

**CAGEPRISONERS**

# DETENTION IMMORALITY

The impact of UK domestic counter-terrorism policies on those detained in the War on Terror







## About Cageprisoners

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Cageprisoners is a not-for-profit company limited by guarantee which operates as a human rights NGO. The organisation seeks to work for political Muslim detainees, specifically those interned as a result of the 'War on Terror' and its peripheral campaigns, by raising awareness of the illegality and the global consequences of their detention. By promoting due process, the vision of the organisation is to see a return to the respect of those fundamental norms which transcend religion, societies and political theories.

Cageprisoners comprises of an advisory group which includes patrons, seasoned activists, lawyers, doctors and former detainees. From the group, a board has been elected which oversees the strategy and management of the organisation and its employees. By working in such a way the working environment of the organisation can constantly be reviewed in light of its aims and objectives.

# CAGEPRISONERS

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## Foreword by Sir Nigel Rodley

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This disturbing publication reminds us of three things; one, what a wide array of techniques have been developed to detain or otherwise restrict people's freedom in the United Kingdom, without their having been charged or convicted in this country of any offence; two, how susceptible the techniques may be to error or even abuse; and, three, how destructive of the well-being of the affected individuals and their families, getting caught up in the maze of legal procedure can be.

Since the House of Lords decision in the 'Belmarsh' case (*A and others v. Secretary of State for the Home Department* [2005] UKHL 71), there is no longer a formal system of administrative internment. Nevertheless, that has not meant the end of prolonged indefinite detention. For example, all it takes is for a country with which we have an extradition agreement to issue a request for extradition on terrorist charges and a person can be detained pending the consequent protracted legal proceedings aimed at avoiding extradition. There are cases of people detained for over a decade in that legal limbo. Particularly offensive to legal principle is the effect of the Extradition Act 2003, under which the United States does not even have to make out a *prima facie* case in support of its request.

Some are detained while seeking to avoid deportation (other than by way of extradition) to states with which the UK has concluded memoranda of understanding aimed at safeguarding them against torture or ill-treatment at the hands of the receiving country. The memoranda contemplate follow-up monitoring measures, but serious questions about their effectiveness have entailed extensive litigation. Moreover, the procedures before the key Special Immigration Appeals Commission (SIAC), the usual first forum for legal challenge to a deportation in these cases, put the subjects at a substantial disadvantage, as neither they nor their lawyers can be sure to have access to all the material adduced against them.

Of course, throughout the process, first in SIAC, then through the courts, the person may remain detained for years.

Many of the cases documented reveal that people have eventually been released, whether after acquittal in this country or in the country to which they were eventually sent or because the authorities simply decided that they could, after all, be released. This suggests that the system may not be as careful as necessary and appropriate before it fundamentally disrupts people's lives and livelihoods.

Particularly telling are the brief testimonies of some of the victims, describing how they have had to undergo the kinds of extreme pressures that it must be hard for anyone to whom it has not happened really to understand. There are cases in which people have been driven out of their minds. In others, people have preferred to opt to return to the risk of torture.

I believe the government is committed to respecting its commitments under international human rights law (such as, seeking to avoid sending people to a place where they face a real risk of torture by removing the risk), while having to thwart the plans of those who clandestinely go about realizing their goal of seeking to kill as many innocent people – of any language, colour or religion – going about their business as possible. At the same time, they have set up an array of powers, each of which on its own may be legally defensible, but which together is prone to be oppressive whether by inadvertence or design. This publication will suggest to thoughtful readers that review of the system is called for.

## Introduction

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The storming of the Bastille on 14<sup>th</sup> July 1789 marked one of the most pivotal moments in the history of modern day democracy. The Bastille itself was a symbol of oppression by a totalitarian monarchy and unlawful detention was a common symptom. The destruction of France's most famous detention facility was the staging point for the French Revolution and the heralding of a new world where *habeas corpus* and the recognition of the right to a fair trial would be the corner stone of civilised society.

The War on Terror has again brought with it images of the Bastille through the detention of thousands of innocent men, women and children worldwide. The prison camps at Guantanamo Bay now stand as the modern day French prison reminding the world that there are people in the western world who are being detained beyond the law for political reasons.

Although Guantanamo for many is the War on Terror's most potent symbol of unlawful detentions worldwide, the allies of the US have followed suit very closely through their own domestic policies. The result has been the detention of hundreds of suspected terrorists across the Western world through security legislation which in nearly all cases infringes on human rights.

The UK government has a history of using security legislation in order to combat the threat of terrorism. The ratification of counter-terrorism legislation during the Irish Troubles resulted in the institution of internment. Hundreds of Irishmen were subjected to indefinite detention without charge, ultimately leading to further dissatisfaction and lifelong damage.

In an age of suspected Islamic terrorism, security officials in the UK and governmental ministers often make reference to the 'new' threat; a threat which must be dealt with through giving greater powers to the police and government. The result has been the re-establishment of further counter-terrorism measures; policies which only remind of the failures of actions taken in the past.

One of the main arguments excluded in the drawing up of legislation, is the impact that such policies have on individuals and communities. Although the legislation may seem correct in terms of the mechanisms of ratification, an inherent immorality is witnessed through the destruction of the philosophical traditions that traditionally would have stopped such legislation, and more importantly the destruction of families who are subjected to the abuse that such policies bring.

The government has been keen to distance itself from the 'War on Terror' title that the US gave its counter-terrorism vision. However, regardless of whether or not that phrase is used, the reality is that the policies of the War on Terror continue to dominate the policies of the UK government when dealing with suspected terrorists.

In 1789 the Bastille was destroyed as a physical symbol of unlawful detention; now it exists again in the guise of legislation enacted with the excuse of security. This report will show that the impact of the physical entity was no less damaging than the existence of its modern day metaphorical counterparts.

**[Asim Qureshi – Senior Researcher]**

## Background

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The introduction of the Terrorism Act (TACT) 2000 brought to the UK a new raft of measures that had previously not been considered since the Irish Troubles. In 2000 the use of the powers was considered to be still relatively theoretical with no substantial threat of terrorism estimated by Western security agencies. The events of 11<sup>th</sup> September 2001 completely changed the dynamic of counter-terrorism policies in the UK.

Soon after the enactment of the 2000 Act, the UK government pushed through the Anti-Terrorism, Crime and Security Act (ATCSA) 2001 which significantly increased the powers of the police. This was extended further in 2005 through the Prevention of Terrorism Act and then again one year later through the Terrorism Act 2006. The various pieces of legislation provide the government and police with various rights which will be discussed over the course of this report.

Statistics from the Home Office taken between 11<sup>th</sup> September 2001 and 31 March 2007 indicate that out of a total of 1228 arrests made, 241 individuals were charged with a terrorist offence, 669 were released without charge and the remainder were charged under other offences.<sup>1</sup> These stark figures go a long way to indicating the manner in which the Muslim community in the UK has come under attack by the counter-terrorism legislation, especially when it is considered that between the period mentioned, there were only 41 convictions.

Widespread terror arrests and the subsequent hysteria whipped up through the media are not the only methods with which the UK government has propagated its detention policies. Alternative policies have been put into place which sought to detain individuals without charge; such policies include the use of control orders, deportations and extradition. In many cases these have resulted in long-term detentions without charge or trial. It is these cases that this report seeks to address – by highlighting the immorality of the policies that have been implemented in order to detain suspects without charge.

Detention without charge in the UK has found synonyms in other policies around the world – the men who have now suffered eight years of imprisonment refer to prisons such as Long Lartin as ‘Long Lartanamo – Britain’s Guantanamo’. The use of such symbolism has been a key feature of the way that these men view their incarceration in relation to the detention of others around the world.

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<sup>1</sup><http://www.homeoffice.gov.uk/security/terrorism-and-the-law/>



## Extradition

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Although extradition, or the process of one state transporting a suspect to another state for trial, is not forbidden by international law, it is a state's responsibility to ensure that the person will not experience violation of their human rights but rather will receive a fair trial and will not be subject to torture or any other cruel or inhuman and degrading treatment.<sup>2</sup> Bilateral treaties between states regulate the extradition process which must adhere to international human rights law.

In terms of extradition proceedings, one of the most important international provisions covering the process can be found in Article 13 of the International Covenant on Civil and Political Rights (ICCPR) 1976.

*An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority.*

Where the expulsion stated in Article 13 relates to extradition, there is a requirement that expelling authority complies with Articles 9 and 10 which require fair trials or tribunals. This position was clarified by the United Nations Human Rights Committee in the cases of Giry v Dominican Republic<sup>3</sup> and Kindler v Canada<sup>4</sup>. In Kindler the Committee noted,

*The Committee also found that it is clear from the travaux préparatoires that it was not intended that article 13 of the Covenant...should detract from normal extradition arrangements. Nonetheless, whether an alien is required to leave the territory through expulsion or extradition, the general guarantees of article 13 in principle apply, as do the requirements of the covenant as a whole.*

From the line of international law and commentaries, it has been generally accepted that any extradition must take place within the framework of due process and that any individual detained must be given the right to a fair hearing. Prior to 2001, this was very much the accepted position.

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<sup>2</sup>According to Article 3 of the UN Convention against Torture, "No State Party shall expel, return ('refouler') or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture."

<sup>3</sup>UNHRC (193/85)

<sup>4</sup>UNHRC (470/91)

## Extradition to the US

Extradition relations between the UK and US have previously always been carried out under the assumption that a *prima facie* case will be conducted before any transfer between jurisdictions. Before the attacks on the US, the position was maintained that any extradition to the US must be sought through evidence by the US and a *prima facie* case in the UK courts. Two cases in particular have defined the way in which suspected terrorists were protected from extradition despite the manifest injustice of their long-term detention.

### 1. Khalid Al -Fawwaz

Al-Fawwaz is Britain's longest detained-without-trial political prisoner, having been in custody since September 1998. He is a Saudi Arabian citizen born in 1962 and a businessman by profession. He arrived in the UK in 1994 with his family and claimed political asylum for engaging in legal, non-violent reformist activities in Saudi Arabia. He lived in London with his wife and children and ran the Advice and Reformation Committee encouraging reform in Saudi Arabia.

On 22<sup>nd</sup> September 1998, one month after the East Africa US Embassy bombings, he was arrested by the Metropolitan Police on "suspicion of terrorism". He was released without charge after seven days when the UK authorities found insufficient evidence to charge him with any criminal offence. Early on 29<sup>th</sup> September 1998 he arrived back home from the police station to a joyous welcome from his wife and children. Nine hours later, just as he was preparing to receive guests to congratulate him on his release, he was rearrested at his house on an extradition warrant from the United States. He has remained in prison ever since. He now has no family in the UK.

The US has alleged that Khalid Al-Fawwaz was part of a global conspiracy "with persons unknown" to wage "jihad" against the US. In March 2008 the Home Secretary ordered his extradition to the US. He is currently appealing the order.

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## 2. Adel Abdel Bary

Bary is an Egyptian citizen born in 1960 and a criminal defence lawyer by profession. He arrived in the UK in 1991 and claimed political asylum shortly thereafter for engaging in non-violent political activism against human rights abuses in Egypt. He lived with his wife and six children in London and ran 'The International Office for the Defence of the Egyptian People'.

In similar circumstances to Khalid Al-Fawwaz he was detained on 22<sup>nd</sup> September 1998 on suspicion of terrorism. Despite being released by the Metropolitan Police five days later, he was rearrested in July 1999 on a vague extradition warrant from the US. He stands accused of being involved with unknown person to wage "jihad" against the US.

Bary and Al-Fawwaz have been detained in the UK since 1998 without any trial or charge having been brought against them. For a decade the men have been facing the risk of extradition but have not been sent due to the requirement of due process before their transfer. The procedural safeguards have however ultimately resulted in a long-term detention which has denied each ten years of their lives. Although the procedural stop on extradition has retained their right to claim their innocence, the system has ultimately been used by the UK authorities to keep these men detained without trial.

In 2003 the UK government fast-tracked the Extradition Act 2003 through Parliament. The Act was unprecedented in UK legal history due to the removal of a *prima facie* case in the UK before any extradition could take place. Further the US government does not have to provide any *prima facie* evidence to the UK government but show merely a list of allegations. The legislation was put forward in order to help deal with suspected terrorists, however its impact has been more far reaching including bankers and the hacker Gary McKinnon

### 3. Syed Fahad Hashmi

A US citizen who was removed from the UK effectively for his criticism of the US government and its actions abroad. Hashmi received a Masters from London Metropolitan University in International Relations after which he was arrested on 6<sup>th</sup> June 2006 on an American indictment which claimed he was providing material support for Al Qaeda – he spent 11 months in Belmarsh prison before being extradited.

On his return to the US – Hashmi was placed in detention under the system of Special Administrative Measures (SAMs). The measures are extremely restrictive and prevent him from seeing his family except once a week, prevents them from passing on any messages to friends, he is not allowed any other contact except with prison officials and his lawyer, and he is kept in 23-hour lockdown. He is now facing a campaign of immense procedural difficulty in front of the US courts.

### 4. Babar Ahmad

On 2<sup>nd</sup> December 2003 Babar Ahmad was detained by the Metropolitan Police after a raid on his home which left him brutally assaulted with over fifty injuries to his person. Despite his treatment, he was soon released as the government had no evidence of wrong doing. In August 2004, Ahmad was re-arrested under an extradition warrant by the US due to allegations that he tried to solicit support for “acts of terrorism” in Chechnya and Afghanistan using a website based on US internet servers.

Despite the UK Crown Prosecution Service holding that he had not committed any crime, he has now been detained in the UK for the last four years fighting his extradition. Not being able to defend himself against the allegations that the US have produced against him, he now faces severe abuses of his human rights and the very real threat of being denied a fair trial. In his own words he explains.

*If I am extradited to the US, there is a real risk that I could be tried by the new military courts being set up to try Guantanamo detainees on the US mainland. The alternative scenario is that I can expect to spend the rest of my life in a ‘Supermax’ US prison in total solitary confinement. This is not an exaggerated scenario. There are several people that have been extradited to the US who are now serving life sentences in Supermax prisons in solitary confinement.*

*Mr Hashmi [Syed Fahad Hashmi] was in Belmarsh prison in normal conditions with association with others for more than a year before he was extradited to the USA. Now he is in complete solitary confinement locked in a bare concrete cell without access to natural light, and even though he is American and his family in New York, with extremely limited access to them. He is being prosecuted solely on the basis of the evidence of a ‘co-operating’ witness, Junaid Babar, who in exchange for a maximum sentence of approximately 5 years after admitting to many offences, is prepared to send Hashmi to prison on a conviction for more than 75 years. This is the same story in every case and this is the prospect that awaits me and the others who are also in Long Lartin fighting extradition to the USA.<sup>6</sup>*

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<sup>5</sup>[www.freefahad.com](http://www.freefahad.com)

<sup>6</sup>Cageprisoners interview with Babar Ahmad, 07/05/2008

### 5. Syed Talha Ahsan

Syed Talha Ahsan was arrested at his home in Tooting, South London, on 19 July 2007 by officers from Scotland Yard's extradition unit, under a provisional warrant alleging offences under the Extradition Treaty 2003.

