



THE SHEIKH RAED AFFAIR

Zulaikha Abdullah

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Contents

	PAGE
1	Introduction 1
2	Who is Sheikh Raed and why the British fuss? 2
	a. Career 2
	i. The establishment and rise of the Islamic Movement in Israel 2
	ii. Politics and activism 5
	iii. Jerusalem 7
	b. Harassment by Israeli authorities 8
3	Sheikh Raed’s visit 9
4	The media defamation campaign 10
5	The arrest & detention 12
6	The case against Sheikh Raed 15
	a. The allegations 16
	b. Legal hearings 22
	i. The tribunal hearing 23
	ii. The bail appeal hearing 24
	iii. Permission to apply for judicial review hearing 25
	iv. The First-Tier Immigration Tribunal 26
7	The political fallout 29
	i. Statements of support for Sheikh Raed from the international community 31
8	Conclusion 36
9	Appendix 40
	a. A response to accusations made against Sheikh Raed Salah, Head of the Islamic Movement 40
	b. Transcript: Home Affairs Select Committee 5th July 43

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The Sheikh Raed Affair

Zulaikha Abdullah

INTRODUCTION

On 25 June 2011, the celebrated Palestinian social, political and civil rights leader, Sheikh Raed Salah, arrived at London's Heathrow airport at the invitation of the independent media research and information organisation, the Middle East Monitor (MEMO). The purpose of his visit was to take part in a widely publicised ten-day programme of speaking engagements across the UK. During his visit, Sheikh Raed was scheduled to address the British public and parliamentarians on issues related to the Middle East and the plight of Palestinians living in Israel and the Occupied Palestinian Territories. Three days into his trip, Sheikh Raed was arrested and detained by the UK Border Agency (UKBA) and then told that he would face deportation.

Following Sheikh Raed's arrest, it was claimed by the Home Office that he had been subject to a UK exclusion order at the time of his entry into the country as the Secretary of State for the Home Department (the Home Secretary), Theresa May, had deemed his presence to be "not conducive to the public good". This assessment was made on the basis of alleged anti-Semitic statements and/or statements that support violence. On learning that Sheikh Raed was, in fact, in Britain, Mrs May personally sanctioned his immediate arrest and detention. However, neither Sheikh Raed, the Israeli authorities, the airline carrier that brought him to the UK nor immigration officers at Heathrow airport had been informed of his alleged proscribed status. No official opposition to his visit was ever made and there was no attempt to prevent his entry at the border.

The rash decision taken by the Home Secretary to detain such a high-profile and well-respected Palestinian figure unleashed an international storm of criticism and condemnation from across the political, religious and social spectrum. The decision, which appears to have been made as a result of a highly-orchestrated, libellous campaign by right-wing pro-Israel organisations and lobbyists, was widely viewed as a political move aimed at curbing freedom of speech and limiting public access to the Palestinian narrative on the Israel-Palestine conflict. The British government's decision reflected a 2002 decision by the Israeli Interior Ministry to bar Sheikh Raed from travelling to apparently prevent his voice being heard on the world stage. This cast the British government in a very negative light, particularly given its moral and historic responsibility to protect the rights of the Palestinian community in Israel pursuant to the Balfour Declaration. It also lent considerable weight to accusations that Israel and the Zionist Lobby pull the strings of the British government with a resultant pro-Israel bias.

It was widely believed that the Sheikh Raed affair would result in irreparable damage to British relations with Muslim and Arab states.

Moreover, the decision to detain Sheikh Raed was wide open to legal challenge on the grounds of wrongful detention and he has vowed to contest the order for his deportation through the British courts in order to clear his name and vindicate the justice of the Palestinians cause. The court case is ongoing.

WHO IS SHEIKH RAED AND WHY THE BRITISH FUSS?

Born in 1958 in the Israeli-Arab town of Umm al-Fahm, Raed Salah is an eminent Palestinian social, political and civil rights leader. As a founder of Israel's Islamic Movement, one of the most prominent political forces representing Israel's 1.5 million Palestinian citizens, he is an important Arab political and religious leader in the Zionist state. His huge popularity and influence among Muslims and humanitarians, which extends well beyond Israel and the Occupied Territories, stems not only from his outspoken and steadfast struggle against Israeli occupation, oppression and discrimination, but also from his courage and daring in the face of intense personal persecution. This has included extended periods of imprisonment and threats to his life. His admirable moral character; devotion to "the tradition of Islam that expands social responsibility to any human being, later named 'humanism'"; "personal modesty and integrity"; perpetual smile; and strict adherence to a platform of non-violent protest, has made him an icon of the indomitability of the Palestinian spirit and will to resist. He has earned the sobriquet "the Gandhi of Palestine" among others.



From his unique position inside Israel, Sheikh Raed is an authoritative and credible voice for the indigenous Palestinian community around whom the state of Israel was established. His is a voice that challenges the fallacy of Israeli democracy by drawing international attention to its policies of legalised racism, discrimination and rights abuses. He has spent decades fighting Israeli efforts to erode the social structures and fabric of his community, deny Palestinians their ethnic and cultural identity, equality and basic civil rights; all intended to drive them from their historic land in what has been called "ethnic cleansing". He has championed the cause of Jerusalem and worked diligently to improve the lives of Palestinians in Israel and impact positively on Palestinian society across the Occupied Territories.

Raed Salah received his formative education in his home town of Umm al-Fahm and went on to graduate from the Faculty of Shari'ah in the occupied West Bank city of Hebron. He is married to Kamila Mahajna with whom he has eight children. He is a well-known poet and artist.

Career

The establishment and rise of the Islamic Movement

The Islamic Movement in Israel was founded by Sheikh Raed Salah and Abdallah Nimr Darwish during the 1970s and became an official establishment during the eighties when it

began to field candidates in Israeli municipal elections. The Movement operates on three primary fronts: social, religious and political. However, it is primarily a religious and charitable organisation which aims for the establishment of an integrated, self-reliant Palestinian society through faith-based initiatives. It is concerned with the revival of Islamic social principles and concepts such as the Islamic Waqf (endowment) system, prayer and charity; the preservation of the identity of its followers; and the integration of their Islamic, Arab and Palestinian characteristics. The Islamic Movement also seeks to protect Palestinians' existence on their land, defend their rights and protect their religious sites and heritage, with particular concern for and emphasis on Jerusalem.

The development of the Islamic Movement following the Six-Day War in 1967, which saw the start of Israel's occupation of the West Bank and the Gaza Strip, heralded the rise of organised Islamic political action inside Israel. Seeing its relative success, several other groups emerged and organised action reached a high with the first Land Day events of 1976¹. This was a turning point for the whole Palestinian community, particularly for those living in Israel; a year later, the first Islamic Conference was held. It was decided by the participants that constructive action should be taken and demands should be made for the release of Islamic Waqf property from the Israeli government and for the Muslim community to be given the right to manage its own affairs. A constitution was developed and a twenty-seven member Shura Council, which included Sheikh Raed Salah, was elected.

In 1996, the Movement faced a crisis of direction eventually splitting politically into what are known as the Northern and Southern branches. Sheikh Raed assumed leadership of the Northern branch, and Sheikh Abdullah Darwish took control of the Southern branch. The disagreements leading to the split centred on whether the Movement should cooperate with the Israeli government or completely dissociate itself from the institutions of the State. Sheikh Darwish proposed the establishment of what he termed "the moderate mainstream of the Islamic Movement" which he hoped would avoid the repression and brutality of the regime, with candidates standing for election to the Israeli Knesset (parliament). Sheikh Raed, on the other hand, was of the opinion that the Movement's energies would be better spent on practical charitable activities. Moreover, he questioned the prospects for ending Israeli occupation through parliamentary involvement given the dominance of a particular school of thought within the political arena. The issue went to a vote and the decision was taken by a narrow margin in favour of participation. As a result, Sheikh Raed and three other members of the Council announced their split to form the Northern branch, which took control of the Movement's relief, journalism and scientific associations. The two branches are now moving towards comprehensive unity, a move supported strongly by Sheikh Raed.

The initiatives and work carried out by the Islamic Movement under Sheikh Raed, which focus on improving the lives of ordinary people, both Muslim and non-Muslim, in the Palestinian community through the provision of social services, are well known and documented. A 2008 cable from the US embassy in Tel Aviv released by Wikileaks notes the following:

1. Demonstrations and a general strike were organised in Arab towns across Israel to protest announced government plans to expropriate Palestinian land. In the ensuing clashes, six Palestinian were killed and hundreds of others were wounded and arrested.

“In contrast to limited success on a divided political front, both branches met with considerable success on the social front. Both have worked, sometimes together and sometime separately, to provide a social infrastructure outside the Israeli national system for the under-served Arab sector. According to Mustafa, this infrastructure consists of a wide network of kindergartens, clinics, ambulances, community centres, libraries, and lecture halls, all at nominal or no cost. In addition, the movement, including elements of both branches, has established an independent soccer league of 38 teams, opened numerous bookstores, and provided opportunities for volunteer activity. Through its charities, the Movement provides assistance to the poor and finances construction of homes demolished by the authorities in unrecognised Bedouin villages as well as those damaged by Jews during periods of inter-communal violence such as occurred in Akko in October. The Movement has created numerous local and national non-profit organisations, some of which provide social services and others which serve as fund-raising organisations for Muslim causes. The Movement provides several alternative education programs [*sic*], including an Islamic college whose student population is more than half female; funding of medical training both in Israel and abroad; and various adult-education courses. It sponsors two newspapers; schools and centres for religious studies; and several religious festivals throughout the year. Thus, it is succeeding in creating self-sufficient Islamic communities within Israel.

