

Opposing the UK 'Terrorist' List: Persistence as Resistance

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Since 2000 the UK government has intensified its efforts to deter political activities by migrant communities against oppressive regimes in their home countries. A major weapon has been bans on 'terrorist' organisations. Through these bans, state terrorism abroad is represented as counter-terrorist activity, thus justifying and reinforcing the UK's alliance with oppressive regimes.

The UK Terrorism Act 2000 defined terrorism to include simply 'the threat' of 'serious damage to property', in ways 'designed to influence the government' for a 'political cause'. This broad definition blurs any distinction between military, political and civilian targets. Organizations could be banned on the basis that their activities anywhere fit the broad, vague definition of 'terrorism'. It also became a crime to give verbal or symbolic support to a banned organisation, or even to host a meeting with a speaker from such an organisation.

In early 2001 the Home Office banned 21 organizations. The list predictably included many organisations resisting oppression – e.g., the Kurdistan Workers Party (PKK), the Tamil Tigers (LTTE) and Hamas. By creating new crimes of association, the Terrorism Act 2000 directed suspicion and intimidation at entire communities. It attacked the right of self-determination, as well as popular support for that right across countries.

Under UK anti-terror laws, it is also illegal not to report 'terrorist' activities to police. This rule affects charity workers, banks and the regulator, called the Charities Commission. This requirement has been used to persecute and disrupt charities. Interpal, which provides humanitarian aid in Palestine, twice found that its bank account was frozen while under investigation by the Charities Commission. Interpal was suspected of allowing its funds to reach 'terrorist' activities (presumably Hamas). No evidence was found against Interpal, yet meanwhile the freeze undermined its operations and reputation.

Many migrants and Muslims are subjected to arbitrary harassment when travelling abroad. Under powers of the Terrorism Act 2000, the police can detain, question and search anyone at ports of entry. This aims to determine whether someone is involved in terrorist activity, according to the broad definition in the 2000 Terrorism Act. The police need not have any prior grounds to suspect the person being detained. Lawyers and campaigners are documenting this harassment, as a basis to launch a court challenge.

The UK 'terror list' has relevance to other European countries which ban organisations or freeze bank accounts. All EU member states are meant to implement the December 2001 EU Council's Common Position on Combating Terrorism. This generated a Europe-wide list of banned organisations, whose bank accounts must be frozen by member states, without evidence that can be tested in public under due process.

UK 'anti-terror' powers have been used against many migrant communities – especially Kurds, Tamils and Balochis – as described in the rest of this article.

Kurdish protest

In the name of preventing terrorism, the UK ban on the PKK helps to protect Turkey's state terrorism against the Kurds, but protest has continued. When the UK banned several

organisations in early 2001, Kurdish groups mobilised 6000 demonstrators to protest. Some wore T-shirts which said 'I am PKK', i.e. Kurdistan Workers Party, thus defying police to arrest them. None were – at the time.

In 2003 some Kurdish activists were prosecuted for supposedly raising funds for the PKK. One defendant was invited to become a police informer, in return for help with his refugee status, though he refused this blackmail proposal. All the defendants were acquitted by the jury after hearing about Turkey's oppression of the Kurds.

Kurds have launched court challenges to bans on the PKK and its successor Kongra-Gel. In April 2008 the EU's Court of First Instance ruled against the ban on both organisations, on grounds that they were not in a position 'to understand clearly and unequivocally' the reasoning for their inclusion in the list. Nevertheless the EU Council has not removed them from the list.

In Britain Kurdish organisations have faced greater intimidation from the police since 2008. Community centres are insulted for displaying pictures of a 'terrorist', i.e. the PKK leader Abdullah Ocalan. (He has been imprisoned on Turkey's Imrali Island since his abduction in 1999). Under Public Order laws, moreover, the police have attempted to prevent free expression at Kurdish demonstrations.

A turning point came on 26th October 2008, when millions of Kurds held protests throughout Turkey, Kurdistan and European cities, in response to physical attacks on Ocalan. In London the police initially refused to permit any demonstration, so community representatives warned them about the consequences if Kurds could not protest in a peaceful way. Eventually the police gave permission, but only after putting pressure on community representatives to sign an agreement banning any flags supporting Abdullah Ocalan and the Kurdish Freedom Movement.

A large police presence was meant to enforce that rule at the 26th October demonstration. Intimidation was provided by numerous photographers from the Forward Intelligence Team (FIT). Using a megaphone, however, one activist denounced the police for collecting intelligence for the Turkish military. Then he raised the Kurdish flag, and so did the demonstrators. Thus they defied the police restrictions and the ban on the PKK.