29-year-old Talha had completed his undergraduate and postgraduate degrees from the School of Oriental and African Studies in Arabic. Amongst his peers, Talha was regarded as somewhat of a calm eccentric genius and even today allegations of him being connected to international terrorism lead those who knew him best to be perplexed.

Ahsan is accused in the same case as Babar Ahmad, a British computer specialist who was indicted in Connecticut in October 2004. He has been held on a federal indictment from the US state of Connecticut charging him with conspiracy to support terrorists and conspiracy to kill or injure people abroad. The allegations do not relate to domestic terrorism in the UK.

### 6. Detainee X

Since 1999, Detainee X has faced various forms of detention without charge in the UK as his extradition was sought from the UK to the US. In 2003 he was diagnosed with terminal cancer which resulted in him being released under very strict bail conditions. It was not until 2005 that his challenges against his extradition were finally succeeded.

The UK Crown Prosecution Service stated that they would have to investigate Mr X but by July 2008 he lost his fight against his cancer, unable to clear his name after a decade of detention.

### 7. Haroon Rashid Aswat

Haroon Rashid Aswat is 34-years-old from Dewsbury, Yorkshire. He is a British citizen of Indian origins. He was arrested in Zambia, on July 20, 2005 at the request of the US. He was then deported from Zambia to the UK on 7 August 2005 and arrested on his arrival under the Extradition Treaty 2003.

Haroon has lost all appeals in the British Judicial system against his extradition to the US. His legal team have referred the case to the European Court of Human Rights who have requested that the extradition be placed on hold whilst they decide on the matter.

Almost three years of detention in the UK without trial or charge has had a devastating effect on Haroon's mental health. At one stage he stopped consuming food and drink and was transferred to Broadmoor Hospital, a high security psychiatric hospital at Crawthorne in Berkshire, England.

### 8. Abu Hamza Al-Masri

*My nationality is British, however an application has been submitted by the former Home Secretary David Blunkett in order to have my nationality removed.*

*The Home Secretary is attempting to take my British citizenship away from me however the case is still pending in the Court and I am fighting that my nationality is being taken away. I do not have any legal status at the moment until the outcome of the Court case which will determine whether or not I am a British national. My family in the UK are British citizens, they are not residents.*

*These laws have been tailored especially for me and even before these laws came into force the immigration and nationality act and the confiscation acts came into force in order to serve to affect me personally. How can I receive justice when people are only interested in one thing which is a permanent lock up to set me up as an example of what happens to a person who will not toe the line to keep me quiet.<sup>7</sup>*

Abu Hamza is the first British citizen to be arrested on an Extradition Warrant by the US in May 2004. He is wanted over allegations of supporting terrorism and hostage taking in Yemen. The 11 charges levied against him by the US carry a potential jail sentence of 100 years.

The FBI is thought to have built a case against him using information from James Ujaama who was imprisoned in the US and then released after signing a plea agreement to testify against Abu Hamza and Haroon Rashid Aswat. Ujaama later withdrew from the agreement and no longer wishes to testify against them. His evidence supports eight out of 11 charges Abu Hamza faces.

The Crown Prosecution Service delayed his extradition so that he would first stand trial in Britain for incitement offences. He is currently serving a 7 year sentence for this in the UK. In November 2007 a Magistrate Court ruled there were no bars to his extradition and he could be extradited to the US pending an order by the Home Secretary. In February 2008 the Home Secretary Jacqui Smith ruled that he could be extradited to the US after his citizenship had been removed.

The extradition of all seven men to the US has major implications in terms of potential abuses of human rights. Muslim suspected terrorists have been convicted of crimes under the most spurious evidence and are given disproportionate sentences.<sup>8</sup> Further those awaiting trial are detained at special super-max facilities in isolation and subjected to Special Administrative Measures (SAMs). The SAMs deny the defendant any possibility of a fair trial as all communication with the defence team is monitored. In the current climate of fear that exists in the US, it is unreasonable of the UK government to assume that there will be good faith in the way these men are tried for suspected crimes.

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<sup>7</sup>Cageprisoners interview with Abu Hamza Al-Masri, 17/04/2008

<sup>8</sup>The cases of Dr Ali Al-Timimi who was given life plus 70 years without parole; Uzair Paracha who was given 30 years for a trivial offence and that of Sabri Ben Kahla who received 15 years for a perjury offence point to the disproportionate sentences that are given to suspected terrorists in the US.

## Extradition to Europe

Since 11<sup>th</sup> September 2001, many states have taken measures to speed the extradition process. Indeed, the EU states have adopted the European Arrest Warrant, which removes the requirement to ensure that the suspect will receive a fair trial and that there is *prima facie* evidence against that person. Those who defend the use of these warrants contend that all EU states are accountable to the European Convention on Human Rights, which upholds the individuals rights to a fair trial and to freedom from torture or any other cruel or inhuman and degrading treatment. However, upon examination of the legislation and practice of some of these EU states, cause for concern arises.<sup>10</sup>

In 1985, the UK signed an extradition treaty with Spain, mainly in order to arrest several high-profile criminals who had escaped from the UK to live on the southern coast of Spain. In November 2001, the UK and Spain signed a new extradition treaty that “fast tracks” the extradition process, replacing it with a single court hearing. “Fast-tracking” treaties between countries have become quite common since 9/11.<sup>11</sup> Before 2001, Spain had only requested the extradition of five people from the UK.

Since 2001, human rights groups, non-governmental organisations, the UN, and detainees themselves have expressed concern over the Spanish police and government’s treatment of detainees suspected to have links to terrorist organisations.<sup>12</sup> Of particular concern are issues with Spanish legislative counter-terrorism measures, police ill-treatment of detainees and the effective impunity of these perpetrators, and the possibility of further extradition to countries with historical human rights abuses, thus subjecting them to a heightened probability of ill-treatment or torture.

The case of four men extradited to Spain highlights the danger of the European Arrest Warrant and the lack of protection given to those who face extradition.

<sup>10</sup>Susie Alegre, Executive Officer for Human Rights at Amnesty International, writes, “Like so many initiatives rushed through after Sept. 11, the European arrest warrant is an example of how there can be no security without human rights. Tragically, some EU governments have still not accepted that it is not the respect for human rights, but the breach of those rights, that undermines effective security and justice.” (*International Herald Tribune*, 02/02/04, [http://www.ihrt.com/articles/2004/02/02/edalegre\\_ed3\\_.php](http://www.ihrt.com/articles/2004/02/02/edalegre_ed3_.php), accessed 07/02/08)

<sup>11</sup>Although the bilateral fast-tracking extradition treaty between Spain and the UK was signed at the end of 2001, the European Commission adopted the European Arrest Warrant in February 2002, and all the member states of the European Union were required to adopt it by the beginning of 2004.

<sup>12</sup>See for reference Human Rights Watch, “Setting an Example?: Counter-terrorism Measures in Spain,” January 2005 Vol. 17, No. 1(D)), and Amnesty International, “Adding Insult to Injury: The Effective Impunity of Police Officers in Cases of Torture and Other Ill-treatment,” AI Index: EUR 41/006/007).

### 9. Hedi Boudhiba

A refugee from Tunisia, Hedi Boudhiba was arrested in Liverpool in 2004 for allegedly supplying financial support to terrorist organisations in Germany. He was held in Belmarsh high-security prison in south London. Spain filed a European Arrest Warrant for his extradition although British, American, Portuguese, and German officials who interrogated him declined to prosecute.

His extradition was highly contested not only due to the sketchy evidence on which the European Arrest Warrant was based but also due to mental health issues — he was diagnosed with psychosis, and depression and attempted to commit suicide several times while in prison, even slashing his own throat and wrists.

Regardless of these concerns, Boudhiba was extradited to Spain after he lost his appeal at the High Court in April 2006. He spent two months in Soto de Real prison, where he was held in isolation; however, his health deteriorated so rapidly that he was moved to Aranjuez prison, where he was allowed a bit more freedom. In July 2007, he was cleared of charges by the Spanish National Court and released onto the streets of Madrid with no money, no passport, and nowhere to go.

He can now obtain temporary identification papers and receive donations. However, he awaits in fear the result of his case for asylum, dreading the possibility of returning to imminent danger and torture in Tunisia. He is very fearful of discussing his treatment while in prison for fear that it will damage his case for asylum.

### 10. Moutaz Almallah Dabas

Dabas was arrested in March 2005 in Slough after the Spanish government issued a European Arrest Warrant alleging that he had operated a flat in Madrid that had housed al-Qaeda recruits that had links with the 11-M bombings. His brother was also arrested in Madrid on similar charges.

Dabas appealed his extradition based on human rights abuses in Spain, including the limitations on access to counsel during incommunicado detention and potential ill-treatment and torture. His appeal was dismissed in May 2006, and his extradition process was final in February 2007. He was extradited to Spain on 3 March 2007.

Having been extradited to Spain, Dabas has left behind a wife and five children who still remain in the UK living in West London.



The *rule of speciality* in Extradition law requires that an individual may only be charged on the offences that are alleged in the extradition warrant and not others once the individual is extradited. Spain has on more than one occasion breached this rule as they have laid charges which were to be dismissed during the initial extradition. The cases of Inigo Castillo Macazaga and Farid Hilali illustrate this.

#### 11. Inigo Castillo Macazaga

Macazaga was accused of involvement in an ETA bombing of a military barracks and a charge of attempted murder. He won both cases in the High Court here when it was shown that the Spanish government had falsified the evidence.

He returned voluntarily to face a far less serious public order charge only to have the Spanish prosecutor re-instate the charge that had been thrown out by the courts in the UK.



Farid Hilali

*I spend 22 hours in the cell, I go for a walk in the yard alone always, there is no one to talk to, I am completely shut off from the outside world. How can I prepare my case and give instructions to my solicitor if I am not even allowed to have my legal documents? This is against my human rights i.e. the right to effectively prepare a defence and to have a fair trial.*

#### 12. Farid Hilali

Moroccan national Farid Hilali was recently extradited to Spain under the terms of a European Arrest Warrant. The warrant made claims of Hilali's involvement with Barakat Yarkas (associated with the attacks of 11th September 2001); though this was based on telephone intercept evidence which had been proved inadmissible in a Spanish court. Nevertheless, the House of Lords ruled on the 8<sup>th</sup> February 2008, that Hilali be extradited to Spain.

Hilali has previously suffered torture both in the United Arab Emirates and Morocco, prior to being arrested in September of 2003 in the UK under the Terrorism Act. This was then followed by the issuing of the European arrest Warrant in April of 2004.

The warrant was issued on the part of the Spanish Authorities, claiming his responsibility in the conspiracy to murder in the attacks of 9/11. However, as mentioned, the only 'evidence' to prove this was telephone intercept evidence, said to be a conversation between Hilali and Yarkas. In order for such evidence to be admissible in a Spanish court, the court must give authorisation prior to the interception, which was not the case with the telephone intercept evidence in question, thus making such evidence invalid in a Spanish court.

Since his detention, Hilali has had his personal property taken from him and has been placed incommunicado, having minimal contact with anyone.

Hilali has finally been granted bail in February 2009 after long legal challenges. He will still face investigation, however, he has been granted liberty under bail conditions in the time being.

Spain is not the only country that has requested Muslim terror suspects from the UK through the process of extradition. The Italian and French governments have also sought to use the European Extradition Warrant in order to bypass the requirement of providing *prima facie* evidence.

13. *Habib Ignaoua*

14. *Ali Chehidi*

15. *Muhammad Khemri*

Ignaoua has been detained in HMP Belmarsh, contesting extradition to Italy, since June 2007. Habib fled Tunisia in 1994 after suffering detention and torture at the hands of the Tunisian security services. In the years since then he has been convicted at least three times in his absence by Tunisia's military courts and sentenced to long terms of imprisonment.

Habib fled to the UK in 2004 where he made a claim for asylum on which there has been no decision. He was living peacefully with his wife and children in London and working in a launderette when he was suddenly arrested in June 2007 and detained on an extradition warrant from Italy. It alleges membership in a terrorist organisation in Milan. He was subjected to a second warrant in December 2007 on similar charges.

Chehidi and Khemri were arrested as part of co-ordinated raids in France, Portugal and Italy where 18 other men were detained. The Italian government claimed that the men were recruiting people to fight in Afghanistan and Iraq. The two men were arrested by Scotland Yard's extradition unit and proceedings for their extradition to Italy have begun.

A large number of the Tunisians have also faced charges of a similar nature in Italy. Several, whether acquitted or convicted, have been deported by Italy to Tunisia, and once there subjected to detention and reportedly serious mistreatment and torture. This is the fate that the men quite rightly fear will await them.

Despite the wealth of evidence from multiple sources including lawyers and human rights organisations in Italy and Tunisia which confirm the situation as above, the district judge at the magistrates' court extradition hearing refused to accept that there was a risk that Italy would deport the three men on to Tunisia, and so ordered their extradition to Italy to proceed. The reasoning was all related to the need to respect and strengthen ties between European member states. Their lawyers lodged the appeal papers at the High Court where again he failed in his appeal.

Habib Ignaoua was extradited with his co-appellants to Italy on 2<sup>nd</sup> November 2008. He is being held in horrendous conditions and as a result has begun a hunger-strike. The conditions he has been subjected to include: solitary confinement with no heating during winter months, no drinking water for days, no access to telephone, and no recreation time permitted.<sup>13</sup>

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<sup>13</sup>Cageprisoners interview with Abu Hamza Al-Masri, 17/04/2008

Some governments in the Arab world have developed complicity with their former colonial masters. As with Italy and Tunisia, the French have a close tie to Algeria, and thus have formed a special relationship in terms of detentions. Over the last few years, the French have successfully made a number of extradition requests particularly in the case of Algerians, all of whom face return to their native Algeria.