The Movement’s promotion of a return to Islamic law and traditions is closely tied to its success in providing social services. Most of the social services are provided at community centres that also include mosques. As people come to the community centres to receive social services, they also are expected to hear the message of the imam. As the religiously observant community expands, more and more people participate in the religious activities and festivals held at the community centres and their mosques, and more and more people donate what money they are able to, to the various charities run by the Islamic Movement.”²

Other initiatives and groups established by the Movement under Sheikh Raed include inter alia the “self-reliant community” initiative set up in 1998: groups such as the human rights organisation “al-Mezan” and “Samad”, which addresses illiteracy in the community and is dedicated to raising awareness about children and women’s rights; the Iqra Society to help University students; the Hera Foundation to care for the young and aged in the Palestinian community; the Negev Foundation to help desert communities; the Akka Foundation to help the people of Acre and its surrounding villages; the Al-Fajr Foundation for Islamic literature and poetry; the Al-Balagh Society for Muslim media and the College of Da’wah and Islamic Sciences.

Needless to say, as a result of its endeavours to impact positively on Palestinian society in Israel, the West Bank and the Gaza Strip, the Movement enjoys huge popularity and maintains good relations with groups and organisations from across the political and religious spectrum, including the Arab Student Union, the principal repository of emerging Arab leaders in Israel; it now also has representation in the Knesset. The Movement places importance on Palestinian unity and has endeavoured to promote this by facilitating and attending meetings with various Palestinian ministers and political leaders from both Fatah and Hamas. Such meetings have always been open

2 <http://wikileaks.org/cable/2008/12/08TELAIV2839.html>

and transparent, constituting part of the agenda of the High Follow-Up Committee. Sheikh Raed represents the consensus of political forces within Israel at such meetings.

The Islamic Movement in Israel is a legal and transparent organisation which operates within the framework of the state. While it has always faced suspicion, it came under increasing pressure following the US 'War on Terror' and the Movement believes that since then, it has been under increasing surveillance. The state itself has been quite explicit in its hostilities toward the Movement. Ariel Sharon expressed a desire to see it outlawed and it is a favoured target of the current far-right Foreign Minister, Avigdor Lieberman. According to the Movement, Israel's political leadership consider Sheikh Raed as a threat to their vision of Jerusalem. In a 2008 Wikileaks cable³, Lieberman characterised Sheikh Raed as Israel's version of a Hamas leader. Sheikh Raed himself believes that he has become a target due to his social activities and work across the Palestinian territories, and for his role is drawing attention to particular Israeli plans and activities.

Politics & activism

While the Northern branch of the Movement still opposes participation in national elections, it does take part in municipal elections. In 1989, Sheikh Raed stood for election as mayor of Umm al-Fahm and won an overwhelming 70% of the vote. He went on to be re-elected twice, in 1993 and again in 1997 before standing down in 2001 in order to dedicate his energies to the Palestinian cause and the plight of Jerusalem. His huge popularity among the many different Palestinian social groupings stems in part from his commitment to a pluralist society.

As Mayor of Umm al-Fahm and in his capacity as a leader of the Islamic Movement, Sheikh Raed has travelled extensively, both inside Israel and the Occupied Territories and internationally. He has attended public speaking and lecture tours, conferences and meeting of the Palestinian Diaspora worldwide, fulfilled media engagements and met with various international politicians and officials. Between 2008 and 2011, he visited the UK, Denmark, Switzerland, Germany, Italy, Jordan, Morocco, Qatar, Doha, Saudi Arabia, South Africa and Turkey. He has visited the US and the UK on four occasions. He has never encountered immigration difficulties or opposition to his presence before his arrival at Heathrow in June 2011.

During a visit to Britain in 1997, he met the Mayor of Falkirk, resulting in the Scottish town Falkirk and Umm al-Fahm were twinned. He also visited Dunblane, the scene of a massacre of 16 children and their teacher by a gunman in 1996, to demonstrate his solidarity with the local people.

Sheikh Raed has always used his position as a platform to draw attention to the humanitarian and human rights plight of Palestinian citizens of Israel and the Palestinian cause as a whole by speaking, campaigning and educating people about the central issues. He has always made a clear distinction between the policies of the Israeli state under the control of a right-wing, hardline establishment and the Jewish people as a race or Judaism as a religion. As someone who has devoted his life to fighting and campaigning against the abhorrent racism, oppression and discrimination faced by his community, he is absolutely intolerant of it in any way shape or form.

³ Ibid

Over the years, Sheikh Raed has campaigned diligently on various fronts: for the right of Palestinians ethnically cleansed from Palestinian towns and villages prior to the establishment of Israel to return to their homes; for the people of the West Bank and the Gaza Strip living under military occupation; for an end to the siege of Gaza (he took part in the Freedom Flotilla in 2010). He has drawn attention to the use of peace agreements by successive Israeli governments as tools to entrench its expansionist policies as well as other violations and he has worked tirelessly on behalf of Jerusalem and its inhabitants.

In a 2007 interview, Raed Salah was asked what message he would like to send to the leaders of the Western world, particularly the United States, concerning issues important to the Islamic Movement. His reply provides a keen insight into his thinking:

“Leaderships change – yesterday it was Nixon or Carter or Clinton, today it is Bush and who knows who it will be tomorrow. So it is the Western public, the people, that we are interested in addressing. Our Islamic, Arab and Palestinian values impel us to communicate on the basis of civilised dialogue carrying a message of love for human existence and a call for cooperation aimed at promoting lives of health and happiness for ordinary people and defending their collective and individual rights, as well as their just demands to protect their livelihood, religion and heritage. These are the value we find in our Islamic, Arab and Palestinian identity. We have no problem with the Western public, and we reject the notion of an inevitable clash of civilisations with the Western world. Our values are clear: “O mankind! Lo! We have created you male and female, and have made you tribes and nations that ye may know each other.” This is the past, present and future difference that leads to the existence of different peoples and concepts, but the Holy Qur’an emphasises that despite these differences the foundation of this relationship is to “know one another”, knowledge here being that which involves goodness and casts out evil. It is very clear that if there is environmental pollution in Umm al-Fahm, it may also threaten London and Washington and so on. At present there are momentous issues that threaten the entire world, but they could also bring us together. However, this will not happen if the official political leadership in the West remains under the sway of the American and British Zionist Lobbies, or if the leadership in Europe, in addition to being pressured by the Zionist Lobby, remain controlled by US official policy. Such pressures lead to futile losses without any benefits in return. Why are

American and Western soldiers being killed in Iraq or Afghanistan? What benefits them there? We would like to invite the Western people to look inward, to take time for introspection, and to stand up to their leadership and demand policies that will benefit them, and us, and humans with a conscience who believe in values of the human civilisation like justice, truth, peace, and freedom.”⁴

Jerusalem

During the 1990s, Sheikh Raed and the Islamic Movement under his leadership began focusing their efforts on the plight of Jerusalem, its inhabitants and Al-Aqsa Mosque. The significance of the city and the Mosque for Muslims as one of the holiest sites in Islam cannot be overstated. As such, continued Israeli aggression against it is seen by Muslims as an affront to the entire Muslim world.



Jerusalem is designated as occupied territory under international law and the UN General Assembly along with numerous Security Council Resolutions reject Israel’s proclamation that Jerusalem is its “undivided capital”, denouncing its control of the city as invalid. Nevertheless, over the years the Israeli government has continued in its efforts to alter the character and demography of the city in order to maintain control over it. In response, Sheikh Raed Salah set up the hugely popular Al-Aqsa Foundation dedicated to the protection of Jerusalem from Israeli excesses and acting with impunity. The Foundation also seeks to preserve Jerusalem’s Christian and Islamic cultural heritage sites and to monitor closely Israeli efforts on the Judaisation of the occupied city. Sheikh Raed is regarded by many Palestinians as the custodian of Al-Aqsa Mosque.

In 2009-10, Raed Salah was banned from Jerusalem for exposing Israeli plans for a series of building and architectural projects in the vicinity of the Mosque; he has also campaigned against the destruction of surrounding features and government intentions to build on the site. He has brought public attention to excavations and the construction of a complex system of tunnels being built beneath non-Jewish religious sites and the historic walls of the Old City. He has campaigned further against the desecration and destruction of the historic Ma’mān Allah Cemetery in Jerusalem.

Sheikh Raed is a vociferous advocate for the rights of the inhabitants of the occupied city and has joined them in leading mass campaigns opposing the restrictions imposed on them by the Israelis. These include how they can earn their living; the substandard state services with which they are provided; state efforts to prevent them from building on their own land and to evict them from their homes; land confiscations; and home demolitions and efforts to strip them of residency rights and expel them from their city. Sheikh Raed plays a key role in transporting busloads of people daily from outlying parts of the country into Jerusalem to show solidarity with the plight of Jerusalemites.

⁴ The Islamic Movement Inside Israel, An interview with Ra’id Salah, Journal of Palestinian Studies Vol. XXXVI, No. 2 (winter 2007), pp.66-79

Harassment by the Israeli authorities

The campaign of personal persecution and political harassment launched by the Israeli authorities and extremists against Sheikh Raed as an activist and leader of the Islamic Movement began in the eighties and has continued to this day. It is argued that his current situation in Britain is one aspect of this harassment. He has endured numerous physical assaults and attempts on his life and his survival is viewed by some as near-miraculous. His courage and sacrifice is a source of great inspiration to many. A few examples of the harassment he has faced are given below.

