body appointed jointly by the two governments was the Qadhafi Development Fund (QDF), headed by Saif al-Islam, one of Colonel Qadhafi's sons. SIAC concluded that the QDF could not fulfil its role as a monitoring body.

The case of DD and AS

The 'open judgement' detailed the case against the men. DD, 32, is a member of the banned Libyan Islamic Fighting Group and a 'global jihadist with links to the Taliban and al-Qaida', it states. A number of his relatives have been involved in terror attacks such as the 2003 Madrid train bombings and the Casablanca bombings. The second Libyan, AS, is also described as a threat to national security, with links to a terror cell in Milan cited. (*Guardian* 28.4.07, *IRR News Service* 31.5.07)

National security detention and control orders

Psychiatric Unit could be used for national security detainees

Human rights groups fear that a previously unheard of psychiatric unit, funded by the Home Office and the Department of Health, may be used to further counter-

terrorism goals when suspected terrorists are detained without trial.

The Fixated Threat Assessment Centre

The Fixated Threat Assessment Centre (FTAC) is part of the Metropolitan Police's specialist operations department which oversees anti-terrorist investigations and royal and diplomatic protection. It was set up in 2006 following an NHS research programme which looked at the threat to prominent figures from 'fixated' people. It aimed to identify individuals who posed a direct threat to VIPs and has a staff of four police officers, two civilian researchers, a forensic psychiatrist, a forensic psychologist and a forensic community mental health nurse. It has sweeping powers to check more than 10,000 suspects' files to identify mentally unstable potential killers and stalkers with a fixation against public figures. The unit has the power to forcibly detain suspects in secure psychiatric units. Police are used to identify suspects who can be legally held at the Centre for an indefinite period without trial, criminal charges or even evidence of a crime being committed. There are very limited rights of appeal.

Medical independence threatened

The organisation Liberty fears that the new shadowy unit blurs the line between police criminal investigation and doctors' clinical decisions. 'If you are going to allow doctors to take people's liberty away, they have to be independent. That credibility is undermined when the doctors are part of the same team as the police.' (*Evening Standard* 26.5.07)

No compensation for detained airline pilot

The High Court ruled that Lofti Raissi, an airline pilot falsely accused of training the September 11 hijackers is not entitled to compensation for the five months he spent in a top security prison.

Background

Lofti Raissi, who is Algerian, was arrested at his home in Berkshire ten days after the attacks on the World Trade Center and the Pentagon. The US sought his extradition, but in April 2002 a judge dismissed the case against him stating that there was 'no evidence at all' to support the allegation that Raissi had been involved in terrorism.

Compensation case

Raissi sought compensation and apology for wrongful arrest and his five months imprisonment at Belmarsh prison under the government's ex gratia scheme for victims of miscarriages of justice. He argued that his ordeal had damaged his reputation, lost him his career as a pilot and caused him and his family psychological harm. 'The reality is that because of my profile of being Algerian, Muslim, Arabic and an airline pilot, I suffered this miscarriage of justice.'

However, the High Court supported the Home Secretary's decision to rule him ineligible for a government compensation scheme designed for victims of miscarriages of justice on the grounds that he had been held as part of an extradition case and was not therefore 'in the domestic criminal process'. The Home Office argued that since Mr Raissi has neither been charged

with an offence nor 'completely exonerated' he did not qualify. (*Guardian* 23.2.07)

Law Lords and courts challenge government over control orders

At the end of July 2006, Lord Justice Sullivan lifted control orders on six men accused of terrorism. The men had been subjected to severe restrictions to their freedom of movement and association which prevented them from leaving their homes between the hours of 4pm and 10am, using mobile phones or the internet. The judge described the restrictions as 'the antithesis of liberty' and the 'equivalent of imprisonment'. By May 2007, the High Court had quashed a further two control orders. In February, the High Court quashed a control order against a man only referred to as E. Then in April 2007, the High Court quashed a control order imposed by the home secretary on the Palestinian Mahmoud Abu Rideh. Three other men on control orders have gone missing; one is believed to be on the run. (*The Independent* 18.5.07, *Statewatch* vol. 16, May-July 2006).