#### *16. Rachid Ramda*

Like many other Algerians, Rachid Ramda fled the terrors of war and torture in his home country to seek asylum in the UK. However, he was arrested in 1995 on an extradition warrant from France, on allegations of connections with a series of bomb attacks in Paris. Ramda was not tried or given the chance to defend himself, yet spent the first six years of his detention in the Secure Special Unit of HMP Belmarsh, which impacted heavily on his physical and mental health.

Conditions in Belmarsh were worse than difficult – despite only possessing a few garments and inhabiting a bare cell of eight square metres, Ramda faced repeated degrading strip-searches during his long incarceration. He was almost completely starved of social contact, not being permitted a single visitor for more than eight years, much less an opportunity to prove his innocence. His own family in Algeria were refused a visa on 13 occasions when they attempted to visit their son.

After spending seven years in Belmarsh, the High Court in 2002 ruled against his extradition, on the grounds that the evidence provided by French authorities was unsatisfactory, and much of it had been extracted through the use of torture. Furthermore, British judges were concerned that Ramda would be subject to inhuman treatment were he to be returned to France.

After another three years and demands for justice by the British public still not met, a British judge overturned the previous ruling and reasoned that despite previous fears of poor treatment remaining, Ramda was to be extradited to France.

In March 2006, a French court found him guilty of providing logistical support to the GIA attacks on the Paris transport system. The trial was cut short after four sessions with Ramda's request for his lawyers not to defend him in protest at the "scandalous" proceedings. Further legal proceedings in October 2007 sentenced him to life for his alleged role in the tragedy, though Ramda still loudly protested his innocence.

France's high court of appeal, seemingly unsatisfied with the standards of the previous findings, in January 2008 ordered a retrial which will take place in October 2009.

*17. Mustapha Labsi*

An Algerian national who was living in London with his then-pregnant Slovakian wife, Mustapha Labsi was arrested in February 2001. He was detained in Belmarsh prison for three months for alleged links with a German terrorist cell, but these charges were dropped. However, before he could leave Belmarsh, he was re-arrested in connection with an extradition order from France. In December 2005, he was extradited to France and held in a prison that had been condemned as unfit for human habitation. He was denied contact with his family and faced abusive treatment.

Labsi was in considerable ill-health and, as result of his sufferings, developed a bleeding ulcer that caused him to lose a litre and half of blood each week. Furthermore, Labsi's wife has suffered psychologically as a result of her husband's detention – her difficulties were exacerbated by her pregnancy at the time.

In April 2006, he was released and travelled to Slovakia to see his family, where he applied for asylum. He was arrested and in August 2006 was transferred to Austria, where he was moved from prison to prison until he was deported back to Slovakia in May 2007.

He had been fighting extradition to Algeria, where in his absence he has been convicted and given a life sentence. In June 2009, Labsi lost his asylum appeal in Slovakia and will now appeal against the decision again.

Mustapha Labsi's family have also greatly suffered throughout this ordeal. Unable to take care of her child due to the psychological trauma of the detention, Labsi's wife had her daughter taken away from her. Recently she disappeared from a psychiatric hospital and it is still not known where she is.

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### 18. Rabah Kadre

Rabah Kadre is 38 years old, and from Algeria. Kadre was arrested in London on 9 November 2002 and charged with offences under the Terrorism Act.

On 30 November 2002, a French judge issued an international arrest warrant against Kadre in connection with an investigation into the so-called Frankfurt group, which had planned to carry out an attack in the eastern French city of Strasbourg in December 2000. The charges were based upon extremely circumstantial evidence that would be unlikely to be accepted in a British court. The allegations were that fingerprints were found at a flat in Germany, which they say are Kadre's, whilst another individual was arrested; intercept evidence; an assertion by an informant that he made statements "highly critical of France". Obviously, a formulated charge based on the evidence above would be vigorously defended in a British court. However, the British courts ruled that the court is "not concerned with proof of the facts."

He was held in Belmarsh prison for four years, awaiting extradition to France. Although he had been convicted of having a false passport he had not been charged with any terrorist offences in the UK. On 16th December 2004, he was convicted, in his absence, by the Paris Criminal Court (Tribunal Correctional de Paris) of involvement in a plot to bomb the city of Strasbourg Christmas market. He was sentenced to six years imprisonment, followed by a permanent ban from French territory.

He was extradited to France in June 2006. Rabah did not seek a retrial after being advised by his lawyers that he would be held in prison longer than the existing sentence whilst awaiting a retrial. He was released from Val de Reuil prison on 15th April and deported from France to Algeria on 15th April 2008. He was initially detained in Algiers but released after ten days on the 27th April. Rabah Kadre was released on Sunday 27th April and has now been reunited with his family.

## Deportation

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In December 2004, the case of A and others v Secretary of State for the Home Department<sup>14</sup> signalled a major blow to the UK government's domestic counter-terrorism policies. For three years, sixteen foreign nationals were detained in UK prisons under the Anti-Terrorism Crime and Security Act 2001.<sup>15</sup> The men were Algerians, Jordanians, Libyans and Tunisians. The aim was to keep these men detained indefinitely without charge on the order of the Home Secretary. The House of Lords ruling in the case condemned the use of the law because it is unlawful under the European Convention on Human Rights (ECHR).

*Juror A: From the evidence that was offered to us in the trial I would consider it difficult to believe that they are a threat to national security. If there is such damning evidence against them, why was this never presented to a jury in the first place, and why have they been arrested under immigration law, rather than the terrorism Act.*

*Juror B: Personally, I am absolutely convinced that one of the men who had been recently picked up again, is totally innocent. I have nothing but admiration for the way he defended himself in the dock against a top QC who was determined to paint the most sinister picture of him as possible. Besides the evidence against him was a catalogue of sly digs, sarcastic inferences and making a mountain out of a molehill of highly circumstantial evidence.*

*Juror C: I didn't hear any evidence in court to suggest they were a threat. It is disgusting to think the government is trying to get round a legal loophole to put them back in prison. I think that perhaps the authorities feel cheated of what they thought were sure convictions.<sup>16</sup>*

Of the seventeen foreign nationals who had been through the long period of detention without charge, two returned voluntarily to their country of origin, thirteen were released and placed on control orders, one remained in prison for other offences while the remaining detainee was kept under other powers.

The London bombings of 7<sup>th</sup> July 2005 changed the fate of these men again as many were re-arrested. Some of those foreign nationals who had been detained previously as part of the 'Ricin' plot, were also rearrested despite their acquittal in a jury trial. Offended by the manner in which these men were being treated, some of the jurors in the original ricin trial took unprecedented action and came out publicly to declare their contempt for the re-arrests.

Despite the acquittals in open court, they were still detained after an order by the Home Secretary that they were "not conducive to the public good". The Home Office decided that the men should be detained under Immigration law in light of national security concerns.

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<sup>14</sup>[2005] UKHL 71, 08/12/2005

<sup>15</sup>Anti-Terrorism Crime and Security Act 2001, Part 4, s.23(1)

<sup>16</sup>Cageprisoners interview with Jurors from the 'Ricin' trials, 20/09/2005

## Memoranda of Understanding

Instead of detaining the men without any evidence, the government sought to have them removed from the UK altogether. The UK government however came to an impasse with this policy through the internationally binding principle of *non-refoulement*, meaning that the government cannot remove or deport any individual to a country where there is a risk of abuse or torture. The cast-iron principle required the government to come up with an alternative strategy to remove the men to their countries of origin.

The subsequent invention of the UK government's legal advisors was to use Memoranda of Understanding with countries in the Middle East and Africa to secure deportation. This policy has come under severe criticism by international human rights NGOs due to its neglect of the *non-refoulement* principle. The main criticism cited is that the understanding/assurances have no legally binding effect and are not worth the paper they are written on.<sup>17</sup>

On 10<sup>th</sup> August 2005 in Amman, Jordan became the first country to sign a Memorandum of Understanding with the UK. The position was quickly followed by Libya who signed up to a similar agreement on 18<sup>th</sup> October 2005. Both countries had previously been strongly criticised by governmental and non-governmental bodies for their records in human rights, particularly in relation to arbitrary detention and torture. The UK government also sought to make a similar agreement with Algeria; however, they refused to sign.

Despite Algeria's refusal to sign a Memorandum of Understanding, the government continued to keep the Algerians detained. As for those whose deportations had been approved to Libya and Jordan, the difficult task of appealing had begun.

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<sup>17</sup>See reports by Human Rights Watch, *Not the Way Forward: The UK's Dangerous Reliance on Diplomatic Assurances*, 10/2008; and also Amnesty International, 'Diplomatic Assurances' – No protection against torture or ill-treatment, 01/12/2005

### **Special Immigration Appeals Commission**

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

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

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

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

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



## Deportation to Algeria

Relations between the UK and Algeria have been relatively strong since the start of the War on Terror. The security services of each country have been working together in order to bring cases against individuals suspected of terrorism. Previously the UK attempted to rely upon evidence extracted under torture when a suspect from the ‘Ricin’ plot’ was taken into custody in Algeria. The plot was found to be false and yet some of the Algerians detained as part of the case were rearrested after 7<sup>th</sup> July 2005. Without any evidence against the men, the government has sought to use the ‘not-conducive’ grounds in order to expel them and maintain a facade that these men pose a threat to the UK’s security.

### 19. Detainee W

Detainee W is a British resident from Algeria and was one of several men accused and subsequently cleared of any connection with the so called ‘Ricin’ plot’.

On 8<sup>th</sup> April 2005, four men were cleared of conspiracy to commit murder and conspiracy to cause a public nuisance. The Crown Prosecution Service decided not to go ahead with a second trial involving defendants Detainee W, and three others. All were cleared.

Despite having been cleared of any charges relating to terrorism, W was rearrested in 2005 and eventually released on strict immigration bail conditions. He now faces deportation to Algeria and is appealing through SIAC; a process that denies him any reasonable means of fighting his deportation.

*SIAC is an appeal process for a deportation order and I am being threatened with deportation to Algeria. They say that I am a threat to national security. There is no evidence against me, all the government used was supposition after supposition, they have no evidence against me.*

*...*

*They have detained me here as part of a terrorism investigation and if I go to any country there would be great difficulty for me. I had done my national service in Algeria, I had not come to the UK in order to avoid that, but my father was ill and I became the bread-winner of the family and another letter came saying that I had to come back for more service and I refused to go. I was forcibly taken to join the army to arrest supposed Islamic militants and during one fracas I deserted. I threw my gun in a lake and ran away. The army took my brother and he was subjected to horrible torture.*

*In the immigration sector there is a culture of disbelief – they don’t want to believe my story, they don’t want to believe the trauma we have been through in Algeria.*

## 20. Mouloud Sihali

Similarly to Detainee W, Mouloud Sihali had been acquitted in the 'Ricin' case but once again faced detention through his deportation order. He is currently facing a second SIAC appeal against a refusal to grant him asylum—he thus faces the difficulties of closed evidence again.



Mouloud Sihali

*Once it is claimed you are a threat to national security, automatically you will be dealt with through the Special Immigration Appeals Commission or SIAC as this is how you appeal. SIAC is a commission, it is not a court. It is a commission chosen by the Home Office; the judges have to be approved by the Home Office, they are not independent. I asked the lawyers who are the panel at SIAC, who are the three judges? They said to me that one is a High Court judge, another is a normal immigration judge and the final one is an expert on terrorism and usually someone with a background in the security services. This is the panel that is supposed to judge me on evidence that I am not allowed to see or challenge or even know where it comes from. When it comes to the closed sessions that they have, everyone is thrown out and they sit by themselves and they cook up whatever they want. Even with all of this, I won my case, and this committee of three judges have ruled that I am no threat to national security and the reason to deport me on these grounds is wrong. Now I am cleared through SIAC.*

*It was like fighting in a dark room. Your opponent has night vision goggles and you are in the dark room which is sealed. You walk into that room without anything while the other side walk in with the night vision goggles and big guns. You don't know where the punch is going to come from and how big it will be – that is what it is like. You have to guess what the secret evidence was, it is like a game, you have to guess. To counteract the secret evidence, we had to go through my entire life with my lawyer. It is funny, we used to laugh because we would sit down and think about every person that I met and under what circumstances and what they might have or have not said to me. What could it be? Who did I meet 10 years ago? Maybe I shook hands with someone 10 years ago who turned out to be a bad guy, I don't know the evidence against me so I have to guess what they might be thinking or bringing against me. We went to court and then I started guessing, I kept on instructing my lawyers to mention things as I remembered them on the chance that I might guess a defence correctly. I literally had to remember my entire 11 years in the UK in absolute detail in order to show that I am not a danger.<sup>18</sup>*

<sup>18</sup>Cageprisoners interview with Mouloud Sihali, 15/04/2008

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### 21. Detainee Y

Detainee Y was granted full refugee status after entering the UK. Working since in a bookstore, he was detained as part of the 'Ricin' plot only to be acquitted with the other Algerians in April 2005.

In the same year, the London bombings of 7 July 2005 shifted focus on Y again and he was detained and served with deportation notices claiming he was a threat to national security. In a confused stream of events, he was initially imprisoned, then released on immigration bail before being subjected to control-order style detention and finally being sent back to prison pending full deportation back to Algeria after the Special Immigration Appeals Commission (SIAC) turned down his appeal in August 2006.

He was eventually released on immigration bail to a suburban area where he has little support and is only allowed to leave his home for four hours a day.

*The SIAC court, it's a kind of kangaroo court. There is a Judge and two of his helpers there, and there is the Home Office and the special advocate and my solicitor. I don't know the evidence, no one knows the evidence against me or that I'm tried for. Only the Judge and the Home Office and the Special Advocate, and I'm not allowed to speak to the Special Advocate. He is supposed to know the evidence but I am not allowed to speak to him and he's not allowed to speak to me.<sup>19</sup>*

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<sup>19</sup>Cageprisoners interview with Detainee Y, 13/03/2008

## 22. Detainee U

Detainee U was arrested for terrorism offences in February 2001 and was sent to Belmarsh prison. Two months later, charges against all of the men who were arrested were dropped due to lack of evidence. He was eventually granted bail in July 2001. However, relief at his release was to be short lived. As he was leaving his home of the last four months, officers re-arrested him, this time under an extradition warrant from the USA. The evidence for this? Ahmed Ressay in the US, who U states had been threatened with 130 years in prison, had given his name as a terrorist leader.

