

Leeds trip for Unity

Cup

Cyrus writes: A few weeks ago, Adam and I decided to choose the name 'Azadi' for the Exeter football team in the Unity Cup 2005. 'Azadi' means 'freedom', in at least Hindi, Urdu, Dari, Farsi, Pashto, Kurdish and Tajiki. On Friday afternoon we set off to Leeds by a minibus (which Refugee Support Group had rented and Kate, one of the volunteers, drove). It took us about 6-7 hours to get there. We went straight to the Leeds United football stadium's restaurant and were greeted as if we were in the United Nations! All of us were surprised by their hospitality. Many other teams had arrived there before us and were busy eating when we got there. We ate a three-course meal at a very stylish table. The funniest bit was when one of our lads noticed that at another table, the players weren't interested in the alcoholic drinks, so he went there and took their bottles of wine and drank it



on top of our own ones. After the dinner the MP for Leeds made a speech and welcomed us all. Then we went to a fairly good hotel and spent the night there. The next day, the matches began. Exeter team, Azadi, played against four teams. After the games we went to a marquee to listen to a Kurdish and a South American band. It was a bit chilly there but it was fun. Lots of players and fans started dancing with the Kurdish music. When we went back to the hotel, Adam invited us to a drink, which was lovely.

On the next day also, we played against another four teams. Later

that day was the final match and the presentation of the medals and the prizes and thanks to Sadighi, one of the Exeter refugees, we won a prize too!

All I can say is that it was probably my best weekend in this country. We were so happy; we completely forgot about worrying about the Home Office's decision, our status and the possibility of getting arrested at the police station because of our illegal entrance into the UK. We were surrounded by music, football, good food, their hospitality and the joy of being together, telling jokes and meeting many other nations. [CG]

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**RSG
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Meetings are held on a Wednesday early in every month at 7pm in Wat Tyler House (see above). Everyone welcome. For information contact the office.

Every meeting starts by considering any proposals or requests put forward by asylum seekers, who are particularly welcome. Agenda items to the office if possible two weeks before the meeting, please.

Health poaching

It is generally accepted nowadays that several major industries in the UK would struggle to survive without immigrants. In particular the NHS requires an annual input of new nurses and doctors from outside the UK (and many from outside the EU). Last year one third of new nurses and two thirds of new doctors were trained overseas. This has a

number of uncomfortable implications. Firstly, we are doing serious damage to other countries. Ghana has only 1500 doctors for a population of 20m; two thirds of its new doctors leave within 3 years. Many other countries are as badly off. In theory the NHS does not recruit from third world countries; in practice its use of agency nurses and recruitment

within the UK subverts this policy.

Secondly, the USA will soon do to us what we have been doing to others. In the next 15 years the USA is expecting to recruit 200,000 more doctors and 800,000 more nurses. It has no plans to train them itself. Wages are higher in the USA and more and more will go there.

Asylum children to be taken into care

The government is proceeding with its policy of refusing all benefit to families of failed asylum seekers even when there are children involved. Section 9 of last year's Asylum and Immigration Act (yes, it's very difficult to separate them out) requires such families to leave the UK voluntarily. If they do not, benefits are withdrawn until they prove that they are trying to leave. Benefits may include rent where the family is living in publicly-funded accommodation. The Act has been piloted in N London, Leeds, Bradford and Manchester with about 100 families.

Eleven local councils have now protested to the Home Office on the (very natural) grounds that children may be caused distress. The position of the local authority is that, under the Children Act 1989, they are bound to support destitute children. The government, which came very close to admitting that distress was the whole idea (we are trying to 'change the behaviour of families of failed asylum seekers', whatever exactly that means) has asked

the National Asylum Support Service (NASS) to review the policy. Meanwhile two families (the Khanali and Lusukumu families, respectively Iranian and Congolese) have been told they will be evicted and have appealed to the Asylum Support Adjudicator (ASA). Both are living in council accommodation. The Khanali family (one of whose children is still being breast fed) won; the Lusukumus (with six children, five under 16) lost, but the case may go to judicial review.

When the Act was going through Parliament the Home Office insisted that it would not result in children being taken into local authority care. The original bill also included a prohibition of judicial review (fortunately thrown out by the Lords). This is typical of two aspects of this government's legislative strategy, of which asylum and immigration law provides many examples: the government's habit of trying to push through bad law on the grounds that whatever the law actually says it will be administered sympathetically,

and its preference that decisions by semi-independent statutory bodies (like the ASA) are not subject to supervision by the courts. Regrettably, it is now clear (and was always good legal practice, not to mention common sense) that government assurances while bills are going through Parliament are quite useless. The courts will enforce what the law says, not what David Blunkett says it means.