Control Orders renewed in continuance order

Control Orders were introduced in March 2005 and were renewed in March 2007. In the run up to the Continuance Order, the civil liberties group Justice prepared a briefing for a parliamentary debate. Its briefing drew attention to: the failure to consider prosecutions of those subject to control orders; the flawed assessment of risk posed by those subject to control orders; the nature and extent of the restrictions imposed; and the used of closed proceedings and special advocates.

Failure to consider prosecutions

The government states that control orders are a measure of 'last resort' to be used where prosecution is not possible. Justice states that the process of internal review of possible prosecutions is inadequate. It cites the case of E, whose control order was quashed by the High Court in February 2007 because – among other things 'the home secretary had failed to keep the prospects of prosecuting E for terrorism offences under review'. Justice points out that the issue of prosecution in the majority of control order cases has only been referred to the prosecution service CPS once.

Flawed assessment of risk

Control orders are justified on the grounds that the public need to be protected from 'dangerous individuals' who pose a 'serious risk' but cannot be prosecuted or deported. Yet when two individuals subject to control orders absconded – one from a psychiatric hospital and one from a mosque – the Home Office Minister Tony McNulty stated that the 'two disappearances... present little direct risk to public safety in the UK'.

Nature and extent of restrictions

Justice reiterated its objection that restrictions are contrary to Article 5 of the European Convention on Human Rights (ECHR). Six control orders were quashed by the courts on precisely these grounds. Five individuals had, among other things, been subjected to an eighteen-hour curfew and serious restrictions on their ability to meet and communicate with others.

Use of closed proceedings and special advocates

An appeal was launched in the House of Lords in which it was argued that the use of special advocates runs contrary to the right to fair proceedings under Article 6 of the ECHR. The use of special advocates was also criticised by the House of Commons Constitutional Affairs Committee. Justice stated that 'the use of closed sessions and special advocates involves serious limitations on an appellant's right to fair proceedings. The rights limited include the individual's right to know the case against him; be present at an adversarial hearing; examine or have examined witnesses against him; be represented in proceedings by counsel of his own choosing; and to equality of arms.' According to Lord Steyn in his dissenting judgment in *Roberts v Parole Board*, 'the special advocate procedure undermines the very essence of elementary justice. It involves a phantom hearing only.' (JUSTICE, Draft Prevention of Terrorism Act 2005 (Continuance in Force of Sections 1 to 9) Order 2007, JUSTICE Briefing for House of Commons Debate, February 2007).

MI5 linked to torture of terror suspect in Pakistan

Lawyers for Salahuddin Amin, a British citizen found guilty, alongside four other men, in April 2007 of plotting a series of massive blasts in England using bomb-making techniques learned at al-Qaida training camps in Pakistan, launched an appeal against his conviction and are preparing a civil action against the British government.

The case of Salahuddin Amin

Salahuddin Amin, a British citizen, gave himself up to the Pakistani authorities after learning of the arrest of his four co-accused. Amin says he was tortured after being arrested in Pakistan and interrogated there for ten months and that his mistreatment may have been directed by officers of the security service MI5. The allegations are serious in that under the 1988 Criminal Justice Act it is illegal for British officers to commission acts of torture anywhere in the world, or acquiesce in the face of torture. MI5 officials deny that they knew that Amin was tortured.

Allegations of torture

Amin claimed that he was repeatedly beaten and flogged, threatened with an electric drill, shown other prisoners who had been tortured and forced to listen to the screams of men being abused nearby. He received no consular visits while in custody in Pakistan but was visited more than ten times by MI5 officers while being detained at Hamza Camp, the headquarters of Pakistan's Inter Service Intelligence (ISI) agency in Rawalpindi. Amin was eventually freed and told that it was safe for him to return to England where he was rearrested. (*Guardian* 2.5.07)

Proscribed organisations

Charity Commission urged to work with security services

The Home Office and the Treasury have proposed that the Charity Commission works more closely with police and intelligence services to crack down on charities which are used as a front for terrorist fundraising. The

call came following publication of a Home Office review which claims forty-eight 'suspicious activity' reports were filed in 2006 by banks and other financial institutions concerned that charities could be linked to terrorist organisations. The review states that thirty-four of the forty-eight reports proved substantive enough to warrant further investigation. It cited the case of the Tamil Rehabilitation Organisation, accused of links with the Tamil Tigers. (*Guardian* 11.5.07)