Eventually Ressay withdrew his testimony and the US extradition request fell through in August 2005. Nevertheless, Detainee U remains held in detention now under the Immigration Law, pending deportation to Algeria – the country he originally fled from. He states about the seven years he has spent in a British prison without charge,

*I have been treated in prison in ways that even Algerian authorities would be ashamed to consider. In Algeria, they kill you physically [along] with verbal insults. In Britain, they kill you psychologically, with a smile...I am only seeking...the right to a fair, open trial. If I have done something wrong, I should be put on trial and punished. If not, then I should be released and allowed to get on with my life. Is this too much to ask?<sup>20</sup>*

Detainee U was released on immigration bail in 2008 however was kept under the strict of conditions having been confined to his home for 24 hours a day. At the end of February 2009, despite being freed on bail by SIAC, U was rearrested on the orders of the Home Secretary as he left the court. He has been again detained in Long Lartin prison after closed evidence was heard in SIAC the following day.

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<sup>20</sup>Exclusive statement by Detainee U to Cageprisoners, 15/03/2008

### 23. Detainee Z

Algerian citizen Detainee Z came to the UK in order to study for a Masters degree in Engineering, however while he was here the security situation in Algeria had deteriorated to such an extent that his family encouraged him to remain until things became safer.

After the attacks on 7 July 2005, Z was detained with many other foreign nationals under immigration laws with the claim that they were a threat to national security. No allegations were laid against Z and all he was told was that he was being placed on a deportation order due to the risk of him being a threat. The government has sought to agree a Memorandum of Understanding with Algeria in order to have the Algerian foreign nationals returned to their country of origin. According to Z,

Despite the difficulty of the appeals process Z has been released on bail, however at the cost of being placed under strict immigration bail conditions which deny him the ability to travel one mile beyond his home and also limit his movement outside of his house to five hours in the day. He lives with his wife and two children, and they too have become effectively subject to his immigration bail order and are very much limited by the conditions placed on him.

*Well, they try to say 'okay, we don't say that it is not a country which has been recognised by all the N.G.O.'s, that they use torture and mistreatment of detainees in prison' and so on. But, we try to get some sort of assurances from them, that these people will be well treated and respected with human rights and we will use mechanisms like with other third party N.G.O's to monitor them. But, it's all... I don't think it is acceptable. I mean how can you monitor if someone is being tortured? How can you force this memorandum?<sup>21</sup>*



Son of Detainee Z

<sup>21</sup>Cageprisoners interview with Detainee Z, 01/05/2008

#### 24. Detainee G

Disabled as a result of suffering polio as a child, G was one of 12 foreign nationals detained in Belmarsh prison.

G was put in a 'prison within a prison' in Belmarsh with a minimum of 22 hours in his cell, he suffered a nervous breakdown. He was released under a 24 hour curfew – the first to be given bail. Due partly to the lack of physiotherapy in Belmarsh, G, who had the ability to walk into Belmarsh, had to leave in a wheel-chair.

G was granted bail again in October 2005, but was confined to his flat for 24 hours a day with no visitors, phone or internet connection, and tagged. Five years of captivity left G desperate to leave the UK, but unable to return to Algeria because of the fear of danger to his family. The Home Office maintains G has nothing to worry about despite Algeria's proven torture policy.

*My fear is great...I am facing death – if I go to Algeria I will die and make trouble to myself and my family. When we were in Long Lartin Prison under deportation, there were guys who couldn't stand being in prison, because of their families and things like that, and they were obliged to sign and go. They gave them the guarantee that they would be safe in Algeria, but when they went to Algeria it is completely the opposite. One of them I remember, I cannot use names, but he is now facing eight years in prison in Algeria, and one of them three years. So for me they can kill me now or I can kill myself – that is better for me than to go to Algeria. It is impossible for me to go to Algeria.<sup>22</sup>*

#### 25. Detainee B

An Algerian who had sought asylum in the UK, Detainee B was arrested in February 2002 and, without charge or trial, held in HMP Belmarsh indefinitely on secret evidence and locked up in solitary confinement for 22 hours a day. While in Belmarsh, he acted as a carer for other detainees who suffered physical and mental health problems. However, his own physical and mental health collapsed after the art classes which had offered him a creative outlet from his harsh surroundings were discontinued for "security reasons". Suffering from clinical depression and post traumatic stress disorder, the then Home Secretary, David Blunkett, decided to transfer Detainee B to Broadmoor, a state psychiatric hospital.

In December 2004, the House of Lords ruled that this indefinite detention without trial or charge was illegal, and – with all the others – he was released in March 2005 on control orders. His health deteriorated so profoundly after his release that he was admitted to a London-based psychiatric hospital. In August 2005, he was rearrested in a dawn raid and despite his fragile mental state was taken from his hospital bed with the intention of deporting him to Algeria, the very country from which he had sought asylum.

He was moved to HMP Long Lartin and held as a Category "A" prisoner in a claustrophobic unit which had been used in the past as a short term segregation unit. He spent four weeks in this special unit before being transferred to Broadmoor. When his mental health improved, he was again moved to Long Lartin and eventually returned to Broadmoor before being released under strict immigration bail to a psychiatric unit.

He remains in a psychiatric unit to this day.

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<sup>22</sup>Cageprisoners interview with Detainee G, 21/05/2008

## 26. Detainee BB

BB is 43 years old, an Algerian national, a qualified electronic engineer, married to an Algerian woman with three young children. He had been living and working in the UK since 1995. In 2003, he was arrested and charged with possession of articles for use in terrorism under the Terrorism Act 2000. The charges were eventually dropped and he was instead convicted for possession of a false passport, after spending 10 months in Belmarsh prison.

BB was freed, only to be re-arrested a year later under the Immigration Act 1971. The Home Office wanted to deport him to Algeria. His only recourse was to challenge his national security case through SIAC.

*During my long and awful detention in Long Lartin high security prison (it is called detention but in reality it is an open ended sentence by stealth) – I felt less than human. The worst thing about my detention was the further punishment of being categorised as a ‘Cat A’ prisoner where the extremely restrictive conditions of this regime drove many of the detained men mad. After suffering these conditions, at least 4 men have been removed to Broadmoor, a State hospital for the criminally insane!*

*I discovered from the little information that was disclosed to myself and my lawyer that the UK government had shockingly disclosed inaccurate information to the Algerian government. In 2004 an official in the UK government, yet to be identified, had reported me to Interpol in Algiers as belonging to an armed terrorist group. The Foreign Office also gave inaccurate information to the Algerians, namely that I was found in possession of information on bomb-making and instructions for creating chemical explosives. Both of those allegations are untrue and defamatory, otherwise I would have been prosecuted in the UK a long time before this rotten business of deportation.*

## 27. Detainee D

## 28. Detainee T

In similar circumstances to the previous cases, D was arrested in 2001 and T in 2005. Both were detained and faced deportation due to their status as foreign nationals. T was released from HMP Long Lartin under a bail order, while D was released without any explanation of the reason for his detention.

T remains on SIAC bail and his appeal against his deportation continues through the SIAC proceedings. His appeal will not be heard until January 2010.

## Voluntary repatriation

### *Repatriation to Algeria*

#### 29. Benaissa Taleb

An Algerian married to a UK national, Benaissa Taleb (or Detainee H) was granted refugee status in the UK after he moved here in 1993. He was arrested in 2002 under the Anti-Terrorism 2001 Act and held in HMP Belmarsh. He was released under a strict control order in March 2005 after the House of Lords' ruled that his detention was unlawful. In August of that year, after 7/7, he was rearrested for deportation to Algeria and held in the special unit in HMP Full Sutton. He was eventually released under strict immigration bail – and returned home to his wife and baby.

Benaissa was tagged and only allowed out of his home three hours a day in a limited area. Like everyone on control orders and deportation bail, no one was allowed to visit his home without Home Office vetting. Benaissa's imprisonment and house arrest severely affected him physically and psychologically and his mental health broke down. He was never told the secret evidence against him in SIAC.

With guarantees for 'safety' on return, Benaissa made the decision to be deported to Algeria in January 2007 in the hope that his family would soon follow. He was met at Algiers airport by his brother and initially held by immigration authorities for a few hours. He made the 8 hour journey to his family home. Benaissa was then held incommunicado by the DRS (Algeria's security services) for 12 days. It is believed that the secret evidence and his UK asylum application statement was sent by the UK authorities to Algeria for his arrival in his country.

Relations between the UK and Algeria have been relatively strong since the start of the War on Terror. The security services of each country have been working together in order to bring cases against individuals suspected of terrorism. Previously the UK attempted to rely upon evidence extracted under torture when a suspect from the "Ricin' plot" was taken into custody in Algeria. The plot was found to be false and yet some of the Algerians detained as part of the case were re-arrested after 7<sup>th</sup> July 2005. Without any evidence against the men, the government has sought to use the 'not-conducive to the public good' grounds in order to expel them and maintain a facade that these men pose a threat to the UK's security.

During the 12 days, he was ill treated and stated later that he had heard sounds of men being tortured. His head and beard were shaved. He was then held in the notorious Serkadji prison. Risking repercussions, Benaissa bravely made a statement about his treatment, used in SIAC, to help others fighting deportation to Algeria. However, SIAC believed that his shaving had been carried out "for hygiene purposes" and that his story of the torture he had heard was not credible.

Benaissa's trial lasted less than two hours and the Algerian authorities denied that he had ever been guaranteed "safety on return". He was sentenced to 3 years imprisonment and transferred to El Harrach and is now held in Chlef. His wife and baby daughter have been refused visas by the Algerian consulate and were informed that it is now in the hands of the Algerian authorities.



### 30. Reda Dendani

Dendani (also known as Detainee Q) is an Algerian national and had been living in the UK since 1998, as an asylum seeker.

He spent two and a half years in Woodhill and Belmarsh prisons, under the Anti Terrorism Act 2001, before being freed under control orders, following the House of Lords ruling in December 2004.

The Home Office then issued Reda with a deportation order in August 2005, alleging that he was a “threat to national security” and “not conducive to the public good”. He was arrested and taken to HMP Long Lartin.

The Home Office allowed the detainees to appeal to the SIAC. Frustrated by the lack of due process, Reda gave up his fight against deportation and requested to voluntarily return to Algeria. He said at the time,

*I’m not allowed to know and therefore to cross examine what is held against me. A madness – a crazy situation. I’m fighting a ghost. Whatever I say there is always closed sessions where I’m not allowed in nor my solicitor. This is an affront to the fundamental justice system. Because of this, I’ve stopped resisting my deportation. Better for me to face Algerian authorities – more straightforward than this Chinese torture made in UK. I’ve signed all the necessary papers for this deportation.<sup>23</sup>*

He was deported from the UK to Algeria on 20 January 2007. After being held on his return for a few hours by the immigration authorities, Reda was allowed to return home. A few days later, he was taken into custody by the Department for Information and Security (DRS) and held at an undisclosed location. Aside from one phone call, he was denied family visits and held incommunicado initially. He was reportedly transferred from DRS custody to prison on 5th February 2007, following the expiry of the 12-day maximum period of detention without charge or access to legal counsel. After a short trial, Reda was sentenced to eight years imprisonment.

He was initially held in Serkadji prison where he has been tortured, abused and kept in horrific conditions. According to sources in Algeria, he is being treated like a slave in prison. Last year he was transferred to Chlef.

<sup>23</sup>Institute of Race Relations, *Fighting a Ghost*, 11/01/2007

### 31. Detainee I

Detainee I is an Algerian national who is married with a child. The government alleged that he raised funds for terrorist groups and helped Islamists travel to the UK. During the course of his SIAC detention, he was charged with an offence of fraud which nevertheless formed in part the claimed basis of his detention under the Anti-Terrorism Crime and Security Act. He received a sentence of four years, but once eligible for parole, he continued to be detained under SIAC.

He had been held in HMP Long Lartin since 2005, awaiting deportation. He faced the same stark choice: either to continue to challenge his detention to Algeria, or to face an uncertain future by returning to Algeria. He described his time in Long Lartin,

*Our situation is degrading day by day. We have not seen the sky for more than 3 months. The cells are very cold. It will be even colder now in this freezing weather. We are not connected with anything yet we are treated worse than Cat A prisoners – strip searches, little education, deliberate delays in opening times. They argue that freedom is a fundamental right, yet they deny it to so many.*

Detainee I lost all hope in the possibility that he would receive any meaningful justice in the UK and in March 2006, withdrew his appeal against the deportation order. He said at the time, “I have had enough. My objective is now to go to Algeria. We are treated so badly without proper justification whatsoever and are under atrocious conditions. The Home Office is playing politics with our lives. Although we have agreed to go back to our country since last month we are still unlawfully detained in this limbo. In fact, we consider ourselves now as hostages.”

Detainee I was arrested on arrival in Algiers and taken to an undisclosed location. He was held incommunicado for five days before being released on 22 June and reunited with his family in Algeria. His wife and child voluntarily remain in the UK.

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### 32. Mustafa Melki

Mustafa Melki (known as Detainee P) is in his thirties, and from Algeria. He arrived in Britain on 18 February 1999 as a refugee, but was refused asylum. He had lost one forearm and his other arm is amputated above the elbow.

Mustafa was charged with terrorist offences in 2001. They were dropped but he is still accused of being an associate of Algerian terror groups. He was initially detained in Belmarsh High Security Prison. His lawyer, Gareth Peirce, stated Mustafa was effectively helpless when he was jailed, and had no false arms or disability aids. *“He had had prosthetic arms but had been arrested two years earlier, and the police had broken those arms. They'd actually caused wholesale damage. With that whole experience, he has never been able to bring himself to try them again”.*

He became so mentally disturbed by their isolation and detention without trial, they were in a *“life-threatening condition”*. In October and November, he was sectioned under the Mental Health Act, and sent to Broadmoor High Security Hospital for specialist psychiatric care.

On Friday 11th March, Mustafa was freed on bail, after three years detained without trial. In the control order chaos that followed his eventual release, he was initially left in a flat without food and contact with the outside world.

Mustafa was re-arrested pending deportation to Algeria in August 2005. He was then released under the usual restrictive conditions of control order in winter 2005. Whilst under immigration bail he married a British convert to Islam who had campaigned for him and the other men detained without trial. He agreed to be voluntarily deported on 27 January to Algeria. He was arrested on arrival at Algiers airport and taken into the custody of the DRS. He was released on 30 January 2007.

- 34. Omar Djid
- 35. Detainee X
- 36. Detainee V
- 37. Detainee K

These Algerian men also all voluntarily returned to Algeria after being detained in the UK. Similarly to Taleb and Dendani, the men were detained by the Algerian security services on their return to the Algeria.