The position now is that actions by NASS may contravene either article 3 of the European Convention on Human Rights (ECHR) or article 8. Article 3 prohibits inhumane or degrading treatment; article 8 protects the right to a family life. The government is claiming that Section 7 of the Act is consistent with the ECHR. Local authorities are also subject to the ECHR of course, and may fear breaching Article 8 if they take children into care without their parents. The future of the policy is currently unclear.

[JC]

What they said about terrorism and democracy

Predictably the London attacks have led to angry attacks on 'liberals' and calls to give the government greater legal powers in order to enable it to fight the terrorist threat. These calls, predictably, are strongly supported by those who also blame asylum seekers and hope to overthrow the Human Rights Act and if possible the 1951 Refugee Convention. The Prime Minister is once again pressing for arbitrary powers which, judging by the government's record, once granted will never be given up. Right-wing commentators have taken a particular (and renewed) dislike to the opinions delivered by Lord Justice Hoffman in the Belmarsh judgement last year, in which the House of Lords declared the power to detain without trial under the Anti-Terrorism, Crime and Security Act, 2001 to be unconstitutional.

Lord Justice Hoffman in the Belmarsh judgement, commenting on laws allowing the government to detain suspects without trial, December 16th 2004

There have been times of great national emergency in which habeas corpus has been suspended and powers to detain on suspicion conferred on the government. ... Article 15 of the [European] Convention [on Human Rights], when it speaks of 'war or other public emergency threatening the life of the nation', accurately states the conditions in which such legislation has previously been thought necessary. ... What is meant by 'threatening the life of the nation'? ... This is a nation which has been tested in adversity, which has survived physical destruction and catastrophic loss of life. I do not underestimate the ability of fanatical groups of terrorists to kill and destroy, but they do not threaten the life of the nation. Whether we would survive Hitler hung in the balance, but there is no doubt that we shall survive Al-Qaeda. Terrorist violence, serious as it is, does not threaten our institutions of government or our existence as a civil community. ... In my opinion, such a power [that is, to detain without trial] in any form is not compatible with our constitution. The real threat to the life of the nation, in the sense of a people living in accordance with its traditional laws and political values, comes not from terrorism but from laws such as these. That is the true measure of what terrorism may achieve. It is for Parliament to decide whether to give the terrorists such a victory.

The Sun, in an editorial on June 17th 2005

Tony Blair wants to cage suspects for up to 90 days without trial. Good. ... But he'll get

nowhere if Britain's judges back the suspects' rights over our right to defend our country by whatever means.

Cherie Booth (Mrs Tony Blair), in a lecture delivered on July 26th 2005

Nowhere has the importance of independent judges policing a constitution of principle become clearer than in the context of the threat and reality of terrorism. I say this in the month that London experienced a series of bomb blasts, killing and maiming many innocent civilians. ... The democratic potential of constitutional courts lies not only in their role as guardians of the weakest, poorest and most marginalised members of society against majoritarian politics. It also lies in the judges' vital role as teachers in a national seminar on meaningful, inclusive democracy in the 21st century. In these troubled times, where terrorism, division and suspicion are the order of the day, this role is perhaps more vital than ever.

Tony Blair, commenting on proposals to expel terrorist suspects to countries where they may be tortured or killed, in a press conference on July 27th 2005

Other countries have managed perfectly well, consistent with human rights, to expel people who are inciting in other countries. We have tried to get rid of them and been blocked ... I think there has been too great a caution in saying 'Sorry, this is unacceptable'. Go back to the court records and read them. People recognise that there is a different mood today. ... I doubt if those words [referring to Lord Hoffman's judgement, above] would be uttered today.

The solution to refugees

What would you like to hear? I can tell you something that would make you feel good, or I can tell you the truth – well at least my truth.

What is a refugee? A disease? No, a refugee in himself is not a disease – he is a symptom of a disease. A refugee is somebody who is no longer at the mercy of some dictatorship. He got out and he is kind of taken care of and not oppressed any more (or at least less oppressed). However the disease itself is oppression and dictatorships. Those few who got out – when you look at them, what do you see? Body, mind, spirit all suppressed, down; he is hardly a person now he is out, or a few – there are millions, or one can safely say billions, out there, not able to get out.

What do we do now? So long as we keep dealing with symptoms we are doomed to keep having these kind of symptoms. This is just one of the symptoms of dictatorship; there are many, many more, some hidden, some not so hidden. The only way to get rid of malaria is while you take care of fever and other symptoms you also eradicate the cause that keeps manufacturing these symptoms, and then – and only then – one can safely say soon there won't be any more symptoms. And the question comes: how do you do that? Well, hopefully we will have more on that in the future. Who knows?