Since the October demonstration, the anti terrorist police have intensified their harassment of Kurdish activists. Two houses have been raided, and one activist was held in a special detention centre to be asked trivial questions. A distributor of the Kurdish newspaper *Özgür Politika* was stopped by police under 'anti terrorist' legislation and was questioned about his activities.

Despite this harassment, Kurdish organisations called another demonstration for 15th February 2009, the tenth anniversary of Ocalan's abduction, in parallel with similar protests worldwide. The call for support stated, 'Mr Ocalan was illegally abducted by the Turkish secret services and then subjected to a show trial which was ruled as unjust by the European Court of Human Rights, together with Mr Ocalan's subsequent imprisonment in isolation on the prison island of Imrali.' Before the demonstration, the organisers announced plans for legal observers to be present.

On 15th February the marchers took a long route around the North London borough of Tottenham, a centre of Kurdish population. Before and during the demonstration, the police made no attempt to suppress banners of the Kurdish flag or Ocalan's picture, which were freely displayed. Thus London's Kurds again defended their right of free expression.

Tamil protest

In the name of preventing terrorism, the UK ban on the LTTE (Tamil Tigers) helps to protect Sri Lanka's genocidal war against Tamils. The UK Terrorism Act 2000 was the basis for arresting two Tamil activists, Chrisanthakumar (also known as 'AC Shanthan') and Goldan Lambert in June 2007. Shanthan was charged with materially supporting the LTTE. Goldan Lambert was accused of organising a Hyde Park rally in July 2006, commemorating the 1983 anti-Tamil pogrom which had provoked the war in Sri Lanka; his involvement was now treated as a crime.

The arrests came as a surprise because many Tamils had been openly supporting the LTTE for a long time. Based in the UK, Anton Balasingham had been representing the LTTE in peace negotiations around the world; his trips were financed partly by the UK and US governments. After Balasingham's death in December 2006, a greater role was played by Shanthan, who attended peace talks in Geneva.

Why were the two Tamil activists arrested a year after the July 2006 rally? In that period, peace talks broke down, the war intensified and UK government policy changed. A couple weeks before the June 2007 arrests, the UK Foreign Minister Kim Howells visited Sri Lanka. There he reiterated that the UK would not lift its LTTE ban until the organisation renounces terrorism. A different standard was applied to the Sri Lankan government, which was criticised simply for violating human rights, especially for forcibly transporting hundreds of people to dangerous areas. On that state visit, apparently Howells undertook to arrange the London arrests, in return for the Sri Lankan government addressing the grievances of Tamils. Of course, the latter part of the deal never happened.

In that way, the Terrorism Act 2000 is used selectively as an instrument of foreign policy. The arrest of Tamil activists in the UK has parallels in many other countries supporting the Sri Lankan government and persecuting its opponents. Governments are using a few exemplary trials, with the threat of many more, to intimidate and silence Tamil communities.

Restrictions on charities also have been used against Tamil activists. A former leader of the LTTE, now based in London, came under pressure to dissociate himself from that organisation, though he refused; consequently, the Charities Commission informed him that he could no longer serve as trustee of a Hindu temple. He was also accused of visiting senior LTTE members – who happened to be his relatives. As these examples illustrate, the ban on association with a vaguely defined 'terrorism' is used to attack community solidarity and family relations.

That harassment has not silenced protest. Tamil groups have organised public events on Sri Lanka's genocidal war and on the UK's unjust laws. They are also planning court challenge to the ban on the LTTE. An activist from the Tamil Campaign for Truth and Justice has been threatened with prosecution under UK anti-terror laws, as a supposed supporter of the LTTE, yet he continues the campaign.

That persistence was reflected in a Parliamentary debate on 19th December 2008. Several MPs denounced the Sri Lankan government for falsely accusing British citizens and organisations of aiding terrorists. According to one MP, 'Anyone who dares give any consideration to the prospects of genocide in Sri Lanka is described as a terrorist.' They also suggested that the UK ban on the LTTE should at least be partially lifted, to facilitate political and humanitarian work.

Despite the ban, protest against Sri Lanka's genocide has continued. A demonstration on 31 January in central London attracted 50-100,000 protestors. Many signed a petition to the UK Prime Minister; the text concluded, 'As a law-abiding citizen of this country, I demand

HM's Government de-proscribes the Liberation Tigers of Tamil Eelam (LTTE) immediately.'