- In 1988 a plot was hatched by Israeli intelligence services to blackmail a drug dealer into planting illegal narcotics on Sheikh Raed Salah. The drug dealer turned down the deal despite threats of a lengthy prison sentence and, instead, exposed the plot.
- In 1998 he was beaten brutally and hospitalised by Israeli forces as they stormed a local secondary school. The incident followed protests against land confiscations in Umm al-Fahm. Sheikh Raed was attempting to protect the students, 600 of whom were injured.
- During the Al-Aqsa Intifada in 2000, he was shot in the head with a rubber bullet as Israeli troops opened fire on a demonstration he was controlling and directing. His injuries required hospitalisation and, according to eye witnesses, the shooting was a deliberate attempt on his life.
- In 2003, Sheikh Raed was accused of collecting money for charities in the Occupied Territories and charged under anti-terrorism laws for allegedly funding Hamas-related activities. He was also charged with having contact with an Iranian intelligence agent. He has always denied funding military activities. He was imprisoned for two years.
- In 2007, he was indicted for inciting violence and racism after it was said that a speech he gave led to public disorder. He was also accused in the media of having invoked an ancient blood libel against Jews.
- On one occasion he was having dinner on a rooftop when he and those he was with were attacked by Israeli forces who threw 12 stun grenades into their midst. Three people were injured including Sheikh Raed who is currently suing the authorities over the incident.



- In 2010, on a trip returning from Jordan, he objected to his wife being strip-searched in the context of which he was said to have pushed a police officer; he was convicted of assault and served five months in prison.
- On board the Mavi Marmara in the Freedom Flotilla in 2010, a Turkish engineer who bore a striking resemblance to Sheikh Raed was shot and killed by Israeli commandos. This, coupled with reports that Sheikh Raed had been killed and the fact that he was wounded, led to speculation that there had been an attempt on his life by the Israelis. He was sentenced to five days house arrest following the Flotilla and banned from leaving the country for 45 days.
- Again in 2010, Chaim Perlman, who was a member of both Israeli intelligence and the extremist religious group Kahane Kach (which is proscribed in the US and the UK), confessed to having been asked to assassinate Sheikh Raed following a religious edict issued against him by extremist Rabbis.

Prior to coming to Britain in June 2011, Sheikh Raed had never been charged with anti-Semitism inside Israel itself. However, since the UK exclusion against him, two indictments in Israel have been issued.

Further to this, a draft law called the “Raed Salah” law was put to the Israeli parliament aimed at “preventing any persons assisting ‘terrorist’ organisations from entering educational establishments under the control of the Israeli government without the consent of the Minister of Education”. In an interview with an Israeli newspaper, the parliamentarian proposing the law, Alex Miller MK, said, “If Britain has deemed it necessary to prevent Raed Salah from entering its territory due to his extremist positions and fearing he could exploit academic and educational forums to promulgate his views, then there is no justification for Israel to allow him [to do] this.”

SHEIKH RAED’S VISIT

Following Sheikh Raed’s entry to the UK on the evening of 25 June, he embarked on a busy schedule of public engagements. This began with a lecture at the North London Central Mosque in Finsbury Park on 26 June on the topic of “Jerusalem and the eternal trust”, covering the timeless responsibility of Muslims to preserve their heritage, particularly Al-Aqsa Mosque. The following day, he gave a television interview on the same topic followed by a round-table meeting at the Houses of Parliament



chaired by Baroness Jenny Tonge and attended by Lord Andrew Phillips. Later the same day he gave a talk at Conway Hall in Red Lion Square, London on the topic of the Arab Spring and its impact on the Palestinian cause. On the day of Sheikh Raed’s arrest, Tuesday 28 June, he gave an Islam Channel interview in the morning followed by a public talk in Leicester where he again spoke about Jerusalem and Al-Aqsa Mosque. Later that evening, on his return to his London hotel at about eleven o’clock he was detained by immigration police under provisions of the Immigration Act and taken to Paddington Green Police Station.

Sheikh Raed was scheduled to take part in a number of other high-profile engagements during his visit to Britain, including a meeting with senior journalist and editors from the Guardian newspaper to discuss the general situation of Arabs in Israel and specifically the plight of the Bedouin tribes; a meeting with the political editor of the New Statesman on similar issues; and a meeting in the House of Commons under the banner of “Building Peace and Justice in Jerusalem” where he was due to share a platform with a number of British MPs including Jeremy Corbyn, Richard Burden and Yasmin Qureshi, as well as Lord Alf Dubbs.



THE MEDIA DEFAMATION CAMPAIGN

The issue of Sheikh Raed’s possible exclusion from the UK was first raised publicly with the Home Secretary during Home Office oral questions on the day he arrived in the country. Mike Freer MP set the tone when he asked, “The Home Secretary will be aware that Raed Salah has been invited to speak in the palace [the Palace of Westminster, the Houses of Parliament] precincts. Given this man’s history of virulent anti-Semitism, will the Home Secretary ban him from entering the UK?” Freer’s attempt to pass allegation off as fact mirrored a virulent defamation campaign mounted against Sheikh Raed in the media by pro-Israel Lobbyist and propagandists which began from the time his tour of Britain was announced. At the time of Freer’s question, Theresa May appeared to be unaware of the case specifics and declined to provide details or make a comment.

The intellectual, moral and political bankruptcy of the Zionist position, coupled with the momentum of growing international support for the justice of the Palestinian cause and the prospect of an authoritative and well-respected Palestinian voice addressing key issues to British parliamentarians in the Houses of Commons, appears to have resulted in a hysterical and libellous campaign by a desperate pro-Israel Lobby. It was a shameless attempt to silence legitimate debate on the Palestine-Israel conflict and the plight of Palestinians by levelling accusations of anti-Semitism which, as one commentator put it, cast them as “even more extreme than their paymasters in Tel Aviv”.

The campaign began a fortnight before Sheikh Raed’s arrival and was spearheaded by Daily Telegraph journalists Michael Weiss and Andrew Gilligan, Jewish Chronicle journalist Robyn Rosen, and right-wing blogs like Harry’s Place alongside the Community Security Trust⁵ (CST). Sheikh Raed was branded as a “known anti-Semite”, an anti-Semitic “preacher of hate”, a frothing racist, a Hamas-like “nutter” and a thug. The main thrust of the campaign was anti-Semitism allegations based on assertions first made in the Israeli media back in 2007. Other allegations included claims that Sheikh Raed had written a poem in which he described Jews as “criminal bombers of mosques, slaughterers of pregnant women and babies, robbers and germs in all times,

⁵The Community Security Trust is an organisation which monitors anti-Semitism in the UK. It compiled the report which the SSHD relied on in her assessment of Sheikh Raed. According to expert witness testimony, its report failed to differentiate between anti-Semitism and criticism of the actions of the Israeli state and therefore gave an unbalanced perspective.

The Telegraph

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Andrew Gilligan

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Extremist IFE sponsors a man who "calls Jews 'germs' and 'monkeys'"

By [Andrew Gilligan](#) [Politics](#) | Last updated: June 15th, 2011

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Sentenced by God to be loser monkeys”; that he invoked the European anti-Semitic blood libel; that he glorified suicide bombing; and that he referenced the notorious Protocols of the Learned Elders Zion in relation to efforts to re-build the Jewish Third Temple on the ruins of Al-Aqsa Mosque. He was further accused of association with the Turkish group which organised the Freedom Flotilla in 2010, IHH, and of having links to Hamas.

Sheikh Raed was questioned by Israeli authorities about the anti-Semitism allegations at the time they were first circulated and no charges were ever brought against him. When these allegations, among others, surfaced in the British media and on blog spots, he issued a statement categorically denying the charges⁶. Through his lawyers he refuted ever having written an anti-Semitic poem and said that the version of his poem circulated in the media was doctored, with words being interposed and the context obscured in order to change the meaning. The original printed version of the poem has since been produced. With regard to the blood libel accusations, he asserts that the context of his speech was obscured, words were again interposed, and a section which defended the rights of Jews was deleted. A spokesman for the Islamic Movement said, “The Israeli establishment know what the Sheikh has said and they know they have no legal case against him [with regard to allegations of anti-Semitism]. They have not been shy of pursuing him on other charges.” Sheikh Raed categorically refutes all other allegations.

Sheikh Raed’s lawyers have contacted the Jewish Chronicle and demanded that the paper retract the false and defamatory allegations made by their journalist, Robyn Rosen, along with a public apology or face legal proceedings in the High Court. Similar actions were taken against the Telegraph’s Andrew Gilligan. This issue is ongoing.

⁶ See appendix a

'Banned' hate preacher enters Britain

Extremist strolls in as EU bans UK from deporting villains

By GRAEME WILSON and SIMON HUGHES

Published: 29 Jun 2011

Like 160



Following Sheikh Raed's arrest, a number of tabloid and other newspapers picked-up and repeating the false allegations without trying to verify them. However, the focus turned to how "a banned Islamic extremist" with "hard-line anti-Semitic views" who had been on a government watch-list had managed to walk through borders security at Heathrow without being spotted or stopped.

Reports insinuated that Sheikh Raed had used underhanded means to enter the country. It was claimed that detectives had been sent to arrest him from his speaking engagement at Conway Hall but that he did not show up to the event (this was a lie). Newspapers like the Sun and the Mail Online homed in on the immigration aspect of the case linking it to the EU ruling blocking the deportation of criminals.

The incident was portrayed as a spectacular failure of the UKBA and the government's new "Prevent" anti-terrorism strategy, which apparently infuriated Home Secretary Theresa May.

THE ARREST AND DETENTION

The defamation campaign struck its first blow when London's Queen Mary University acquiesced and pulled the plug on Sheikh Raed's first London talk, scheduled to take place on its campus. Despite providing no justification or explanation to event organisers, an interview by the Jewish Chronicle with a university spokesperson confirmed that the unfortunate decision to uphold the Zionist-imposed culture of censorship that surrounds debate on Palestine, was due to "...the fact that this guy has been arrested and charged with racism and incitement to violence; we didn't want that happening on our campus".