Navid Dad

'Let no one be in any doubt, the rules of the game are changing'

On August 5th Tony Blair had another ATM moment. In a press conference before going on holiday he presented a 12-point plan for countering terrorism in the UK (see panel). He appears to have been bounced into this by a series of attacks in the Sun newspaper, and although he claimed to have consulted widely the Home Office appears to have been taken by surprise. After his departure on holiday other Blairite clones were impelled to add to his list, notably by suggesting that suspects could be tried for treason (nobody will admit to starting that one) and that Britons could claim hyphenated nationality (as in 'Asian-British') (that was Hazel Blears). Criticism, across the country, was immediate, the proposals being widely described as half-baked. Actually some of them may be thought sensible, but the way in which they were put forward, and the people who put them forward, makes one deeply suspicious. From our (RSG) point of view, the outcome is likely to be a further deterioration in the rights of refugees and asylum seekers.

Tony Blair (and David Blunkett, who promptly tried to claim a key role in implementing the proposals in the PM's absence, and was firmly slapped down) are notoriously shaky on human rights. There are obvious problems with some of his proposals, especially the first, which revives Blair's struggle to deport Hany Yousef and reminds us of his apparent indifference to the possibility that deportees may be tortured.

The European Convention on Human Rights (ECHR) (Article 3) absolutely prohibits torture, and a series of legal judgements make it clear that this includes deporting people to places where they may be tortured. We cannot derogate from Article 3: the ECHR prohibits it. We cannot withdraw from the ECHR because membership of the EU requires adherence to it. Accordingly on 10th August the government signed an agreement with Jordan by which Jordan promises that deportees' human rights will be respected. The UN rapporteur on terrorism and Human Rights Watch immediately protested that such an agreement would be meaningless. Jordan is high on the list of states habitually practising terrorism. One of the likely

deportees, Abu Qatada, is already subject to a life sentence for acts of terrorism in Jordan and it is very unlikely that his treatment in Jordanian prisons would meet international standards.

Abu Qatada (Omar Mahmoud Mohammed Othman) is incidentally a very good test case of our commitment to human rights, but his case also raises questions about the usefulness of deportation. If a fraction of what has been said about him is true he is one of the prime movers of international terrorism and was one of the mentors of the 9/11 attackers. However he seems to be mainly important as a spiritual influence rather than a technician. On the one hand, having him in the Jordan prison system might prevent him from making more tapes preaching holy violence. On the other hand, he seems exactly the kind of whose rumoured ill-treatment in Jordan might make him seem a martyr to desperate young Muslims in the UK. You have to ask, why deport him? If he reoffends he can be tried for one of Blair's new offences (see panel, section 2).

The government has now arrested ten men, including Abu Qatada, preparatory to deporting them, and has spirited them away to various prisons probably in the hopes of making life difficult for defence lawyers. Three are said to have serious mental health problems. The arrests were in dawn raids and none of the men has been charged with anything. The government, aware that deportees have a good chance of being protected by the courts, have suggested that they will pass a law instructing judges to ignore the possible ineffectiveness of anti-torture agreements. This amounts to a law instructing judges to ignore the law, and it is very difficult to see how it will work.

It is likely that the main purpose of this recent upsurge in government announcements is to placate readers of the Sun, and that the government does not expect to implement all the proposals. However we can't ignore the possibility that government activity may both cause major inroads on traditional British freedoms and also seriously antagonise British Muslims. The situation *is* dangerous, mainly because unlike other democratic states (like the USA) Britain has only very weak constitutional restraints on

government power. This government has often shown itself to be determined to limit its already low level of accountability. It has also shown itself to be relatively unconcerned with the rights of refugees, asylum seekers and has begun to use immigration law as part of its anti-terrorist policies. A struggle undoubtedly lies ahead to prevent serious inroads on Britain's tradition of the rule of law. [JC]

12 points to defend democracy

Blair's August 5 proposals

1. New powers to deport and exclude terror suspects
2. New offence of glorifying or condoning terrorism (anywhere)
3. Refusal of asylum to defenders of terrorism or terrorists
4. Strip extremists of citizenship
5. Speed up extradition of terrorist suspects
6. Extend detention by police
7. Extend the use of control orders
8. Appoint more special judges
9. Proscribe Hizb-ut-Tahir
10. Beef up citizenship requirements
11. Close suspect mosques
12. Improve electronic immigration control measures.

WHAT TO DO

Readers are urged to protest: write to your MP, the PM (10 Downing Street, London SW1A 2AA) or the Lord Chancellor (Lord Falconer of Thoroton, Selborne House, London SW1E 6QW). It would also be a good idea to encourage the new Lord Chief Justice, who heads the judges, to continue to resist attempts to subvert the anti-torture principles of UK and international law. (Lord Phillips of Worth Matravers, Royal Courts of Justice, Strand, London WC2A 2LL.)