Bank withdraws facilities from charity providing relief in Palestine

NatWest bank withdrew banking facilities from the charity Interpal that carries out emergency relief work in Palestine. Its decision followed an action in the US courts where Israeli victims of suicide bombings are suing for damages (see p15). Although in the past Interpal was subjected to accusations that its funds were used to support terrorist groups, the Charity Commission cleared it of any wrongdoing. (email Jews for Justice for Palestine 28.3.07)

Religious profiling

London: use of anti-terrorism stop and search powers defended

Metropolitan Police Commissioner Sir Ian Blair defended the police's use of stop and search powers under anti-terrorism laws after a report issued by the Metropolitan Police Authority (MPA) stated that stops were causing 'untold damage' to certain communities and better communication was needed to win public confidence. There were almost 23,000 stops between September 2005 and October 2006, 269 of such stops led to an arrest, twenty-seven of which were related to suspected terrorism-related offences. (*BBC News* 22.2.07)

UN rapporteur criticises stop and search use

Following a UK visit, Asma Jahangir, UN Special Rapporteur on freedom of religion or belief has voiced concern over 'discriminatory application of stop-and-search powers and religious profiling' which may 'ultimately prove to be counterproductive'. Ms. Jahangir noted receiving allegations of abuse of counter-terrorism laws, particularly on the provisions which criminalize the failure to disclose information about terrorist attacks. (UN press release, 15.6.07)

Anti-terrorist policing

Arrests lead to few charges and convictions

Home Office statistics, updated for the first time in eighteen months, have shown that fewer than a fifth of those arrested in the UK under anti-terrorism laws since September 11 2002 were charged with terrorism connected offences. The statistics showed that of almost 1,200 arrests, forty have led to convictions under anti-terror legislation, and more than half the suspects held have been released without charge at all. Of those charged, there have been forty Terrorism Act convictions, with a further 180 people convicted under other legislation. A total of ninety-eight are on, or still awaiting, trial. (*Guardian* 5.3.07)

Criticism of West Midlands anti-terrorism operation

The civil liberties organisation Liberty warned the home secretary that secret media briefings by the Home Office could undermine the police investigation into an alleged plot to kidnap and behead a Muslim soldier serving in the British army. One man arrested, but later released, during a series of raids on 31 January 2007 in the West Midlands area, dubbed Operation Gamble, launched a blistering attack on the authorities for the way he was seized, held for a week and questioned barely for four hours about apparently trivial matters.

Details of Operation Gamble

On 31 January, West Midlands police carried out searches at eighteen properties in the Birmingham area and arrested at least nine people under the Terrorism Act.

Two men were later released without charge. Abu Bakr, a 27-year-old English teacher and worker at the Maktabah Bookshop told the Guardian that the dawn raid on his home in the Sparkbrook area of Birmingham had terrified his family. At no point during his detention did officers question him about the alleged plot. He believed that he and the other arrested men were 'pawns' in a higher political game and that he had been 'stigmatised' by what happened.

Criticism of media briefings

Liberty director Shami Chakrabarti said she was 'gravely concerned' that the Home Office may have 'secretly and speculatively briefed journalists as security operations were under way'. 'Any such practices risk undermining the work of police and prosecutors and jeopardise both the trust and safety of the public.' (*BBC 2.6.07, Guardian 8.2.07*)

Speech crimes

Government guidelines discriminate against Muslim students

In November 2006, Higher Education Minister, Bill Rammell issued new guidelines to universities to target 'violent extremism in the name of Islam'. The minister was immediately attacked for singling out Muslim students and the National Union of Students (NUS) warned that the focus on Islamic extremism could provide a 'potential for a racist or Islamophobic backlash against sections of the student community'. *Muslim News* said that the government was institutionalising discrimination against Muslim students – no longer afforded the same rights as others to speak out on international issues, such as the situation in Palestine, for fear of being targeted as extremist.

Academic unions warn free speech under threat

The University and College Union (UCU), citing reports that the government has asked universities to spy on Muslim students, warned that academic freedom was under threat. According to UCU joint secretary Paul Mackney, 'Our members may be sucked into an anti-Muslim McCarthyism which has serious consequences for civil liberties by blurring the boundaries of what is illegal and what is possibly undesirable.'