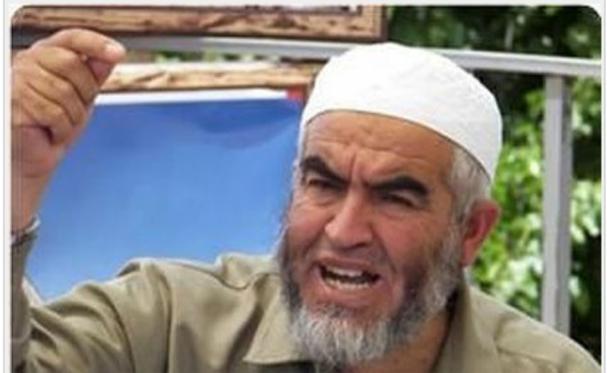
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Banned hate preacher fights deportation

Tom Harper
30 Jun 2011

A banned Islamic extremist who entered Britain unchallenged may remain in the country for years after launching a bid to fight deportation.



On 28 July, three days after Sheikh Raed entered the UK, the first mention of the apparent existence of an exclusion order was made in an article published by the Daily Mail. However, despite Sheikh Raed's legal team contacting both the Home Office and the UKBA for clarification, they were given neither confirmation nor denial of a ban and no further details were forthcoming.

When Sheikh Raed returned to his hotel that evening accompanied by his bodyguard and translator after delivering a speech in Leicester, he was met outside his room by five police officers. One of the officers showed him ID and spoke to him in English which he does not understand. His interpreter tried to inform the officer of this fact and to find out what the situation was. However, the officer refused to engage with him and Sheikh Raed was prevented from further communicating with anyone. The officers continued to address him in English and he indicated that he did not understand. Finally grasping the word "passport", Sheikh Raed handed over his identification documents before being handcuffed and escorted to a waiting unmarked van. Despite co-operating fully with the officers, Sheikh Raed was completely unaware of the reason for his arrest and detention, or indeed that the officers were from the immigration authorities.

In the van, one of the officers showed him a mobile phone screen on which it was written in Arabic, "You have been detained because you broke immigration laws". The message also informed Sheikh Raed that he was being taken to the police station. Once at the police station he was again informed, through a translator, that he was being detained for immigration offences. He was also told that he would be deported which he immediately said he would challenge as he did



Walking the street, the hate preacher banned by Britain . . . and now he's using human rights law to stay

- Leader of the Islamic Movement in Israel was able to enter the country unchallenged, despite a banning order

not see that he had committed any offence; he was informed that he had a right to appeal. While still at the front desk, he was given a number of English-language documents, including an exclusion order dated 23 June. None of the documents were explained or translated to him and he was given no further details.

Later that morning (29 June), Sheikh Raed’s lawyers arrived and endeavoured to explain the situation and the content of the documents via a telephone interpreter. He was told that he was being deported for public interest reasons on the basis of things he is alleged to have said. The meeting was cut short before the lawyers could complete their explanations and Raed Salah was taken to the Colnbrook Immigration Removal Centre. His lawyers released the following statement:

Issue Date: 29th June 2011

Mr. Raed Salah and the Secretary of State for Home Department

Mr. Salah arrived in London on Saturday 25th June 2011 using his Israeli Passport. He was not aware of any purported exclusion order made by the Secretary of State for the Home Department and was allowed to enter the country without objection.

During the late evening of 28th June Mr. Salah was arrested and detained under provisions of the Immigration Act. He was informed that he was subject to a deportation notice as the Secretary of State deemed his deportation to be conducive to the public good.

Mr. Salah was invited to the United Kingdom to speak at a series of public events and to participate in roundtable discussions at the Houses of Parliament with MPs, Lords and researchers. Mr. Salah considers the Secretary of State's decision to be without merit and will challenge the lawfulness of this decision in the Courts.

Tayab Ali, solicitor for Mr. Salah says 'Mr. Salah was in the UK to discuss the recent globally important developments in the Middle East with Parliamentarians and members of the British Public. To deport such an important and significant Palestinian activist is counter-productive and acts against the principles of democracy that the British government states it wishes to export to that region'.

At Colnbrook, Sheikh Raed was interviewed several times and tried to clarify the fact that he had no intention of remaining in the UK permanently. He was asked whether he wanted to leave the country and was encouraged repeatedly to make a “voluntary departure” to Israel. However, he stated that he had entered the UK of his own free will and wanted to leave on the same terms. He asserted that he wanted to stay in Britain until his visit had been completed and that he would follow the proper court process in relation to an appeal. Sheikh Raed clarified that he had not come to the UK to work or for political exile and had a meeting in parliament to talk about the situation in Palestine. In one interview, he expressed concern for his personal safety at the detention centre and requested a single room which resulted in some confusion over whether he wanted to claim asylum due to the situation in Israel.

On 30 June, he met with his lawyers who were able to give Sheikh Raed a clearer explanation for his detention; the assessment that the Home Secretary had made of him and the subsequent grounds on which she was seeking to deport him. He was advised that he had a right of appeal against deportation at an Immigration Tribunal which would be forfeited if he left the UK. As he felt it was imperative to appeal in order to vindicate his position and set the record straight and for the sake of the Palestinian people as a whole, he resolved to go to appeal even if that meant remaining in detention.

Sheikh Raed was transferred to HMP Bedford on 1 July without any prior notice, without being told where he was being taken and without being given any reasons for the transfer. He asked to call his lawyer but the request was refused. Once there he was again interviewed on a number of occasions without a legal representative being present and without being offered the option of having one. He was asked a number of in-depth and personal questions and was even asked if he was racist and about his opinions on homosexuality. He was encouraged to return to Israel voluntarily.

THE CASE AGAINST SHEIKH RAED

The Home Office issued its first official statement amid a brewing international political storm. It asserted that Raed Salah had entered the UK despite being subject to an exclusion order. The insinuation, reflected by media articles, was that Sheikh Raed had ignored the exclusion ban or employed underhanded means to gain entry to the country.

The order to detain him was issued at the personal discretion of Home Secretary Theresa May who has responsibility for maintaining public safety. However, when the issue was first raised publicly at Home Office Oral Questions in the House of Commons on 25 June, and again when she was questioned more than ten days later at the Home Affairs Select Committee⁷, Mrs May appeared to have scant knowledge of the case. She looked extremely flustered and was unclear on

⁷ See appendix b

a number of key points, such as when she had signed the exclusion order; when she found out that Raed Salah had entered the country; and why he had initially been banned. It was finally claimed that the order had been signed and in place since 23 June and that normal procedures had indeed been followed.

This raised obvious red flags given that not only did Sheikh Raed's reputation and liberty rely upon her thorough assessment, but so too did the reputation of the British government and relations with Palestinians and the Arab world.

According to an article published in the Guardian on 26 September, the Home Secretary's assessment relied on a report compiled by Michael Whine of the Community Security Trust (CST). In it, Mr Whine surmises that Sheikh Raed's record of provocative statements meant there was a risk that his presence in the UK could have a "radicalising impact" on audiences. Less than twenty minutes after receiving the report, Theresa May's personal secretary contacted her regarding a parliamentary event Sheikh Raed was due to attend and asked, "Is there anything we can do to prevent him attending (e.g. Could we exclude him on the grounds of unacceptable behaviour?)" The Guardian article states that further emails provide evidence that, in line with assertions made by Sheikh Raed's lawyers, the Home Secretary had made the decision to have Sheikh Raed excluded before assessing and verifying allegations against him, and had thereafter sought to justify her decision. Moreover, this lends substantial weight to claims that the purpose of the exclusion was to prevent him from addressing the British public and specifically, from speaking in parliament; in other words, political censorship.

On June 21, a senior UKBA official at the Special Cases Directorate (SCD) contacted the Home Secretary rendering the judgement that despite the existence of evidence which would allow Sheikh Raed's exclusion on the grounds of unacceptable behaviour, "the disputed underlying evidence could make an exclusion decision vulnerable to legal challenge" and concluded that the case was "very finely balanced". Further to this and following the Home Secretary having signed the order, a second official reiterated the SCD's objections highlighting that the Home Secretary's actions would prolong Sheikh Raed's stay in the country and raise his profile and credibility. He also warned of the financial impact on the agency's budget given that it was case that "would not have been undertaken if the SCD advice had been taken"

The allegations

In the "notice of intention to deport" served on Sheikh Raed on 29 June it states:

"The British government has measure for excluding or deporting those individuals who foment terrorism or serious criminal activity, or seek to provoke others to commit terrorist or criminal acts as well as those who foster hatred which might lead to inter-community violence in the UK. The list of unacceptable behaviours covers any non-UK national who uses any means or medium, including:

- Writing, producing, publishing or distributing material;
- Public speaking including preaching;
- Running a website;
- Using a position of responsibility such as teacher, community or youth leader;

To express views which:

- Foment or justify terrorist violence in furtherance of particular beliefs;
- Seek to provoke others to terrorist acts;
- Foment other serious criminal activity or seek to provoke others to serious criminal acts;
- Foster hatred which might lead to inter-community violence in the UK.”

It was said that after careful consideration the Home Secretary had personally directed that Sheikh Raed be excluded from the UK on the grounds that his presence would not be conducive to the public good. It stated that it was considered that he had brought himself within the list of the above mentioned unacceptable behaviours by espousing certain views which she believed he would continue to espouse should he be allowed to remain in the country; as such, the decision had been taken to deport him from the country. It also stated that the Home Secretary’s decision took into account that he was the leader of the northern branch of the Islamic Movement in Israel which she considered to have links with Hamas.