Baloch protest

Balochistan human rights activists, Hyrbyair Marri and Faiz Baluch, are exiles based in London. Marri is a former Balochistan MP and government minister. Both have been exposing the war crimes of Pakistan's military against the oppressed minority in their home country. These crimes include the indiscriminate bombing of civilian areas, extra-judicial killings, disappearances, torture, detention without trial and collective punishments such as the destruction of villages, crops, livestock and wells.

In 2007 the British government arrested them both under anti-terror laws. Evidence had been provided by Musharraf's dictatorship, whose Internal Security Services (ISI) is well known for framing political opponents on spurious charges. The British government apparently responded to a Pakistani threat: arrest these men or we will halt all cooperation in the war on terror. It decided the defendants were expendable for the sake of 'anti-terrorist' cooperation with the Pakistani regime. The UK had already been colluding with its war crimes by banning the Balochistan Liberation Army under the Terrorism Act 2000, thus attempting to silence Balochi community dissent. The government accused the defendants of supporting terrorism through their website, which reported the plight of the Baloch people.

Prior to Marri's arrest, Musharraf's regime repeatedly claimed that he was wanted on terrorism charges in Pakistan. Soon after Musharraf met Gordon Brown at Downing Street in January 2008, Musharraf held a press conference for Pakistani journalists in London where he denounced Marri as a terrorist and praised the British government and police for cooperating with his regime.

By the time of the trial in early 2009, however, the new Pakistani government had dropped accusations against the defendants. The trial went ahead anyway. 'Although Musharraf is no longer President, his supporters and allies still hold key positions in the Pakistani military and intelligence services. They continue to persecute and frame Baloch nationalists', said Peter Tatchell, a campaigner supporting the defendants.

At the trial, the defence team challenged the accusations and highlighted their source in UK foreign policy. According to barrister Helena Kennedy, 'This case is about classic self defence, not regime change.' In other words, as recognised by international law, the Baloch people were exercising their right to defend themselves from oppression, and the accused were contributing to that defence.

Given the political motives which emerged in the trial, the jury was not persuaded to convict the defendants. In the final verdict, Faiz Baluch was acquitted of all charges. Hyrbyair Marri was acquitted of three charges; the jury could not reach a verdict on the other two charges.

After the trial, Faiz Baluch stated: 'This prosecution arose out of the British government's appeasement of the dictator General Musharraf, in order to win his cooperation in the war on terror. The jury has implied, by their not guilty verdict, sympathy with the suffering of the Baloch people. The terrorist who should have been in the dock is Musharraf. He is the one who inflicted terror attacks on the people of Balochistan.'

Communities of resistance

In sum, the UK 'terror list' has several roles. Given the vague definition of both terrorism and support for it, bans on organisations deny free expression to migrant communities. The

bans deter campaigns against oppressive regimes abroad, solidarity with resistance to such regimes, even discussion about how to resolve the conflict there. Special powers are used to impose punishment without trial, as well as character assassination – regardless of any criminal prosecution, which remains rare. Indeed, juries have rarely been persuaded to convict political activists from migrant communities for allegedly supporting terrorism.

The special powers create a wide range of ‘terror suspects’, even entire ‘suspect communities’. Anyone who associates with protest activity may be harassed or even criminalised for supporting ‘terrorism’. These bans also give a green light for governments abroad to continue or intensify their political and military oppression of civilian populations, by labelling them as terrorism suspects or supporters. As a political rationale, such regimes protect access to their country’s resources for multinational companies and Western governments. To achieve these aims, UK anti-terror laws are being used to intimidate, frighten, silence and isolate migrant communities.

Fear has certainly increased, but migrant organisations have generally continued or even increased their political activities. They continue to demand that the ‘terror’ bans be repealed. Defiance gives practical content to this demand, while helping to undermine the bans. This persistence creates and broadens communities of resistance.

A Europe-wide campaign is needed to oppose and undermine the bans. Such efforts would be helped by exchanging information on a European scale, through direct meetings and electronic media. This exchange can help to coordinate resistance across migrant communities and across countries.

Acknowledgements

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The author thanks other activists for the information available on the websites below.

Campaign Against Criminalising Communities (CAMPACC), www.campacc.org.uk

Statewatch, <http://www.statewatch.org/terrorlists/terrorlists.html>

Kurds: <http://hevallo.blogspot.com>

Tamils: <http://www.tamilforum.com/> and <http://www.tamilnet.com/>

Balochis: http://www.hrcp-web.org/balochistan_mission.cfm and www.petertatchell.net