### 33. Nabil Allouche

Detainee A/Nabil Allouche is a 40 years old who lived in England since 1989. He is married with five children.

Nabil was initially arrested on 20 December 2001 in a traumatic dawn raid, accused of supporting GSPC (a banned Algerian group), an allegation he vehemently denied. His wife was eight months pregnant at the time and his youngest son was born whilst he was in custody. He found the child's visits to him in prison deeply upsetting, *"My son doesn't know me. He screams when he sees me. I can't hold him and can't hug him because he is screaming all the time."* He described his internment in Belmarsh and Woodhill prisons as *"a slow death... they are destroying my mind... they have driven my wife mad."*

Nabil was never interrogated in the UK, nor was he allowed the opportunity to see the evidence against him. He said *"I am not a terrorist, but I am a member of a group: five kids and a wife."*

On 10 March 2005, Nabil was freed on a control order, after three years of detention without trial. Like the others, he was forced to wear an electronic tag, was not allowed access to the internet, mobile phones, nor to meet anyone by prior arrangement outside his home. His home was subject to random police searches and anyone entering his house had to be vetted by the HO. His curfew was 7:00pm to 7:00am.

Nabil was re-arrested in August 2005, in the wake of the July 7th bombings. He was held in HMP Long Lartin, pending deportation to Algeria, before being released under immigration bail allowing him outside his home for only two hours a day. He could not bear to see his family suffer under these harsh restrictions and was voluntarily deported to Algeria on 3 July 2007. He was held by the DRS for 9 days before being released.

## Deportation to Jordan

Unlike Algeria, Jordan agreed to sign a Memorandum of Understanding with the UK. The agreement sets out that any individual deported to Jordan will not be detained arbitrarily or abused in any way. With clearance thus given for Jordanian nationals to be removed and sent back to their country of origin, the UK government began proceedings to deport Omar Othman and Detainee VV.

### 38. Omar Othman

April 2008 saw a landmark legal victory for Muslim preacher Omar Othman who won his appeal against moves to deport him to his native Jordan. The 45 year old was sentenced to life imprisonment (in his absence) for alleged terrorist attacks dating back to 1998.

The government's evidence against Omar was based on evidence obtained by torture and he faces the prospect of trial by military court using further evidence extracted by torture if deported to Jordan. It is commonly accepted that senior members of Jordan's General Intelligence Directorate (GID) service had probably 'sanctioned or turned a blind eye' to torture in the past and this is something accepted by SIAC. SIAC attempted to reassure Othman that Jordan's government and the GID would be 'aware of the risks of ill treating' him.

Othman won his appeal and his case is now in the European Court of Human Rights.

Othman made a public appeal to militants holding the British activist Norman Kember in Iraq from prison. On his release, Kember offered to be bail guarantor for Othman.

In 2008, SIAC ordered that Othman should be released on bail but since has been sent back to prison. In 2009, the European Court of Human Rights awarded him over £20,000 due to his lengthy period of detention.

### 39. Detainee VV

Detainee VV was imprisoned by a military court in Jordan as a political prisoner. During his imprisonment from 1997 to 1999, VV was subjected to physical torture by Jordanian Intelligence officials. This included being handcuffed behind his back and left to hang from a gate by his wrists for several hours at a time.

He was humiliated by being stripped naked and beaten on the soles of his feet with electricity cables. Sleep deprivation and death threats were also common. VV lived with this constant anxiety and fear of not knowing what would happen next, for two long years inside a prison cell.

He claimed political asylum in the UK in 2001. In 2004 he was arrested at work and remained in custody for 5 days, but was then released without charge.

In 2006, VV was arrested again, just after his wife gave birth.

The British Government alleged that he was wanted in Jordan for terrorism, and planned a case to justify his deportation. His SIAC court hearing (October 2007, 3 years after his arrest) resulted in him being granted immigration bail in June 2008, but he was released to a racist area where his wife was constantly abused on the street. On one occasion, he intervened and a stun gun was used on him to the back of the head causing him to collapse. He was then moved to another town to temporary accommodation.

Secret evidence was used against him in court and no evidence or witnesses were brought forward to substantiate the accusations that formed the basis of the case (i.e. that CDs were found in his house).

#### 40. Detainee OO

Detainee OO, bound to a wheelchair due to paralysis down one side of his body, was detained on 26 January 2006 on a deportation order.

He worked as an imam in the UK before his arrest; his wife and children all are British citizens. Originally from Jordan, his ill health is partly due to torture he already faced while detained there.

Despite his serious medical condition, Detainee OO was denied bail as the government suspected that he might abscond from a bail order if he were allowed to remain at home.

After a number of appeals, it was in May 2008 that the Special Immigration Appeals Commission ruled that he should be released under bail conditions. His case to fight deportation continues to this day.

#### Deportation to Libya

The UK government has for a long time had poor relations with Libya under the Gaddafi regime, accused by the US in particular of State-sponsored terrorism. The Libyan regime has been seen too as one that is despotic, and Libyan dissidents and refugees were nearly always given political asylum in the UK.

The War on Terror however changed the nature of the relationship between the two countries as they have sought to help one another in detaining individuals they suspect of being involved in terrorism. Libyan political dissidents once considered as merely opponents of Gaddafi, now became suspected terrorists in the eyes of the UK government.

On 18<sup>th</sup> October 2005, Libya signed a Memorandum of Understanding with the UK to begin a new relationship where they would cooperate in the detentions and deportations of Libyans back to their country of origin. The shift in policy had an immediate impact on the UK's Libyan community who at once came under the threat of deportation.

After years of battling their deportation, in May 2008 all the Libyans had their deportation orders dropped and are now free in the UK with the exception of a few who were placed under control orders.

#### 41. Abdul Baset Azzouz

Abdul Baset Azzouz sought asylum in Britain from Libya. His children are British citizens and he was granted residency. He lived a regular life thereafter, safe in the knowledge that with Libya's post-Lockerbie reputation as a marginalised pariah state, he would not have to return to risk his life.

His aspirations of living with his family in safety were short-lived. On 24 May 2006 his house was subjected to a dawn raid by police. His family was caught completely by surprise; his sons rushed to pick up chairs to defend themselves from those they perceived as burglars. After being dealt repeated blows to the head, he was told that he was being arrested for immigration reasons due to national security. From the local police station he was taken to Manchester Prison, where despite the lack of charges against him, he was held as a 'Category A' prisoner.

Legal help was of little use; Azzouz's barrister was so appalled at the utter dearth of evidence in the government's dossier against his client that he was tempted to throw it in the bin.

After nine months of detention without charge, Azzouz was granted bail on health grounds. He suffered from rheumatoid arthritis, asthma, depression and injured ligaments in his leg, and Azzouz's GP testified during his SIAC proceedings that he needed to be near a hospital.

Bail order proved to be little different from prison, except that Azzouz's suffering was now extended to the rest of his family. Unable to travel, he is legally obliged to stay within a small radius around their home. Azzouz is even required to obtain permission through his solicitor to have blood tests taken at the local hospital despite it being half a mile from his home. He is restricted from regularly joining his mosque congregation, unable to mingle with the community. The measures taken against Azzouz have clearly resulted in social exclusion or in his words "*excommunicated me and my family from the entire community*".

*SIAC plays games with Muslims. They are using secret evidence – they have made this law just for Muslims. They said that we have contact with terrorists such as the Libyan Fighting Group who are supposed to have Al Qaeda ideology. When I asked where the evidence for this is, all I was told was that it was secret.*<sup>24</sup>



Daughters of Abdul Baset Azzouz

<sup>24</sup>Cageprisoners interview with Abdul Baset Azzouz, 03/04/2008

## 42. Detainee M

Detainee M, a Libyan living in the UK who holds a degree in geology and geological engineering, was detained at Heathrow in November 2002 and held indefinitely without charge or trial under the Anti-Terrorism Crime and Security Act of 2001. He was interned in HMP Belmarsh as a Category A prisoner and spent 22 hours a day in his cell. After 16 months, SIAC, released him in March 2004 ruling that the evidence against him was “clearly misleading” and “inaccurate and conveyed an unfair impression.”

In October 2005, the British government signed a Memorandum of Understanding (MoU) with Libya “to facilitate the deportation of persons suspected of activities associated with terrorism”. This agreement was to ‘ensure’ that any ‘terror suspects’ returned to the country would not face torture. In November 2005, the British government proscribed the Libyan Islamic Fighting Group as a terrorist organisation. M was rearrested in December 2005 and sentenced to three years and nine months in prison for his membership in this group.

Justice MacKay recommended that M be deported to Libya upon completion of his sentence. As M was involved in a dissent group; this recommendation would amount to deportation to torture. He could face a substantial threat of torture or inhuman and degrading treatment if he was deported.

On 9 April 2006 the Court of Appeal allowed the appeals of two Libyans, AS and DD, “against deportation orders made against them on national security grounds, on the ground that there were substantial grounds for believing that they faced a real risk of treatment in violation of Art 3 of the Convention if returned to Libya”. Following this ruling, M was placed under a control order.

## 43. Detainee QQ

A Libyan refugee who has been living in the UK for the past twelve years, Detainee QQ was arrested on 24 May 2006 for being a ‘threat to the public’ and sent to Belmarsh and then Long Lartin. Although arrested in May, he was not questioned until September; however, he has never been charged with any crime. Although he was detained for being a public threat, he was released for ten days on bail in July 2006 in order to visit his wife in hospital at the birth of their sixth child. When he was released, the officials from the prison simply let him go without tagging him. If he was such a ‘threat’, would more serious measures not have been taken?

*They are trying to send me back to my country Libya. The problem with being sent back is that the Libyans said that if I return there, I will face the death penalty. They said this clearly. In Libya there is no law, there is no justice, and they only do what Colonel Qaddafi tells them to do.<sup>25</sup>*

He was again released in 2007 on a bail order, and was still fighting deportation to Libya, where Libyan officials have said that he will be put to death if he is returned. QQ is now free, as the government has dropped any order for deportation.



Control order tag of Detainee QQ

<sup>25</sup>Cageprisoners interview with Detainee QQ, 04/04/2008



*44. Detainee AV*

Detainee AV was one of five men arrested in the UK in October 2005 as “threats to national security”.

Along with AV four other men were detained, all of whom were foreign nationals.

Ministers signed a “no torture, no death penalty” deal in mid-October 2005 to send terror suspects back to Libya, despite a Foreign Office warning that it still had “serious concerns” about human rights under President Muammar Gaddafi's regime, concerns which include “restrictions on political prisoners, arbitrary detention and conditions in Libyan prisons”.

Lawyers for the Libyans say all are opponents of the Gaddafi regime and have vowed to fight their deportation in hearings at the special immigration appeals commission.

The use of secret evidence and special advocates in the SIAC proceedings has greatly hindered the ability of the appellants to gain justice.

AV was one of a few men whose deportation proceedings were dropped by the Home Office in April 2008 and he was issued with a control order. The control order was quashed when he won his appeal in the High Court in April 2009 as the judge decided he is not a threat to national security. The Secretary of State has not appealed the decision.

*45. Taher Nasuf*

The trustee of a registered charity in the UK, Nasuf was one of many detained due to his Libyan origin due to suspected links with the Libyan Islamic Fighting Group (LIFG). His charity, Sanabel Relief Agency, which had offices in Manchester, Middlesbrough, London and Birmingham, had all its assets frozen.

Nasuf, a father of four children, denied being a member of LIFG but was still placed on a deportation order back to Libya, despite the obvious repercussions of such deportation. After years of battling the deportation, he was finally released after a court quashed the order to remove him and the other Libyans.

He was released on bail from SIAC in July 2006 and was on strict bail conditions until the decision to deport him was dropped by the Home Office in April 2008.

*46. Khalid Abusalama Alalagi**47. Nasir Bourourg*

Along with three other Libyans, Alalagi and Bourourg were arrested in October 2005 and placed under deportation order to Libya. They were profiled due to their opposition to the Gaddafi regime and were kept in various forms of detention without charge until 2008.

## Deportation to Pakistan

In April 2009, twelve men of Pakistani descent were arrested in raids across the North West of England. At the time the PM Gordon Brown claimed that a major terrorist plot had been foiled by the British police.

A mere two weeks after the arrests the men were all released due to lack of evidence against them. Although the men were released, ten of the men who were students from Pakistan were rearrested under grounds of national security and placed on deportation orders. The two British citizens, Hamza Shinwari and a minor were both released without charge.

Speaking to a senior security official in Pakistan, Cageprisoners were able to clarify that the Pakistanis had no interest in the ten men. The security official also explained that the day after the ten Pakistani men were placed on deportation orders, the British security services rang their counterparts in Pakistan requesting that the men be taken back but with the promise that nothing would happen to them. The Pakistani position was that if the men had not done anything wrong, they should be released and permitted to continue their studies.

Despite the Pakistani men never having been charged with a crime, they remain Category A prisoners (the strictest prison conditions) while they await their deportation.

### *48. Tariq Ur Rehman*

Due to pressure from his family in Pakistan, Tariq Ur Rehman was forced to accept voluntary repatriation. This decision was not based on guilt but rather due to the need to be with his three young children. His voluntary return has resulted in him having to abandon his studies in the UK and give up a future he was trying to make for himself.

### *49. Sultan Sher*

### *50. Janas Khan*

Khan and Sher, detained along with the other Pakistani students were held as CAT A prisoners until 17<sup>th</sup> July 2009 when they were freed. Although freed from prison, the two men have been placed under an electronic tag while they appeal against their deportation.

### *51. Abdul Wahab Khan*

### *52. Shoaib Khan*

### *53. Mohammed Ramzan*

### *54. Ahmed Faraz Khan*

### *55. Abid Nasir*

### *56. Rizwan Sharif*

### *57. Umar Farooq*

Seven of the remaining detainees from the original arrests still to this day find themselves in detention due to the mistake that was made by the UK authorities. Not willing to concede the error made in the arrests, these seven men are still going through the SIAC proceedings while detained as suspected terrorists.

For most of these men, return to Pakistan will mean that years of expensive overseas education will be completely wasted and their future prospects, particularly in the north-west frontier of Pakistan, will now be extremely limited.

## Deportation to Iraq

Despite the conflict in Iraq, the UK government proceeded to issue deportation orders for two Iraqi Kurds, both of whom were picked up as refugees. Both men however were quickly placed on control orders as deportation to an arena of conflict was understood by the government as not being a tenable position.