The notice, alongside a letter from the Home Secretary dated 23 June, and statements objecting to bail lodged before the First-Tier Immigration Tribunal, presented a number of statements allegedly attributed to Sheikh Raed. These statements, which were almost exclusively drawn from the Israeli media, formed the presumable basis for the decisions to exclude and deport him. They are as follows:

1. “You Jews are criminal bombers of mosques, Slaughters of pregnant women and babies. Robbers and germs in all times, the Creator sentenced you to be loser monkeys, Victory belongs to the Muslims from the Nile to the Euphrates.”⁸
2. “Netanyahu’s plan is to dig tunnels under Al-Aqsa and replace it with a Jewish Temple.” “We will not compromise on our principles or holy sites. We prefer to die as Shahids and will welcome death joyfully.”⁹
3. “The temple corner stone affair is just one expression of the large scheme which has preceded it. We read in the Protocols of the Learned Elders of Zion that the Third Temple must be built on the ruins of Al-Aqsa Mosque.”¹⁰

⁸This alleged quote formed the ‘primary source material’ for the SSHD’s decisions. It was said to have been part of a poem he wrote and published in the Islamic Movement’s periodical, Sawt al-Haqq wa-al-Huriyya on January 4, 2002

⁹This statement is said to have been made by Sheikh Raed in 2009. He does not recall making these statements, but has nevertheless provided an explanation for them

¹⁰This alleged quote is said to have come from statements made by Sheikh Raed made in 1989, however, the original source of the quote could not be identified

4. “Israeli history is drenched in blood” and “they want to build their temple while our blood is on their clothing, on their doorsteps, in their food and in their water.”¹¹
5. “We have never allowed ourselves, and listen well; we have never allowed ourselves to knead the bread for the breaking of the fast during the blessed month of Ramadan with the blood of the children. And if someone wants a wider explanation, you should ask what use to happen to some children of Europe, whose blood would be mixed in the dough of the [Jewish] holy bread. God almighty is this what God wants? God will confront you for what you are doing.”¹²
6. “Today, the people of Palestine know that the UN recognises the state of Israel conditionally, namely that the Palestinian refugees be allowed to return to their land. However it is clear that the Israeli establishment rejects the Right of Return and this means that it has not fulfilled the conditions for its recognition by the UN. Thus the public say quite frankly that Israel has rendered itself into an invalid entity in every sense of the word. Palestinians wonder why Israel feels able to demand that they acknowledge its existence while at the same time the Zionist state refuses to recognise Palestine. Why is recognition so one sided? Hence it is natural for Palestinians to support the BDS (Boycott Divestment and Sanctions) campaign as it is obvious that the Israeli entity is a false reality which should not be recognised by others.”

A summary of Sheikh Raed’s detailed response to these various allegations put forward in his witness statement to the High Court of Justice is as follows;

Statement 1

An internal report or assessment to the Home Secretary which fundamentally informed her decision to exclude and deport Sheikh Raed relied on the above version of a poem he is alleged to have penned for the Islamic Movement’s periodical in 2002. The author of the report states, “Clearly this, if written by Salah, would justify exclusion... however, despite extensive research... we cannot find the original text.” Witness statements for the Home Secretary later reference documents containing the full text as being part of material available to the Home Secretary at the time she made her decision; however, the evidence indicates that this was not so.

Nevertheless, and quite astonishingly, even after it was realised that the poem was not directed at Jews as was initially believed and that “You Jews” did not at all form part of the actual poem written by Sheikh Raed, the poem continued to be relied upon as evidence with no acknowledgement being made of the fact that that offensive phrase was no longer being advanced.

In later assessments, the citation “the Jews” is placed in brackets outside the quotation marks. An undated internal assessment notes: “The poem does not mention Jews by name, but Salah can be challenged on who else he could possibly be referring to as his ‘oppressors’ who “decayed our land”.

¹¹This alleged quote was said to have formed part of a speech delivered in 2007 called the Wadi al Juz (valley of the Hazel) speech

¹²Ibid. The SSHD holds that it references the ‘Blood Libel’ against Jews

The actual poem reads:

A message to the oppressors

The face of the oppressor became ugly
The sly apostates
They corrupted our land
They became arrogant in our garden
They bombed the mosques, killing
The kneeling, the prostrate in prayer

They slaughtered the pregnant and the infants
Our elders, like a flock
Oh my oppressor you are the mean
You may revel for long, you sinner
Allah enables long life to the tyrant
But this will not last forever
Did you not hear of the consequences
fate) of the Armies
The deviousness of Pharaoh the ungrateful
Go on, set all countries on fire

Go on, fill the world with any conscience
You no doubt with any conscience
The Creator deemed you
[Do not rejoice, the dawn came]
The victory is the 'crown' of all good tidings

The [killer], the criminals
The frivolous, the corrupted
And dared (to offend) our honour
Alas how traitorous they are
The repentant, the worshippers
May the hands of the malevolent be cut
off

And the children are fallen dead
Became night travellers
You are the wild, the upraised
As Allah is the best judge
The adulterer, the fraudulent, the unjust
As Allah is the most victorious
Of Ara, 'Aad and Thamud

Who all decayed and became perishable
And become arrogant over the
worshippers
May you perish you usurper
You are the germs of all times
To be monkeys (and) losers
From the Egyptian Nile to the Euphrates
To all faithful Muslims

It is patently obvious that the doctored anti-Semitic version of the poem relied on by the Home Secretary in her assessments and the actual poem share little resemblance. The latter carries a message about oppression and injustice; it acknowledges and condemns the oppression of Jews by pharaoh as well as the oppression perpetrated by powerful Arab tribes of the past. The 'oppressors' in the poem are not defined as a racial or religious grouping, but rather are described by particular characteristics: frivolous, traitorous, arrogant, etc. Similarly, references made to 'monkey', 'losers' or 'apes' are Qur'anic references that have no racial or cultural bearing. They talk about people who were punished by God for violating his commandments, or thinking they were beyond punishment. There is absolutely no scope for misunderstanding.

Moreover, Sheikh Raed points out that not only does the periodical in which this poem was published have quite a large circulation in Israel, but prior to publication, it must first be approved by the Israeli government's military censor. It is illegal to publish hate speech in Israel and it is also a criminal offence to attempt to circumvent the censors. Hence, it would be impossible for it to have been published in Israel if it had any anti-Semitic or racist connotations.

Statement 2

The Home Secretary's position on this quote was that it promotes violence, presumably based on erroneous assumptions and the interpretation of a shahid (martyr) as someone whose actions fall within the category of "unacceptable behaviour". However, according to Sheikh Raed, and in line with his unwavering stance rejecting the use of violence¹³, the word shahid was used strictly to denote "a person who is killed because of their religious beliefs"¹⁴. It is a term of honour in Muslim, Christian and Jewish tradition and was a reference to the vast numbers of Palestinians who have been killed over the years while making ordinary religious use of Al-Aqsa Mosque, an assertion that their lives had not been lost in vain.

Sheikh Raed's statement refers to the same individuals as UN Security Resolution 1322, which denounces "the provocation carried out at Al-Haram Al-Sharif in Jerusalem on 28 September 2000, and the subsequent violence there and in other places throughout the territories occupied by Israel since 1967, resulting in over 80 Palestinian deaths and many other casualties." It goes on to condemn "acts of violence, especially the excessive use of force against Palestinians, resulting in injury and loss of life" and calls upon Israel, as the occupying power, to abide scrupulously by its legal obligations under the Fourth Geneva Convention relative to the protection of civilian persons.

Moreover, the official British government position is that East Jerusalem is occupied territory and it condemns Israeli attempts to change its demography as "unacceptable" and "extremely provocative". It also condemns settlements and illegal evictions as deeply unhelpful to efforts to bring about lasting peace in the Middle East. In light of such clear British and international recognition of the oppression faced by Palestinians, it is baffling that the Home Secretary would use an individual's assertion that a Palestinian killed while protecting their holy sites as the promotion of violence.

It is Sheikh Raed's view that the actions of the Israeli government and certain extremists are aimed at spreading terror through the constant threat of violence against worshippers at the Mosque and thus to force them to abandon it and the city of Jerusalem. He holds that Palestinians have endured such oppression and loss of life since 1948, and are prepared to continue to endure it until the occupation is brought to an end and peace is restored. Indeed, the Second ("Al-Aqsa") Palestinian uprising in 2000 was sparked by Ariel Sharon's provocative intrusion into Al-Aqsa sanctuary which resulted in widespread violence and thousands of Palestinian deaths. This once again puts Sheikh Raed's statements in line with UN resolution 1322 and underscores the fact that Palestinians are prepared to be martyred to protect the mosque.

With regard to Sheikh Raed's statements about Netanyahu's intentions to dig tunnels under Al-Aqsa Mosque and replace it with a Third Temple, Netanyahu's declared position in support of the continued digging of these illegal tunnels is well-known. The Israeli government insists that its

¹³ Sheikh Raed's stance is guided by the Quranic penal code which states that if you take one innocent life, it as though you killed the whole of Mankind, and if you save one innocent life, it as though you saved the whole of mankind. [Quran 3:2]

¹⁴ The Oxford Dictionary definition of the word martyr

tunnel digging will not harm the mosque although UNESCO asserts otherwise; there are a host of UN and other NGO reports which detail the damage being done to the Old City, including Al-Aqsa Mosque and the city is currently on UNESCO's list of World Heritage sites in danger.

Zionist extremists in Israel hold an annual event in which they lay a stone symbolising the building of the Third Temple in Jerusalem; the Home Secretary's statements objecting to bail made clear that she was aware of this. The digging of illegal tunnels under the Old City and the building of the Third Temple on the site of Al-Aqsa Mosque are used by right-wing Israeli politicians to muster support from extremists during election campaigns. Threats against Al-Aqsa Mosque and intentions to build a Jewish temple in its place are not a collective hallucination, but part of the reality of the perpetual attacks and discrimination endured by Palestinians in Israel and the Occupied Territories.