The trades unions were concerned that the state-

ments of several ministers including communities secretary Ruth Kelly and home secretary John Reid, who advocated that Muslim parents monitor signs of suspicious behaviour amongst children, appeared to demonise Muslims.

Tayside students harassed by Special Branch

The Muslim Association of Britain (MAB) has written a formal complaint to Tayside police over the activities of the Special Branch Community Contact Unit (SBCCU), particularly focusing on its attitude towards young Muslims. MAB says that it has received numerous complaints of harassment after Special Branch contacted university associations, businesses and members of the Muslim community. Young Muslims were approached by members of the unit and quizzed about their political views. Plain clothed police officers had spoken to Muslim students at university fresher stalls during the first week of university, asking them questions about their views on the conflict in Lebanon.

'Contact Unit' – first of its kind

Tayside's SBCCU is the only unit of its kind in Scotland, and the only Special Branch 'contact unit' in Britain to have publicly put such an emphasis on universities and schools. There are, however, plans to establish similar units across the country. Opposition to the Unit is growing, with a public meeting against the SBCCU's activities being held and a student petition to the university authorities.

According to Scotland Against Criminalising Communities, officers from the Tayside SBCCU were operating in Dundee's universities and schools throughout 2006, seeking intelligence on students and providing what they call 'reassurance'. Tayside's SBCCU officers sit in meetings of the Dundee University Islamic Society at the 'invitation' of the society. The unit does not approach school pupils directly, but makes contact through teachers. Special Branch monitors signs of extremism.

Detective Sergeant Mark Charnley says that one sign of extremism would be 'a kid who has gone back to their parents' country of origin and returned with anti-Western feeling or stronger religious faith than they had shown before'. John Vine, the Chief Constable of Tayside, says that 'What we have to change is the mindset which questions whether it is appropriate to gather intelligence in schools'. (*The Herald 20.10.06, Scotland Against Criminalising Communities, Special Branch on Campus, leaflet, December 2006, Muslim News, press release 17.11.06*)

Anti-social behaviour orders to target 'preachers of hate'

In April, the attorney general, Lord Goldsmith, announced plans to use special police and legal teams to target those preaching hate, using anti-social behaviour orders where they cannot be prosecuted. The idea follows the successful use of Asbos to stop animal rights extremists from harassing the public, he said. (*Guardian 6.4.07*)

No charges against 'preachers of hate' following controversial media documentary

No charges were brought against so-called Muslim

'preachers of hate' featured in a Channel 4 investigative documentary. Entitled 'Undercover Mosque', the documentary claimed to be an investigation into Islamic extremism. Instead, the police reported Channel 4 to the media regulator Ofcom over the way the programme was edited. The CPS said that the show 'completely distorted' what the three men actually said. Another TV documentary, 'Britain under Attack' is also under investigation by the police.

Details of the programme

The one-hour documentary was made over a nine-month period and broadcast in January 2007. The documentary makers infiltrated an undercover reporter into a number of mosques, including the Green Lane mosque in Small Heath, Birmingham. They claimed that the undercover reporter had found preachers 'condemning the idea of integration into British society, condemning British democracy as un-Islamic and praising the Taliban for killing British soldiers'.

One of the preachers featured in the programme, Abu Usamah of the Green Lane Mosque was featured as say-

ing that homosexuals should be thrown from a mountain. He later said he was telling the congregation what was written in some books, and that it was not something he actually believed.

CPS investigation reveals distortions

When the CPS scrutinised the whole fifty-six hours of media footage, only some of which was used in the broadcast, it concluded that the 'splicing together of extracts from longer speeches appears to have completely distorted what the speakers were saying'. According to Bethan David, 'in this case we have been dealing with a heavily-edited television programme, apparently taking out of context aspects of speeches which in their totality could never provide a realistic prospect of any convictions'.

Police then asked the CPS to consider a prosecution of Channel 4 under the Public Order Act 1986 for showing material likely to stir up racial hatred, but were advised there was insufficient evidence to take such a prosecution forward. (*BBC News* 8.8.07)

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