### 58. Detainee HH

*"They are with us in this cruel environment in Special Secure Unit which is designated to punish the convicted inmates. The impact on them is obvious and serious. They cannot sleep at night and they are even prevented to make regular phone calls to their families."*

Detainee HH is a Kurdish Iraqi in his twenties. He was arrested on 8th October 2005 and around the same time a second Kurdish Iraqi, detainee NN, was arrested. Both were taken to HMP Long Lartin (CAT A), pending deportation to Iraq. The government alleged that HH is a threat to national security.

Another prisoner held with them, Detainee I, wrote about their plight *"They say that they are innocent of any wrong doing - absolutely nothing whatsoever. And yet they are treated so badly."* Detainee HH was eventually released from HMP Long Lartin and placed under a control order.

## Deportation to Egypt

As with the other countries mentioned in the section, the UK sought assurances with Egypt in order to attempt to deport individuals considered a threat to national security.

### 59. Hani El Sayed Sabaei Youssef

In 1998 Youssef had his asylum application rejected by the UK only to be detained under the Prevention of Terrorism Act months later. For years the UK government attempted to make an agreement with Egypt for diplomatic assurances, but these were rejected by the Egyptians. He was eventually released without charge and even awarded damages in 2004 for his years of detention without charge.

## Orders

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### Control/bail orders

During the debates surrounding the detention of the men being held indefinitely without charge, the Labour government had already begun to put into place mechanisms to detain individuals outside of recognised due process. On 11<sup>th</sup> March 2005, the Royal Assent was given to the Prevention of Terrorism Act 2005, an Act that brought in the policy of control orders.

There are an unlimited range of restrictions imposed on those who are suspected to be allegedly involved in terrorist activity. Such restrictions can include controls on a person's movement through curfew, monitoring and vetting of those they may associate with and be employed by, as well as police powers which allow unannounced searching and removal of items from their premises. A breach of a control order is punishable by up to five years in prison, and or an unlimited fine.

This means that a suspect, whose frustration at being subject to such interference, despite having not been charged with any offence, intentionally or unintentionally leads them to breach the conditions of their control order and face criminal charges.

Examples of the kinds of restrictions that can be used include: wearing a tag, twenty-two hour curfew, restriction on visitors above the age of ten, no mobile or internet use, signing at police station several times a day and being subjected to random police searches. These restrictions have the unfortunate consequence of collectively punishing any family member residing with the control order detainee.

The use of control orders has similarities with the application of bail orders on immigration detainees. Due to the very specific rulings that have been issued by the UK courts and Europe relating to control orders, there is only a certain amount of time – 16 hours – that individuals can be restricted to their homes – however under immigration bail orders, the restriction to the home can be as long as 24 hours a day. The government has used the difference between the two to place harsher control restrictions on those facing deportation.

Control orders serve to severely undermine the very basis of fundamental human rights. In not allowing a suspect to know the evidence against them and indeed dispute it, a control order clearly contravenes the principles of a right to a fair trial and hearing under the European Convention of Human Rights. The decision to impose a control order by the Home Secretary undermines the principle of separation of legislative and judicial powers without a due legal process. The curtailing of movements of family life and social activities all serve to take away the right of liberty.

## 60. Detainee NN

Detainee NN is a young Iraqi Kurd who was put under strict control order in December 2005 after having been detained on ground of national security in October that year. He had no idea where he was placed and did not know anyone in the area. He had no contact with his family in Iraq because his control orders restricted him from writing abroad or making calls from a mobile phone or call box.

NN was put under 4 strict control orders which spanned over 3 years. His control order changed at the whim of the Home Office and recently, after a short time of fewer restrictions, he again had to have all his visitors vetted. Meantime, he got married and his wife lived under a control order too. They were completely cut off from friends and family and lived with the constant fear that the police could invade their home at any time and search their house and possessions.

Neither NN or his solicitor knew the secret evidence used against him. He did not understand why he was made to suffer this existence and had no way of defending himself.

In December 2008 the High Court decided that NN was not a threat to national security and his control order was removed after more than three years of suffering.

*If you in the world hear about freedom in this country and think it is one of the 'justice and freedom countries', I ask you - "Is it for everybody because I don't know this justice and freedom?". I never believed I would not have freedom even inside my house. Because at any time they want to enter my house, they do. They don't care what I am doing - praying or in a shower - and they read whatever I have. I feel just like I am a dead body. I don't know what will happen to me next day.*

## 61. Mahmoud Abu Rideh

Mahmoud Abu Rideh, is a stateless Palestinian who arrived in the UK in 1995 and was granted asylum in 1997 on the basis of being a victim of torture whilst imprisoned in Israel. A married man and father, he was grateful to this country for the rights they afforded him. Those rights all disappeared, 5.30 am on the morning of 19 December 2001. 100 plus officers raided his home, arrested him on 'terrorist charges' and his life changed forever.

*"What I have been through in this place is worse than when I was detained in Israel when I was tortured. They have destroyed me."* Abu Rideh was detained in Britain's high-security prisons from December 2001 until March 2005 under the Anti-Terrorism, Crime and Security Act. Like many others he was eventually released without any charge, a victim of SIAC legislation in which a suspect can be indefinitely detained, on the basis of 'secret evidence' which is not made available to the accused or even their legal representatives.

*"At Belmarsh, I was locked up for 23 hours day. I saw no one, not even during my one hour 'exercise time': walking up and down in the cage. The cage is closed: I could not see the sky; I could not see the sun."* Such harsh, brutal and repressive conditions have contributed to Abu Rideh's unstable mental state. He was also frequently abused, both mentally and physically, yet nothing was done about it, despite it being reported.

Mahmoud was in hospital for several weeks in 2008 after seriously attempting suicide by slashing his wrists and taking an overdose in a police station - where he was required to sign on as part of his control order. Abu Rideh then went on a hunger strike for more than 25 days. He slowly got his health back and in 2009 has finally received his travel document to leave the country.

## 62. Detainee DD

Detainee DD is Libyan and has been in Britain four years. He left Libya seeking asylum in the UK when his non-violent political opposition to the Regime of Gaddafi led to a sentence being passed for his execution by hanging.

He was arrested on 2 October 2005, from his home in Cardiff. He was hand cuffed and taken from his wife and children (aged one and four). His family were then taken to London for three days as their home was searched.

On arrival at the prison, he was not given an interpreter. His cell measured one by 1.5 metres. It had a w/c facility. He was not allowed to send anything and was sometimes allowed to keep a copy of the Qur'an. At times he was locked up for up to three days when it was claimed that weapons had been found on an inmate.

He has been subjected to a court hearing where A to Z maps which he used for tourism work were seized from him and used as evidence. When the judgement was passed, it said that these may have been used for terrorist activities. He was also accused of being involved in the Airline plot, even though he was arrested 13 months before this incident.

He left prison on 17 May 2007 but is subjected to a new compulsory residence rule. He is subjected to a 7pm curfew. Every time he wishes to leave he must call the police from this tag and inform them.

There are no hospitals or banks near the house where Detainee DD and his family have been placed. He is neither allowed to work nor study any course that involves the use of computers.

He and his family are not allowed to use computers, mobile phones, internet facilities or telephones except the special land line phone installed at their home. On asking repeatedly to be able to work to improve the living conditions of his family, he has been refused. Even his wife cannot work. He also suffers from insomnia and nightmares and takes sleep medication.

*This control order is applied only on the Muslims here and against nationals of countries that have good relations with Britain. Libya from the very beginning has been a bitter enemy of the UK – they have supported the IRA, they killed the British policewoman [Yvonne Fletcher], they blew up the aeroplane over Lockerbie, the Libyan Regime has taken part in and supported many of the terrorist groups. They have killed many of their opponents inside the UK – they killed Mustapha Ramadhan from BBC Radio. They also killed Abu Zayd – from the Salvation Front opposition in London; this all happened in the UK. Ultimately, the one who has power and petrol, rules. The moment Gaddafi stops the supply of petrol, the laws of the UK change.*

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

## 63. Detainee BF

British citizen, Detainee BF, was already the victim of harassment by the UK security agencies to his travels to Pakistan. As it was realised that there was no evidence of wrongdoing, the security agencies instead began to target his family in the hope that they would turn on him.

Unable to charge BF with any crime, the Home Office have now placed him under a control order due to suspicion rather than any actual evidence. As one of the most recent control order detainees, his case highlights the way in which the orders are being used in order to effectively detain individuals without providing any evidence.

*It's affected me a lot because I have to see my kids suffer. I have to see my wife suffer and obviously myself. I'm suffering because I'm not allowed to work, I'm not allowed to go 2 miles out of my radius, there is a 2 mile radius restriction on me. I'm not allowed out of Barking. And that means basically, I can't take my kids out, if they wanted to go out to Hyde Park or Regents Park or days out we can't. That's all stopped, we can't go. We used to holiday every year. We can't go on holiday. We were due to go to Istanbul this year, but we can't go there now. And it's affected me, like financially wise it's affected me a great deal. To the extent that I can't do certain things, like we can't buy certain things and basically they've turned me into a prisoner. I can't...I..I might as well be in prison. Because it would be better because then my... at least my wife wouldn't feel what's going on and it wouldn't hurt her as much.*

## 64. Detainee S

Detainee S, also known as MB, was the first British citizen to be issued with a control order in September 2005. MB is a single male student, living with his sister in Manchester. All of his immediate family reside in the UK.

On 1<sup>st</sup> March 2005 MB was stopped from boarding a flight to Syria and the next day was stopped from boarding a flight to Yemen. His passport was confiscated, with the Security Services considered him an 'Islamic extremist' and involved in 'terrorism related activities as defined in section 1(8) of the PTA.' No details were given of this assertion. A control order was imposed to 'prevent him from travelling to Iraq to fight against the coalition forces.' MB denied he had any intention to travel to Iraq and explained he was going on holiday to Syria.

For more than six months, MB had to stay at a designated address, report to a police station more than an hour away from his home at the same time each day, and allow police to search his address at any time and remove any item they wish. He had to surrender his passport, was forbidden from owning travel tickets and entering airports, railway stations or ports. Breach of any of the obligations would have rendered him liable to up to five years imprisonment.

The High Court struck down the order in April 2006, when Mr Justice Jeremy Sullivan said the control order system was "conspicuously unfair" and provided only a "thin veneer of legality" to cover the detention of suspects.

MB's solicitor, Muddassar Arani, said that he was "being treated as a second-class citizen...It is clear the Home Secretary is acting as the judge, jury and prosecutor".

## 65. Detainee E

Amongst the ever-growing list of uncharged, unnamed persons subject to control orders is Detainee E, a Tunisian. He was granted temporary residency in the UK and settled in London in 1992.

E was arrested in 1998, accused of collaborating with a cell planning to attack the World Cup in Germany. The police were unable to substantiate their allegations, and he was subsequently released. Despite monetary compensation for the false arrest, E maintains that the label of terrorism attached to him (and by extension his five children) from that day forward has cast a long shadow across the remainder of his life.

His worst fears of being blacklisted were confirmed when the spate of anti-terrorism legislation that followed 9/11 resulted in his re-arrest on 19 December 2001. At a marked disadvantage given his non-British citizenship, E was kept imprisoned in Belmarsh- without sentencing- until being granted bail in March 2005. During his incarceration, E was isolated from his family; their irregular visits were made difficult by the unreasonable security demands (in one case, asking permission to strip-search his three year-old daughter for drugs). Similar to many in their position, E and his family initially welcomed release as the eventual triumph of justice that would enable them to continue family life as normal. However, it soon became clear that life under control orders would be as difficult.

Detainee E was faced with an evening curfew- a ban on leaving home between 7pm and 7am. He was tagged and three monitors were placed in his home. Though the stringent measures were eased later on in 2008, E was still obliged to contact the tagging company from his home daily between 6:30 and 7:30pm.

*From February 2008 I was given a new condition, they removed my tag and monitor from the flat. However in many ways the conditions are worse than ever. Now I have to be home from 4:30am to 7:30am – some people may say this is not so bad as I have 21 hours outside so this cannot be bad – but that is not true. The reason it is not true is because they gave me another condition, that I have to make a call from my home between 6:30pm and 7:30pm to the company. When I come back home before 7:30pm, I don't want to go out again, I am with my family, so really I don't have 21 hours free in the day, because this condition makes doing anything in the afternoon and evening impossible.*

*Now I want to visit, I cannot leave you at 5:30pm, say to you that I will leave and come back, it is too difficult to do this thing. It is strange and impossible. It is not easy for me or the person I am visiting. I cannot make an appointment either. My family cannot ring yours and inform you that we are coming to visit, that is not allowed.*

*My son is affected, the eldest Ibrahim, before 2001 he was so close to me. I used to put him to bed and he would always refuse and stay by my side. He does not even go with his mother, he was always with me. Suddenly he found himself alone, and during that two years, he still remembers the police – he is still shocked and his confidence is shattered.<sup>26</sup>*

Despite any improvements, it is certain that the unjust treatment meted out against E and his family- treatment for which no criminal charges were deemed necessary to justify- have already taken their toll. E's eldest son, Ibrahim, remains a shattered image of his former confident self - silent, scared of watching eyes, and even scared to go to the toilet.

E eventually had his control order removed in 2008 having successfully challenged the allegations against him in court

<sup>26</sup>Cageprisoners interview with Detainee E, 15/04/2008



*66. Detainee AE*

Detainee AE came to the UK in order to find sanctuary after he fled from Iraq in 2002. He is Kurdish and worked as an imam. In May 2006 he was taken from his home and told that he was being placed under a control order.

It was alleged vaguely that AE was attempting to radicalise young people in order to support the insurgency in Iraq.

*67. Detainee AF*

AF is a joint Libyan/British national, who graduated in banking and was looking to train as an accountant.

In June 2006, he was placed under a control order when the Home Secretary alleged that he was involved with an opposition group against the Libyan leader, Colonel Gaddafi.

In June 2009, Detainees AE, AF and others won a landmark case when the House of Lords ruled that the use of secret evidence contravened Article 6 of the European Convention on Human Rights and ordered that their cases be reheard.

The Home Office will now decide whether or not to remove their control orders or make more information available to their solicitors.