Statement 3

Sheikh Raed categorically denies having made this statement. He denies that he has read or ever relied on the Protocols of the Learned Elders of Zion to illustrate Zionist extremist attempts to lay the corner stone of the Third Temple as there is an abundance of factual evidence for this.

The Home Secretary apparently sourced this alleged quote from a book entitled "Muslim Fundamentalism in Israel". The book provides a reference for the source of the quote which is attributed to Sheikh Raed. However, no such quote or anything similar referring to the Protocols of the Learned Elders of Zion has been identified.

Statement 4

This quote is alleged to have formed part of Sheikh Raed's Wadi al Juz (The Valley of the Hazel) Friday sermon in 2007. A video recording and a translation of the actual speech, which came on the heels of various Israeli violations and threats of demolition against Al-Aqsa Mosque, was submitted to the British courts¹⁵. Sheikh Raed was interviewed by the Israeli authorities at the time and provided similar explanation for his statements.

He contends that his speech, which was a religious sermon, was not intended to, nor did it, incite violence as the crowds present remained calm and peaceful. It touched on the horrific persecution and the atrocities perpetrated against the Palestinian people and made a point of the apparent paradox between the Israeli government having perpetrated such atrocities and its desire to build a place of worship. It also spoke of the well-known Israeli incursions into Al-Aqsa Mosque that had resulted on several occasions in the death of worshippers and its particularly grave significance, notably that violating the sanctity of a mosque is akin to violating the sanctity of God. The assertion that "our blood stains their clothes, doors, food and drink" was a metaphoric allusion to the crimes being so severe that their consequences would remain with the perpetrators.

The Home Secretary's assessments ignored that the speech maintains Sheikh Raed's strong condemnation of violence, and is a clear message of peace and mutual respect. It goes on to state:

¹⁵ See appendix b

“O people of the book! Come to common terms”, “people of the book” being a reference to the followers of the three monotheistic faiths of Judaism, Christianity and Islam and a clear demonstration of his respect for their prophets and their religion. And he also goes on to say, “we are not malicious and we will not be malicious, thus we will also protect the honour of the Jewish synagogues. We are not a nation that is based on vengeance.”

Statement 5

This alleged quote is taken from the same speech as statement 4 and used as the basis for the Home Secretary’s assertions that Sheikh Raed is anti-Semitic. Once again, the original presentation of the quote had the word “Jewish” interposed in brackets.

Sheikh Raed contends that he made reference to “holy bread”, not Jewish bread, and given that there is no concept of “holy bread” in Judaism, it is impossible for his statement to have been an invocation of the “blood libel” against Jews. The phrase “holy bread” was used in the speech as a metaphor for people who have used religion as a justification for committing crimes; here it was used figuratively as a reference to Christians like the inquisitors who committed crimes against humanity in the name of religion. He intended to draw a parallel between such crimes committed in Europe and the Israelis who seek to oppress Palestinians using religion.

Moreover, anyone who reads the speech in full would realise that an invocation of the “blood libel” is completely out of context. In the preceding sentences, he makes the point that despite Palestinian being victims of aggression, they “will not be malicious” and will “protect the honour of Jewish synagogues” as they are “not a nation that is based on values of vengeance”. These quite obviously are not statements that would be made by someone intending to incite racial hatred or invoke the specifically anti-Semitic blood libel.

When Sheikh Raed was questioned in Israel about this speech, he was not asked about the “blood libel” as it was quite clear that his references did not relate to Jews.

Statement 6

There are some issues with the translation of this piece and in the third paragraph Sheikh Raed actually makes the point that so many countries and people take the view that Israel should be subject to BDS that it is no wonder that Palestinians also take the same view.

It is unclear why the Home Secretary has relied on this quote as an example of either anti-Semitism or incitement to violence as it is a clear indication that Sheikh Raed relies only on peaceful means for protesting in a democratic society. While the Home Secretary may disagree with his political views, they most certainly do not fall within the category of “unacceptable behaviour”.

THE LEGAL HEARINGS

The Paddington Green Police Station’s “custody record front sheet” registers Mr Salah’s offence and reasons for his arrest as “immigration”, making reference to various provision of the Immigration Act relating to powers of detention for immigration purposes. However, given that

neither Mr Salah, his lawyers or indeed the Israeli authorities were made aware of an exclusion order against him coupled with the serious questions raised over whether the Home Secretary really did sign the order prior to his arrival in the UK, the legality of his detention and whether correct procedures were followed, Mr Salah's legal position is one of false imprisonment and unlawful deportation, not "immigration".

Theresa May denies that the detention was unlawful and maintains that she was both entitled to detain Mr Salah and that she acted reasonably in doing so. According to statements made by the UKBA following the Home Secretary's appearance before the Select Committee on 5 July, it was asserted that although the government does not normally comment on such cases, they felt that this was an exception and went on to clarify certain points. It was claimed that Mr Salah was indeed excluded on June 23 as a result of numerous statements he made, the details of which were obtained from a variety of sources across the government and that he was on the Home Office Watch List and should have been refused entry as a result of the Home Secretary's exclusion decision.

It was also stated that Mrs May had the power to exclude or deport any individual whose conduct she deemed non-conducive to the common good or who she believed represented a threat to the security of British society; a number of comments made by Mr Salah, it was alleged, provided her with evidence of this and of his engagement in "unacceptable behaviour". The statement denied that Mr Salah was being excluded in order to prevent public debate on certain issues and promised that a full investigation into how he was allowed into the country was being mounted.

The formal notice of appeal against deportation under the Nationality, Immigration and Asylum Act was lodged promptly after Sheikh Raed's detention. It was anticipated that his transfer to HMS Bedford would interfere significantly with the appeal process; while the appeal deadline had been set for 6 July, his lawyers had been informed they would not be able to meet with him until a full five days later, on 11 July. He also applied for bail in order to secure his liberty.

Tribunal hearing – 8 July

At the initial bail hearing, the designated judge, Judge Barton, accepted that the exclusion order had not reached Mr Salah's attention; that he had arrived from Tel Aviv on a direct flight; presented a valid Israeli passport and was granted leave to enter and remain in the UK for six months. He also stated that leave was granted in error as the surname on his passport, Mahajna, is different from the name by which he is commonly known. When this error was realised, Mr Salah was arrested and detained under the Immigration Act 1971.

The main justifications for the Home Office decision to deport Mr Salah as presented at the hearing were that he was "well known for his views and the violent anti-Semitism he promotes"; that he has links with Hamas, whose military wing is proscribed in the UK; and that his statements "have the potential to foment terrorism or serious criminal acts, as well as to foster hatred which might lead to inter-community violence in the UK". Bail was opposed for two reasons, namely (i) risk of absconding and (ii) the need to maintain public order and protect the public.

During the hearing, "complex issues" arose with regard to the legality of detention which Judge Barton asserted he could not resolve at the time and would therefore rule on the appropriateness

of detention, not its legality. While he did not agree with the Home Secretary's assessment that Sheikh Raed posed a risk of absconding given that he had been in the UK without problem, that he had been elsewhere in the world and that he would find it difficult to go to ground, he admitted that he had neither the time nor the resources to make full findings on the evidence presented to him, or to make an adequate assessment of risk and must therefore rely on the judgement of the Home Secretary.

He said that he had afforded "a large measure of appreciation to the Home Secretary who is charged with responsibility for public safety and her assessment will have drawn upon advice received." As such, he ruled that he was satisfied that there were substantial grounds for believing that if granted bail, Mr Salah would pose a real risk to public order and safety and bail was denied. However, he said that if it came to another bail hearing he would be concerned if the Home Office's reasons were not more clearly put and their reasons need to be more transparent.

The bail appeal hearing – 15 July

Sheikh Raed Salah appealed against the decision to deny him bail at the High Court on July 15. The presiding judge noted that statements relied upon by the Home Office to justify Sheikh Raed's exclusion fell into two categories, namely, statements which are anti-Semitic but which Sheikh Raed not only denies having said, but opposes and finds offensive, and statements made by Salah which are not anti-Semitic or inflammatory but are contentious in nature given the particularities of the Palestinian issue. Sheikh Raed was released on bail under stringent conditions which included:

- Curfew from 1800 to 0900 hours every day
- Monitoring with an electronic tag
- Reporting to the nearest UK Border Agency office or police station at an agreed time
- Prohibited from making public addresses
- Prohibited from participating in activities with the potential to foment terrorism or serious criminal activity, or seek to provoke others to commit terrorist or criminal acts, as well as foster hatred which might lead to inter-community violence in the UK.

Bail was set at £34,000 and Sheikh Salah was released on July 18.

The Home Office later applied for permission to appeal against bail which was denied. In a statement by Sheikh Raed's lawyers, they voiced concern that "the Home Secretary sought to have our client returned to custody, despite the carefully reasoned decision of the High Court to release him. We trust that, following today's decision, the Home Secretary will accept that her approach to Sheikh Salah's case has been misconceived and counter-productive... We are confident that Sheikh Salah will be vindicated and that he will be permitted to speak freely about the struggle of his people for freedom and self-determination."

The judge ordered that the judicial review be considered at a rolled up expedited hearing.

Sheikh Raed was granted leave to enter the UK on June 25, so despite the Home Secretary's decision that he should be excluded, this did not invalidate his leave. As such, he was not an illegal entrant and committed no immigration offences. All suggestions made by officers to the contrary were erroneous. However, according to the Immigration Act, he was liable to deportation if the Home Secretary deemed his presence not conducive to the public good. The usual practice is for

the Home Secretary to give notice of intention to issue a deportation order and not to issue the order itself straight away. This attracts an in country right of appeal to the First-Tier Immigration Tribunal. Once this notice has been issued to a person they may be detained pending the actual deportation order being issued. There is, however, a statutory power to arrest an individual even if they have not been served with the notice of intention to deport as long as such a notice was ready to be issued. This statutory power is subject to three important qualifications.