*68. Faraj Hassan*

Faraj Hassan (aka Detainee AS) was not unlike many asylum seekers – fleeing the persecution of a tyrannical regime (in his case, Libya) for the perceived safety and justice of the UK. Yet in May 2002, with scarcely a month having passed since his arrival in Britain, Hassan found his movements being shadowed. Not long after, officers from Scotland Yard's Special Unit and their immigration official colleagues paid Hassan an unexpected dawn visit at his brother's home. Despite Hassan displaying the Home Office papers as proof that he was not an illegal immigrant as alleged, he was given the option of going to the police station freely or in chains. He chose the former, and his journey through the injustices of false accusations of terrorism began.



Faraj Hassan

After the discovery of the Italian passport that had at the time been Hassan's only hope of survival, immigration officials decided to transfer Hassan to a correctional facility in Leicester some 115 miles away, while they looked into his asylum claims. After repeated protestations of innocence to the anti-terrorism officers who interrogated him, Hassan was tempted with the promise of residency for himself, his wife and daughter, if he would comply with demands to supply the names of those he knew – something which he refused to do.

After two months, Hassan was returned to London and sentenced to two months (of which he had already served one) on account of the passport he had used to save his life. Being shuttled between prisons and having repeat bail demands refused, Hassan faced racism and prejudice. After 15 months of detention, he was charged under the Terrorism Act in June 2003 and faced extradition to Italy. Despite being found not guilty of terrorism-related crimes by the Court of Milan, Hassan's solicitor informed him that the Home Office were to extradite him to Italy by force. At the very last minute, the extradition order was suspended and he was faced with the new drama of SIAC (Special Immigration Appeals Commission). Following a period of incarceration in HMP Long Lartin, after more than four years of humiliation, Hassan was reunited with his wife and daughter in 2007.

For this country to sign this memorandum of understanding with Libya that I would not be harmed means Libya practice torture against its people otherwise why would a Memorandum be needed? By seeking this so called "Memorandum of Understanding" the UK acknowledges that Libya does carry out torture. You can go and search yourself in the Human Rights.org website and read about the prisoners in Libya. More than 12,000 Muslim brothers were shot in the Prison of Abu-Salem in Tripoli by the same person who signed this memorandum! And they wanted me to be in the same prison where the blood of those innocent Muslims is still not dry yet. Britain simply forgot who Gaddaffi is; the Dictator who ordered to kill more than 258 people by bombing the Pan-Am aeroplane in Lockerbie in Scotland and his bad reputation is well known to everyone in this country.

The funny thing is, the European who signed this Memorandum was himself expelled from Britain to Libya in the past decade as he was thought to be a threat to the national security for the UK and he is currently wanted by the French authorities for bombing the French plane in the desert of Niger, which killed 140 passengers on board at the time.

What I am trying to say is this so called "Memorandum" was being dealt by a very big mafia in Libya, by people who themselves should be in prison for the crimes they have committed against humanity, By signing this so called "Memorandum of Understanding" the UK government was willing sign our life away to these people who would not even ensure the rights of animals let alone human beings. It makes a mockery of the so-called civilised democracy and human rights the UK professes to uphold and uses as an excuse to invade countries like Iraq and Afghanistan claiming to be bring democracy and human rights to these countries and removing dictatorship, when the UK itself deals with these very dictators as and when it suits it.

The irony is how the UK government is courting Libya now and in particular Gaddafi when only less than twenty years ago Libya was denounced by the West as the country which harboured terrorists and Gaddafi was reviled as a enemy of the West in the same way Osama Bin Laden is today. Most recently Tony Blair himself visited Libya and announced Gaddafi as the West's ally against terrorism and resumed diplomatic relations with Libya! This is the same way the USA and UK courted and allied itself with Iraq in the 1980's when Saddam Hussein was murdering innocent people and any political opponents using weapons supplied by the UK and the UK government now uses those same crimes against Saddam Hussein to invade Iraq claiming it had a moral obligation to the world and the Iraqi people to remove a dictator! The double standards and the blatant hypocrisy of the UK government towards countries which torture is clear for everyone to see and the UK government wonders why Muslims feel angry?<sup>29</sup>

Faraj Hassan has now been subjected to a control order after his deportation order to Libya was deemed unlawful. He has also been placed under a UN sanction order which denies him the ability to earn any money or support his family.

<sup>29</sup>Cageprisoners interview with Faraj Hassan, 28/08/2007

## Torture victims

There have been a number of cases of British citizens who were detained in countries abroad for suspected terrorism and subjected to torture and other forms of ill-treatment. On their release and return to the UK, many of the men were placed under control orders. It is suspected that the UK government relies upon the evidence extracted under torture abroad in order to place these men under their respective orders.

### 69. Adam Brown

Adam Brown went to live in Damascus with his wife in Autumn 2005 and had been studying Arabic at Damascus University. He was kidnapped at the end of December 2006 by 6 men who pounced on him *“I was thrown into the back of a van which had its windows blacked out.”*

He was detained incommunicado and forced to confess he was a terrorist preparing to go to Iraq. *“They punched and kicked me and [asked] where’s the money and the weapons”*. He said: *“They wanted me to admit that I was an extremist and wanted to go to Iraq”*. He was taken to what appeared to be a military base.

He was beaten, stripped naked, given a dirty military uniform and detained in a tiny cell like *“an underground tomb”*. *“The cell was one metre wide and two metres long,”* he said. *“It was complete darkness for a month. I had no light, no mattress, nothing.”* For the first seven days he was interrogated by two men who slapped and punched him and beat the soles of his feet with electric cable.

Brown was moved to another prison and held with 50 other men in a 10-metre-long cell. He said *“I was interrogated and told that if I admitted that I was a terrorist and I was going to Iraq then I would be freed. I was scared and thought I’d die in prison, so I made a false confession”*.

He was released after 14 weeks in detention. He says he was never brought before a court nor charged with an offence. Scotland Yard officers interviewed him on his return, but then let him go. Brown's solicitor said questions still needed answering and called on the Foreign Office to investigate further.

Weeks after being questioned by Scotland Yard, Adam Brown found himself the subject of a control order – despite having been released by the Syrian authorities after his torture. Finding life unbearable under the strict regime, he attempted to abscond from the order. He was arrested and detained in Belmarsh prison – he remains there today.

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70. Zeeshan Siddiqui

Siddiqui is a British citizen who was an engineering student in a London university. In February 2003 he decided to travel to Pakistan in order to study his religion further.

While on the trip he was detained by the Pakistani security services and tortured while they tried to accuse him of being a member of Al Qaeda. The abuse that Siddiqui suffered resulted in irreparable physical damage and intense psychological damage.

After going through a terrible ordeal where he was held in secret detention, he was eventually released without any charges being brought against him. He returned to the UK scarred by his experience. After some time the UK government placed a control order on Siddiqui. Eventually he absconded from the order in June 2007. Siddiqui is still missing today.

*He hit me across my face and head. I wear a keratonic corrective lens in both my eyes. At this time I only had one in my left eye. This lens got knocked out. This continued for a few minutes. I started reciting the declaration of faith for comfort and he began to mock me. I think I was beaten for about 5 minutes the first time then they left me alone for 5 minutes while the interrogator went to speak to someone on his mobile. He came back after his call and then he beat me for about 15 minutes. While I was being beaten they were throwing cold water at me to try and make me open my eyes.<sup>27</sup>*

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<sup>27</sup>Cageprisoners interview with Zeeshan Siddiqui, to be published

Absconding from control orders is usually more about desperation than guilt. As in the two cases above, often the trauma of torture can have a deep impact on the individual as they find the restrictions of the control order too difficult to maintain. However in some cases the impact that an order can have on the families of control order detainees can be enough for individuals to abscond thinking it the best way to stop their family being subjected to the same regime. The case of Cerie Bullivant makes the case strongly, considering his flight, return and then subsequent acquittal.

*Control orders - I guess the reason that they are such a good tool for the government is that when you see the restrictions on paper, it doesn't sound like much at all, but the way they use the powers it gives them it means that they take away every single part of your life one piece at a time. For example, it is just my mum and I - I couldn't tell her about the order but when she did find out, the police would often search the house from top to bottom; at times the police would tell her blatant untruths about me about so-called evidence they had. One time they raided my house alleging that I had been trying to acquire false documentation, they said they found my pictures at a passport forging factory that they had broken down. Praise be to God my solicitors forced them to accept that I had never tried to obtain false documentation and that I had never had any involvement or plans to do that. They were lying to her in order to drive a wedge between us in the hope she may give up some information.*

*I had gotten married at the time. As soon as they found out about that they would consistently search my wife's house on a regular basis. Once every two or three weeks they would be over there. My wife was originally born in Iraq and had left there due to oppression her family had faced, then coming here to get away from an oppressive government, she has been forced to leave the country again because of the exact same oppression.*



Cerie Bullivant

### 71. Cerie Bullivant

To those who would allege that the “War on Terror” is being fought against foreigners, Cerie Bullivant makes an interesting exception—a British citizen, Bullivant (now known as Kalleem) converted to Islam in 2004. He lived with his mother and studied for a nursing degree in Southbank University.

Bullivant wanted to learn Arabic and involve himself in charitable work, and planned to travel to Syria. He was detained whilst still in Heathrow. After being questioned by police and MI5 for more than nine hours, Bullivant was eventually released. His passport was returned to him, but he was advised not to travel to any location that could be misconstrued as a terrorist staging post.

Bullivant decided to go to Bangladesh but was later arrested and placed under a control order in July 2006. Authorities alleged he was on his way to Iraq to fight Coalition troops, and therefore was a threat to national security. Bullivant was banned from travelling, was obliged to sign in at a local police station daily and made to live in a prescribed address. However, after eight months conditions deteriorated further, with a prohibition against education and employment.

Worse was to come, as Bullivant's mother was subject to house searches, and his recently married wife and her family were subject to regular police raids on their home. The irony was that the family, who had fled Saddam Hussein in Iraq to seek refuge in Britain, again had to uproot their lives to escape persecution.

*I also was not able to continue with my nursing degree – they would not change my signing in times. The signing in times were originally between 9am and 11am – we wanted them changed to the evening so that I could go to university and come back in the evening and sign on – they refused to do that. They said that I could sign in between 7am and 9am in the morning. That means I would have to get up in the morning, sign in at the police station and make my way to university which was on the other side of London at South Bank University. It forced me to be late on a number of occasions. When you are doing a nursing degree, punctuality is extremely important because in a ward/medical environment punctuality plays an important role; if you are late for your shift, people may die. They were not going to let me sign on during different times during my work placements which meant that I would have to leave in the middle of a shift or turn up half way through a shift.*

*All of this forced me to leave my course and all of these pressures together meant that complete dismantling of me. On every aspect of my life there was a huge strain, I lost a lot of weight physically and was not coping well mentally. Later the doctors said that it was a reactive depressive episode to a severe degree which I guess is what later led to me absconding.*

After being forced to stop his nursing degree, the mental strain building in Bullivant's life reached an unbearable level, and he absconded. Returning five weeks later, he discovered that the government had lifted his anonymity order to put his case under the full glare of the media. He was subsequently arrested and sent to Belmarsh.

*To be honest, I couldn't see any future here with the control orders and with the life I was being forced to live under the control orders. In the case in the Old Bailey, one of the liaison officers said that he felt that it would have been good for me to get out and go and get a job doing something else as the control order completely dominated my life. The irony is that I could not get a job without Home Office permission and I would have to find an employer who would not mind the Home Office calling him and asking if he knew I was a terrorist. With the security vetting it made it altogether impossible to get work. Even the police officers recognised that this was my life and that it controlled and dominated everything and it was those pressures and that stress that led me to leave; in that contextual moment when a door opened up and there seemed to be an opportunity to escape, I took it. It was not the best decision of my life, but it was a decision taken in the moment and it has to be considered within the context that it was taken.*

*About five weeks after I absconded I decided to return. Basically I had an anonymity order so I was not expecting a big press reaction to my disappearance. The government however lifted the anonymity order without consulting my solicitors or giving them any chance to argue my case and within a day I was the most wanted man in Britain. I was the lead item on both the 6 and 10 o'clock news and on the front page of every national newspaper. I could see on the news that the press were camped outside my mum's front door step and to be honest, two things occurred to me; I was very concerned with my mum's health and how she would be coping without me and also I realised that by absconding I was not solving the problem, only running away from it – it was a false euphoria, a false dawn. I came to the decision that I had to come back.*

At Bullivant's trial, the jury was not invited to question the legality of the control order, but merely whether or not he had reasonable grounds for breaking it. Justice prevailed and he was found not guilty on all counts. After another few months of a stricter control order, Bullivant's control order was eventually overturned in the High Court.

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

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

*I just feel that the government has no basis for moral high ground anymore that they have completely lose that in their handling of everything at the moment. The other day I went to pick up my mother from the airport as she had come back from holiday and as soon as I entered the airport the police came up to me and did a 'random security check'. We were there for about two and half hours as the police searched us, searched our car, took swabs from the car, all under the terrorism act, all because I went to pick up my mum. They were with me when I went into the arrivals lounge to pick up my mum as she came through with her bags, so they saw that I had genuinely come to receive her with her friend. There was no doubt that I was there for any other reason. I am now being harassed everywhere I go.<sup>28</sup>*

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<sup>28</sup>Cageprisoners interview with Cerie Bullivant, 04/16/2008



## Financial orders

As part of UN sanctioned counter-terrorism measures, the use of financial orders can be placed on any individual to freeze their assets and remove their ability to earn any money. Governments must submit an application to the UN to outline why an individual should be subjected to financial sanctions with a claim that they have information that comes from intelligence sources.

The lack of oversight by the UN in relation to the placing of sanctions essentially allows the UK government to provide any list of allegations and sources that they want against an individual to keep them from having any recourse to proving their innocence. In the cases of those that cannot be charged due to lack of evidence, the sanctions provide the perfect tool to effectively 'detain' the men in their homes without meeting any evidentiary standard.

Due to ongoing cases and reasons of anonymity, this report cannot include the case studies of those who have been subjected to financial orders. The impact of these orders however is no less than control orders, in fact, in many ways those who have been held under financial orders have suffered in terms of their own lives and those of their families.

The result of some of the orders has been complete degradation of the affected family where in some cases the wife of the detainee was forced to divorce her husband and leave with the children due to the immense pressure of living on virtually nothing.

The financial orders can be said to be more oppressive than control orders due to the limitation on money that is imposed on the entire family. The wives and children of those placed under the order are forced to make do with pittance to survive which has often led to immense psychological and emotional trauma.

## Conclusion

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Counter-terrorism policies in the War on Terror cannot and should not be seen as individual mechanisms. They are all pieces of a much larger puzzle which when put together, reveals that systematically the concept of due process and fair trials has been completely eroded in the UK. Each individual piece is justified by the government, as they claim they need yet another power which curtails human rights and civil liberties, a position that is deemed acceptable by a public who do not regard the policies as a single phenomena.

Indefinite detention without charge, pre-charge detention, extradition, SIAC, control orders, secret evidence and special advocates—these are still only some of the measures that have been implemented since 9/11. Their cumulative effect has been that the system of laws that is applicable to suspected terrorists, is a completely different system of justice to that which is applicable in other criminal acts.

Indeed, it is the transference of legal jurisdiction from the criminal to the civil which has been a defining feature of the way the government has sought to by-pass the rule of law in their counter-terrorism efforts. By removing the high evidentiary standards that are required in a criminal law case, they have brought in civil procedures such as deportations and control orders in order to remove the safeguards of due process.

Over the course of this report, the result is only too clear. It is not just humans rights that have been eroded, but the humans themselves. Each case tells the story of how the expectation of justice from the UK's system has been completely lost. The detainees and their families have endured almost a decade of pain, they long for closure, even if it means voluntarily returning to a country where their life might be at risk.

This country has Magna Carta and habeas corpus at the very centre of its identity. It is important that our policymakers remember that, for it is far easier to remove rights, than to return them.

## Recommendations

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### **Cageprisoners calls on the UK government to take the following actions:**

1. Assess the state of detention without charge in the UK and make serious efforts to remove all the policies and processes that have led to current state of legislative immorality.
2. Repeal the Extradition Act 2003 and particularly bring back the requirement of a prima facie case before any extradition can take place. British citizens should not be subjected to the jurisdiction of another country without evidence and just cause.
3. Reverse any memoranda of understanding that have been signed to make clear that the UK honours its obligation of not removing any individual who is at risk of being abused or arbitrarily detained.
4. End the practice of seeking deportations to countries which have a proven record of torture.
5. The use of control orders should be completely removed from the statute book due to the negative impact they have on the detainees and their families.
6. Ban the practice of using secret evidence in the cases of deportation and control orders. As part of that process the requirement for a special advocate should also be removed in order to allow for the client and his/her lawyer to be able to see and challenge the evidence brought by the government.

## Detainee list

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
1. <i>Khalid Al-Fawwaz</i>	Detained without charge in the UK for the last 11 years facing extradition to the US.		
2. <i>Adel Abdel Bary</i>	Detained in September 1998 and has since then been in detention without charge while facing extradition to the US.		
3. <i>Syed Hashmi</i>	Hashmi was extradited to the US where he was detained in a super-max facility and subjected to Special Administrative Measures.		
4. <i>Babar Ahmad</i>	Arrested in 2004 under an extradition warrant issued by the US he has since then be detained without charge in the UK prison system.		
5. <i>Syed Talha Ahsan</i>	Under the same indictment as Babar Ahmad, Ahsan has been detained without charge in the UK since 2007 while awaiting a decision in his extradition case to the US.		
6. <i>Detainee X</i>	Detained in 1998, X was placed under an extradition order until it was dropped in 2004.		Detainee X was placed on immigration bail after he contracted terminal cancer. He lost his fight against the illness in 2008.
7. <i>Haroon Rashid Aswat</i>	Deported from Zambia in 2005, Aswat has suffered psychologically while in the detention without charge facing extradition to the US.		

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
8. <i>Abu Hamza Al-Masri</i>	Facing extradition to the US after having his citizenship removed through the process of the SIAC appeals system.		
9. <i>Hedi Boudhiba</i>	Extradited to Spain under an EAW despite sketchy evidence, however now free in Spain.		
10. <i>Moutaz Almallah Dabas</i>	Extradited to Spain under an EAW for a case which has already collapsed for his co-defendants. He is still fighting against the allegations against him but is released on bail.		
11. <i>Inigo Castillo Macazaga</i>	Extradited to Spain on condition he would not be charged with the crimes he was cleared of in the UK. The Spanish breached the rule of speciality by trying for those same crimes.		
12. <i>Farid Hilali</i>	Hilali was extradited to Spain on condition that he would not be charged with association with the 9/11 case. The Spanish still charged him with this despite their agreement	Once Hilali is cleared of his charges, the Spanish authorities have indicated that he may face deportation to Morocco where there is a good chance he will be abused as he was previously.	
13. <i>Habib Ignaoua</i>	Extradited to Italy after a long period of detention without charge in the UK.	Ignaoua faces deportation to Tunisia once his case in Italy is finished.	

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
14. <i>Ali Chehidi</i>	Extradited to Italy after a long period of detention without charge in the UK.		
15. <i>Muhammad Khemri</i>	Extradited to Italy after a long period of detention without charge in the UK.		
16. <i>Rachid Ramda</i>	Extradited to France where he has appealed against a conviction. France's high court of appeal has ordered a re-trial due to the lack of evidence in his case.		
17. <i>Mustapha Labsi</i>	Extradited to France but was found to be innocent of any crime. He then travelled to Slovakia where a complex sequence of immigration problems have resulted in further immigration detention.	At various stages of his detention, Labsi has faced deportation to Algeria and even after having left the UK, continues to face this threat.	
18. <i>Rabah Kadre</i>	Extradited to France on circumstantial evidence under the EAW.	On his release in France, he was arrested again and deported to Algeria where he was detained by the security services for ten days before release.	
19. <i>Detainee W</i>		After being placed in detention without charge due to the Ricin case, W was placed on a deportation order to Algeria.	Released on immigration bail while awaiting the result of his deportation case. W has been detained under very strict bail conditions, ones that are more strict than control orders.

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
20. <i>Mouloud Sihali</i>		After being placed in detention without charge due to the Ricin case, Sihali was placed on normal immigration bail and after the 7/7 bombings he was arrested for deportation on grounds of national security.	Despite not having been rearrested after the 7 <sup>th</sup> July bombings like the others from the Ricin trial, Sihali was placed under strict bail conditions in January 2006.
21. <i>Detainee Y</i>		Also part of those released from the Ricin trial, Y was then placed under a deportation order to Algeria.	While Y challenges his deportation order he has been placed under a bail order which restricts his movements under strict conditions.
22. <i>Detainee U</i>	U was originally detained in 2001 and was soon placed under an extradition warrant by the US after the false testimony of a detainee, a testimony that was later withdrawn resulting in the extradition warrant being dropped.	After the failure to extradite him, U was placed under a deportation order to Algeria by the UK authorities. He is currently fighting this deportation order and remains detained to this day.	For a brief period U was placed under the most strict bail order where he was not permitted to leave his home 24 hours a day. The government soon re-arrested him and he was sent back to prison.
23. <i>Detainee Z</i>		Z has been detained and placed under a deportation order to Algeria since 2005. He is still fighting the order against him to remain in the UK.	Winning his case for bail, his wife and three children live with him under strict bail conditions which allow him very little freedom to live.
24. <i>Detainee G</i>		A political dissident from Algeria, G faces deportation back to his country of origin under an order by the UK.	G was eventually released on an immigration bail order while he fights his deportation. With a severe disability his life is very difficult under the restriction of his order.

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
25. <i>Detainee B</i>		Since 2002 B has been through various forms of detention, including now being ordered for deportation. He faces return to Algeria from where he had sought asylum.	B has suffered severely from the years of detention without charge which has resulted in psychological trauma. As a result he has been released from prison on immigration bail only to be detained at Broadmoor hospital under difficult conditions.
26. <i>Detainee BB</i>		After a period of detention without charge, BB was placed under a deportation order which he is still fighting.	BB has been released on immigration bail where he is finding life difficult under the strict conditions imposed by the Home Office.
27. <i>Detainee D</i>		After a period of detention without charge, D was placed under a deportation order. He has now been released without any charges.	
28. <i>Detainee T</i>		In August 2005, T was detained for deportation.	T has been released from prison under restrictive immigration bail conditions.
29. <i>Benaissa Taleb</i>		Taleb decided to voluntarily return to Algeria after years of detention without charge in the UK.	He was held under immigration bail while the UK attempted to agree a MOU with the Algerian government. His bail conditions were so oppressive that he risked returning to Algeria to escape his treatment in the UK.



DETAINEE	EXTRADITION	DEPORTATION	ORDERS
30. Reda Dendani		Dendani decided to voluntarily return to Algeria after years of detention without charge in the UK and frustration over his never ending deportation order.	
31. Detainee I		Detainee I decided to voluntarily return to Algeria where he was detained on his arrival. His decision was taken after years of detention without charge in the UK.	
32. Mustafa Melki		Melki was placed on a deportation order to Algeria as he was considered a threat to the public despite his disability of not having any arms.	Not being able to live life under his immigration bail order, Melki took the decision to return to Algeria.
33. Nabil Allouche		Allouche went through the system of detention without charge before being placed on a deportation order to Algeria.	After his original release, Allouche was placed on a control order. This changed to an immigration bail order on order of deportation.
34. Omar Djid 35. Detainee X 36. Detainee V 37. Detainee K		The three men were placed on deportation orders similarly to the other Algerians.	Also in the same way as the others, they took the decision to return after finding life difficult under their orders.
38. Omar Othman		Omar Othman has been ordered for deportation back to his home country of Jordan where he has already been sentenced to life in his absence.	Othman has been through the entire process of detention without charge having been detained on control and immigration bails orders

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
39. <i>Detainee VV</i>		VV has been set for deportation despite having previously been tortured in Jordanian prisons. He still fights his deportation order today.	VV was released on immigration bail but has had great difficulty adjusting due to the conditions and racist areas he has been sent to.
40. <i>Detainee OO</i>		Tortured in Jordan and disabled due to paralysis in his lower body, OO was placed under a deportation due to alleged concerns over his stay.	OO's life under control and immigration bail orders has been extremely difficult, particularly due to his disability.
41. <i>Abdul Baset Azzouz</i>		Detained in 2006, Azzouz along with many other Libyan men was placed under a deportation order.	Life with his wife and children is extremely difficult under the very restrictive immigration bail conditions.
42. <i>Detainee M</i>		M was detained in 2002 and placed under detention without charge before being released and then placed on a deportation order in 2005.	M was released on strict immigration bail conditions.
43. <i>Detainee QQ</i>		QQ was placed under a deportation order to his home country of Libya in 2005. He finally won his case not to be deported in 2008.	QQ was detained under immigration bail, the conditions of his bail were extremely difficult for him and his young family.
44. <i>Detainee AV</i>		AV was also placed under a deportation order to his home country of Libya in 2005 but in April 2008 the proceedings were dropped.	AV was issued with a control on the dropping of the deportation proceedings but in April 2009 the High Court quashed the order.
45. <i>Taher Nasuf</i>		Detained in 2006, Nasuf along with many other Libyan men was placed under a deportation order which was quashed in April 2008.	Between July 2006 and April 2008 he was placed under very strict immigration bail conditions which made life for his family very difficult.

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
46. Khalid Abu-salama Alalagi 47. Nasir Bourourg		Deportation orders were placed on both these Libyan nationals, however, they were released after the order was dropped.	
48. Tariq Ur Rehman		Detained after a deportation order was placed on him, Rehman was forced to voluntarily return to Pakistan due to family reasons.	
49. Sultan Sher 50. Janas Khan		Two of the ten Pakistani men to be placed on deportation orders. They have decided to fight against their impending removal.	The two men have managed to fight to win bail but have now been placed under strict orders which do not allow them to continue their studies.
51. Abdul Wahab Khan 52. Shoaib Khan 53. Mohammed Ramzan 54. Ahmed Faraz Khan 55. Abid Nasir 56. Rizwan Sharif 57. Umar Farooq		The remaining Pakistani men are still under deportation orders while detained in CAT A prisons around the UK.	
58. Detainee HH		HH is a Kurdish Iraqi who was placed on a deportation order back to his country of origin in 2005.	HH was eventually released from prison only to be placed under a control order.

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
59. <i>Hani El Sayed Sabaei Youssef</i>		Detained since 1998, the UK government sought to get assurances from Egypt in order to deport Youssef back to Egypt.	
60. <i>Detainee NN</i>		NN is another Kurdish Iraqi placed on a deportation order back to his country of origin in 2005. Proceedings were dropped in Decembr 2008	NN spent 3 years under 4 control orders until they were quashed in October 2008.
61. <i>Mahmoud Abu Rideh</i>		Mahmoud Abu Rideh was set for deportation back to Jordan however won his case to stop his removal.	Abu Rideh has been subjected to some of the most difficult control order conditions which often led to great difficulties for his family.
62. <i>Detainee DD</i>		DD was one of the Libyans set for deportation back to his country of origin. He has now won his case against his removal.	Although the other Libyans have been released from their immigration bail orders, only DD and one other Libyan have been placed on a further control order.
63. <i>Detainee BF</i>			BF is a British citizen who has been placed under a control order which has proved extremely difficult for his young family.
64. <i>Detainee S</i>			S was the first British citizen to be detained under a control order. His order was struck down in 2006 by the High Court.

DETAINEE	EXTRADITION	DEPORTATION	ORDERS
65. <i>Detainee E</i>			Despite having been cleared in 1998 of any involvement with terrorism, E was placed under a control order after 9/11 due to suspicion.
66. <i>Detainee AE</i>			Detainee AE is a Kurdish Iraqi who was placed under a control order for allegedly recruiting for the insurgency in Iraq.
67. <i>Detainee AF</i>			AF is a joint British/Libyan national who has been detained under a control order for allegedly opposing Gaddafi.
68. <i>Faraj Hassan</i>	The UK government initially attempted to remove Faraj Hassan by extraditing him to Italy, a case which he won due to the lack of evidence. The UK still attempted to forcefully extradite him, but this was stopped at the last moment.	Hassan was then placed under a deportation order like his fellow Libyans after the UK could not extradite him. Again he won his case to block his deportation.	Having already spent time under very strict immigration bail conditions, Faraj Hassan has been placed on both a control order and a financial sanctions order both of which make his life extremely difficult.
69. <i>Adam Brown</i>			Brown is a British citizen who was detained in Syria and abused with the complicity of the British. On his return to the UK he was placed under a control order.

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DETAINEE	EXTRADITION	DEPORTATION	ORDERS
70. Zeeshan Siddiqui			After been placed through secret detention and torture in Pakistan, Siddiqui returned to the UK only to be placed under a control order.
71. Cerie Bullivant			Bullivant was placed under a control order due to attempting to travel abroad. He eventually managed to overturn the order despite having absconded from it at one time.









**CAGEPRISONERS**