Sheikh Raed's lawyers submitted that each of these three common law principles was infringed in his case rendering his detention unlawful for the following reasons:

1. The Home Secretary's intention in detaining him was not authorised by the statute.
2. It was inconsistent with the Home Secretary's policy.
3. He was not given adequate reasons for his detention.

On the first point, Sheikh Raed's legal team contended that he was not detained to give effect to the machinery of deportation. It was known that he had a return ticket and that he had a schedule of public engagements he intended to attend and it was expected that he would co-operative and so there was no question of him absconding. He made it clear from early on that he intended to appeal and so it should have been clear that the process would take a while and his deportation could no longer be said to be imminent. The real purpose of his detention was to prevent him from speaking in parliament. However, the judge rejected this and it was upheld that the Home Secretary's intention had been and remained Sheikh Raed's deportation. It was asserted that her decision to detain him was intended to achieve his deportation more speedily while her decision to maintain his detention was in part out of consideration for the public interest.

On the second point, his lawyers challenged that the Home Secretary's policy on continued detention in certain circumstances did not apply to Sheikh Raed, particularly following his announced decision to appeal. Rather it applied to foreign national prisoners who posed a risk of committing criminal offences. They argued that the policy had a lacuna for cases such as this. However, the judge also rejected this point.

On the last point, the legal team argued that the reasons given to Sheikh Raed for his arrest prior to his solicitors' explanations on June 30 were inadequate, admittedly erroneous, or not given to him in a timely manner. The Judge accepted that what took place at the hotel was inadequate for Sheikh Raed's detention to have been lawful. He was entitled to know, at least in the broadest terms, and should have been told, why he was being arrested. It was also unlawful because no explanation was given to him in a language he could understand. However, he concluded that when, on June 30, Sheikh Raed's lawyers were finally able to translate the relevant forms to him detailing the reasons for his arrest, his arrest became lawful. As such the judge ruled that Sheikh Raed was entitled to damages for being wrongfully detained from June 28 to June 30.

The Immigration and Asylum First Tier Tribunal Hearing

As stated above, the decision to deport Sheikh Raed was made under provision of section 3(5) (a) of the Immigration Act 1971 as his deportation was deemed by the SSHD to be conducive to the public good and he thus became liable to deportation. Given that Sheikh Raed's primary purpose for being in the UK was to take part in a number of speaking engagements on issues related to the Palestinian cause, in appealing this decision, it was put forward that deportation would breach his rights under various articles of the ECHR, primarily article 10 which relates to freedom of expression and states;

1. *Everyone has the right to freedom of expression. This right shall include freedom to hold opinion and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
2. *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

In the decision issued on October 25, the tribunal accepted that the interference caused by deportation would be of such gravity as to indeed engage Sheikh Raed's Article 10 rights, as well as the gravity of attempting to restrict freedom of speech, particularly political speech. However it claimed that it was satisfied that the SSHD had shown this would be "in accordance with the law and necessary in a democratic society in the interest of public safety for the prevention of disorder or crime." According to the court statement, it then became a matter for the tribunal to decide "if the interference is proportionate to the legitimate public end sought to be achieved by the Appellant's deportation" and found that the public interest outweighed that of Sheikh Raed concluding that "given the potential impact of his presence in the UK, the tribunal finds that the interference with his freedom of expression by the deportation order is proportionate to the legitimate aim of preventing disorder or crime as represented in the criteria of the Prevent Strategy."

The tribunal concluded that the SSHD was correct in her judgement that Sheikh Raed's statements and actions came within the scope of the Prevent Strategy's 'unacceptable behaviour' based on the evidence she *relied upon*, and as such justified her decision to deport him. However, it also went on to assert that "it is not necessary to satisfy the criteria of unacceptable behaviour for words and actions to be racist as such. That is not the test given in the policy. For the purposes of the Secretary of State's decision, they need only foster hatred which might lead to inter-community violence in the UK. This might be achieved by words and actions which are not necessarily racist. It might be achieved by words and actions critical of a section of the Jewish people if done in the way preferred by the Appellant as described above [in his poem]. "

However, the tribunal accepted that the poem at the centre of the anti-Semitism allegations was not expressly addressed to Jews and that, therefore, he cannot be accused of anti-Semitism and conceded that it "must accept the opinion of such an eminent expert as Dr Sperl that the poem is

not directed at the Jewish people as a whole but only at those among them who aim at Israeli territorial expansion and control at the expense of the Palestinians”. However, at the same time it rejects the assertion that the poem can only be interpreted as expressing opposition to oppression and injustice in general and goes on to label Dr Sperl’s opinion as a “heavily nuanced one derived from his considerable and sophisticated expertise and experience”. The tribunal then concludes that despite Dr Sperl’s view that widespread Quranic knowledge in the Middle East would rule out any popular misunderstanding of the essence of Sheikh Raed’s poem, this could not be applied generally to “for example, Jews resident in the UK”. This is rather odd given that the poem was written by an Arab, in Arabic and published in an Arabic magazine to be read by Arabic speakers who presumably understand the linguistic and cultural nuances of Arabic - and not for Jews in the UK.

Equally as bizarre, the tribunal suggests that because Israel is a democracy, the actions and stance of the government must have large support from Jews in Israel and the Diaspora and therefore, should not be criticised. Surely, one of the keenest hallmarks of democracy is freedom of speech, and as an Israeli citizen, this should afford Sheikh Raed, above all else, the democratic right to criticise government policy - without fearing to offend its electorate.

In justifying its view that “the Appellant’s words and actions tend to be inflammatory, divisive, insulting, and likely to foment tension and radicalism” the tribunal asserted that Sheikh Raed often dealt with issues that are highly sensitive in the context of the Israel/Palestine dispute. Specifically, it made mention of his use of historical reference such as the Spanish inquisition and assertions about Israeli intentions regarding the al-Aqsa mosque as ‘having particular resonance to those on either side of the dispute.’ Given that almost all issues related to the Israel-Palestine conflict are ‘highly sensitive’ and ‘fiercely contested’, the tribunal appears to be suggesting that Sheikh Raed should be penalised for engaging in political/historic discourse.

Moreover, the tribunal accepted that in a DVD of the sermon given by Sheikh Raed which it was claimed lead to rioting, the audience dispersed peacefully, there was no rioting, and there was no signs of violence or disorder. Yet, in its conclusions, it failed to explicitly address the issue of Sheikh Raed having allegedly invoked the blood libel – one of the central allegations of the anti-Semitism charges against him. Sheikh Raed’s defence was supported by the renowned Israeli Professor, Ilan Pappé, who although describing the address as at times incoherent and emotive, said it “did not invoke the blood libel in this or any other speech, and made a clear distinction between Jews as a race and the actions of Israeli officials.” “The message of the address was neither anti-Semitic nor even anti-Zionist, but spoke about the violation of Muslim rights in Jerusalem.”

With regard to the last two charges brought by the SSHD; the 2011 indictments and Sheikh Raed’s alleged links to Hamas, the tribunal concluded that the former had no bearing on the case. However, it noted that the court was shown a DVD of the 2008 incident referred to as the al-Halawany dinner which can only be interpreted as Sheikh Raed being the victim of serious police harassment. With regard to the latter, it held that Sheikh Raed had admitted involvement with organisation used to fund Hamas, notwithstanding that this occurred within the context of a plea bargain following a lengthy trial.

A central premise of this tribunal was its deferral to the power and authority of the SSHD in her capacity as the individual responsible for government policy regarding what constitutes and is conducive to public interest and the avoidance of disorder and crime. As with Judge Barton during the July 8th tribunal hearing, she was given huge benefit of the doubt and allowed a significant margin of discretion and error. As such, the tribunal held, in accordance with a past judgement, that it “should not in most cases interfere with the Secretary of State’s assessments as to what is conducive to the public good. It is not our responsibility to find that the Secretary of State has proved each item of evidence upon which she relies as if they were counts of an indictment. We need only be satisfied that there is “material on which proportionately and reasonably the Secretary of State can conclude that there is a real possibility of activities harmful to national security.” According to the past judgement relied upon, this is because the Secretary of State “has the advantage of a wide range of advice from people with day-to-day involvement in security matters.” The tribunal judgement goes on to acknowledge that the information available to the SSHD came exclusively from the Community Security Trust (CST) and the Board of Deputies; Jewish organisations that failed to distinguish between anti-Semitism and the actions of the Israeli state and therefore gave an unbalanced perspective. Furthermore, it expresses concern that no consultation was made with Muslim or Palestinian organisations, but nevertheless concludes in accordance with testimony that the SSHD “gave this issue serious consideration and looked upon all the evidence with a discerning eye.”

The court also rejected Sheikh Raed’s argument that the decision to deport him was illegal as, it breached his legitimate expectation to visit the UK unhindered having been granted leave to enter the country and moreover, having visited the UK on four previous occasions. It ruled that “as a matter of law, nothing in the legislation or the Immigration Rules requires the Secretary of State to consider whether to exclude a person from the UK before entry clearance is decided.”

Despite accepting that Sheikh Raed had acted lawfully throughout the matter; has been the victim of unfairness and procedural irregularity in the UK; has been the subject of serious police harassment in Israel; has travelled widely to other countries including Europe and the US where his visits have never resulted in civil disorder; is supported by Jewish organisations; has letters of support from numerous British parliamentarians, renowned international figures and academics; that the evidence used by the SSHD was biased and one sided; and most critically in this instance, that he has never made anti-Semitic statements, Sheikh Raed’s appeal was dismissed. Needless to say, critics have viewed the judgement as a “staggeringly unjust” rubber stamping of the SSHD’s decision, and a blight on the British judiciary. Moreover, it has been seen as a severe blow to freedom of speech, human rights and democracy.

The political fallout

In the wake of Sheikh Raed's detention, protests were held in cities across the globe demanding his immediate release. From Jerusalem, Tel Aviv and Jordan to London, Turkey and beyond, thousands of supporters and well-wishers poured into the streets to demonstrate and hold in protest vigils at the British government's arbitrary and unjustified action. Many of the protest were silent as a symbol of Sheikh Raed having been robbed of his right to free speech; to articulate his people's just cause; and of the blatant attempt to stifle Palestine discourse. The tremendous diversity of the crowds bore keen testament to the universality of Sheikh Raed's message and appeal and protest banners bore slogans such as "We are all Sheikh Raed". His vocal opposition to occupation, discrimination, racism and the systematic destruction of Muslim and Christian heritage sites in Jerusalem alongside efforts to champion freedom of worship for all, peace and mutual respect as humanitarian principles were shared by conscientious individuals the world over.



Outrage poured forth from renowned politicians, humanitarians, pro-Justice activists and intellectuals including Noam Chomsky and Ghada Karmi, among many others. The famed Israeli academic Professor Ilan Pappé called it an absurdity and an example of British collaboration with criminal Israeli policies in an effort to halt a growing popular, non-violent resistance movement.



The Home Secretary's portrayal of Sheikh Raed as an anti-Semitic hate preacher was met with particular derision by the members of the orthodox Jewish community in Israel where he lives. Rabbi Meir Hirsh was so astounded, appalled and pained that such charges could have been brought against him in the UK that he released a press statement in his personal and political defence in which he stated that Sheikh Raed "has always made it his personal goal and responsibility to distinguish between Judaism-the religion and its practitioners - and the political

establishment, the Zionist state." The Rabbi asserted that British actions "make a mockery and destroy this critical attempt at reuniting and repairing our age-old society of Muslims, Christians and Jews."

Dr Muhammad Bade'e, the Supreme Guide of the Muslim Brotherhood in Egypt called on the British authorities to respect international and human rights conventions, asserting that it was inappropriate for a major power like Britain to allow itself to be manipulated by the Zionist Lobby in such a disgraceful way. He called upon various relevant organisations to act in Sheikh Raed's defence and for his release. Ekmeleddin Ihsanoglu, the Secretary General of the Organisation for Islamic Co-operation was reported to have made contact with British officials at various levels of government with a view to securing the Sheikh's release and allowing him to continue with his tour of speaking engagements.

The decision was widely perceived to have been the result of Israeli government pressure, the increasing belligerence of pro-Israel Lobbies towards anyone who opposes Israeli policies and a reflection of the rising tide of Islamophobia in Europe. It was also seen to have been an Israeli trap for Britain, which took the bait hook, line and sinker. Britain is perceived now, more than ever, as an “executive arm of the Israeli establishment”; this affair bears testament to Israel’s ability to bend Britain to its will even with regards to its home affairs. “It is typical British double standards,” said one Palestinian observer, “that the British government is stopping a leading Palestinian human and civil rights activist from speaking in the UK at the same time that it is seeking to change the universal jurisdiction law to allow Israeli politicians and soldiers accused of war crimes and crimes against humanity to visit Britain without the threat of an arrest warrant being issued.”

Pressure on the Home Secretary began to mount when it was confirmed that Palestinian Authority Prime Minister Salam Fayyad had met with British Middle East Minister Alastair Burt and spoken to the British Consulate in Jerusalem regarding the case, telling them that the move would hurt the PA. Both Fatah and the Supreme Follow up Committee of the Arab Community in Israel condemned the arrest as being in line with Israeli policies of racial discrimination. A Fatah spokesman said the decision would give Israel a green light to continue with such policies as well as with the deportation of Palestinians living in Israel from their indigenous homes.

A few days after the arrest, a delegation from the Higher Follow-up Committee for the Arab Community inside Israel met with the British ambassador to Israel, Mathew Gould, at the British Embassy in Tel Aviv. Affirming that Sheikh Raed did hold clear positions on Israeli policies and was dedicated to combating them using only factual, legal and popular means, the Committee told the ambassador in no uncertain terms that as a representative of the Palestinian people, Sheikh Raed’s arrest was tantamount to an attack on the entire Arab community in Israel. The delegation affirmed the view that Britain’s callous and inappropriate actions had surpassed even those of Israel and demanded Sheikh Raed’s immediate release.

Condemnation from the Palestinian community inside Israel continued when members of the Israeli parliament, the Knesset, denounced the “baffling and undemocratic” British actions against a political and religious figure as wholly unjustifiable. Balad Party MK Haneen Zoabi asserted that “instead of the British authorities supporting the Palestinians’ just cause for democracy, freedom and political action, it looks like they support the Israeli policies of political persecution against Arabs in Israel.” She went on to say, “I suggest that the British have to be smarter in their policy relating to the rights of Palestinians in Israel. We, the Arab leadership, need to act more aggressively in the international arena, so that the world understands the racist and discriminatory policies and political persecution carried out by the Israeli government against us.”

Just under two weeks after the arrest, the Israeli parliamentarian and lawyer, Talab al Sana MK, who is currently the longest serving Arab member of the Knesset and head of the United Arab List Parliamentary Group, arrived in the UK. His visit was intended to lend support to efforts to free Raed Salah and also to stress the political impact of the situation which he viewed as a national political issue related to the Palestinians’ right to articulate



their perspective. He stressed the blow that the decision had been to the Palestinian community in Israel as well as its negative impact on credibility and perceptions of Britain as a freedom-loving country with “ancient democratic values and a refuge for those being persecuted wherein they could have their voices and message heard”. During his visit, Mr al Sana met with Baroness Jenny Tonge and officials from the Foreign and Commonwealth Office, although the Home Office declined a meeting. Inside Britain, anger was most keenly expressed over the authorities’ failure to follow protocol; their use of Sheikh Raed as a scapegoat to cover their blunders; his treatment as a dangerous criminal and the fact that he was imprisoned in a high security facility with dangerous offenders. There was also outrage over the Home Secretary’s blatant attack on parliamentary democracy and the British people’s right to hear the Palestinian perspective. A petition to the Home Secretary demanding that Sheikh Raed be released from prison immediately gathered almost 10,000 signatures in under a week. The Friends of al-Aqsa petition also called for the deportation charges to be dropped, for him to be considered a human rights activist and to be allowed to refute the accusations levelled against him.

Statements of Support for Sheikh Raed from the international community

Sheikh Raed’s lawyers made the following statement in response:

“The Home Secretary has grossly misjudged my client. In stark contrast to the false picture that has been painted, he is a man of peace, a widely respected leader who campaigns tirelessly for his people. By attempting to silence him in the United Kingdom, the Government is turning its back on the Palestinian people. The merits of the Home Secretary's Order are now a matter for the Courts.”

The Arab Delegation

Members of an Arab delegation from the Higher Follow-up Committee for the Arab community inside Israel confirmed their frank and forthright demand for the immediate release of Sheikh Raed Salah. They informed British Ambassador to Israel Matthew Gould that Salah's arrest was tantamount to the arrest of every leader of the Arab community in the country, and that Britain had perpetrated an act that even Israel had not undertaken. Sheikh Salah, they said, represented not only himself, but also the whole Arab population.



Sheikh Kamal Khatib, vice chairman of the Islamic Movement in Israel, who was part of the Arab delegation, said that despite reservations about British policy it was inappropriate for Britain to have dealt with the Sheikh in this way. He said that the Committee had confirmed that Sheikh Raed did hold very clear positions on Israeli policies against Palestinians which he was dedicated to fighting using all factual, legal and popular means available.

After the meeting, Committee Chairman Mohammad Zeidan said that it had been a conduit to convey the united and official Palestinian position to decision-makers in Britain. Other members of the Committee confirmed the opinion that the arrest was baseless, unlawful and political in nature and accused the British government of doing Israel's dirty work for it.

Dr. Hanan Ashrawi

"We are shocked that the British police would have the audacity to take this action against Sheikh Raed as his political and humanitarian message in defence of the rights of his people who suffer under occupation does not constitute a threat to Britain's security. He arrived in the country to participate in civilised dialogue with British civil society."



Dr Ashrawi called on the British authorities not to respond to Israeli blackmail and pressure, and urged them to release Sheikh Raed Salah immediately, indicating that his unjustified political detention and the use of double standards in this regard harms democratic values, rights and public freedoms. She added, "It is the responsibility of the countries of the world to pursue and capture Israeli war criminals and refer them to international tribunals."

The Palestinian National Assembly

The Palestinian National Assembly for Jerusalem is the highest representative body for Palestinians in the Holy City, with members from all Palestinian political parties, Muslim and Christian religious denominations and civil society organisations, as well as independent national figures and academics. The Assembly issued the following statement regarding the detention and threatened deportation of Sheikh Raed Salah by the British government:

"We, the members of the Palestinian National Assembly for Jerusalem, proclaim our dismay and condemnation of the British government's decision to arrest and detain Sheikh Raed Salah in London.

Such an unjustified and unlawful procedure fails to acknowledge the most basic of human rights and represents a dangerous escalation of the levels of indignity directed at the Palestinian people as a whole; Sheikh Raed Salah is one of the national symbols of our people.

That the British government should yield to pressure from the Zionist lobby by arresting Sheikh Raed Salah is a serious blow to its credibility in respect of Westminster's relations with the Palestinian people and their cause. In effect, this move by Home Secretary Theresa May makes the British government complicit in the Israeli occupation and its repression of Israel's own Palestinian citizens as well as those in the occupied Palestinian territories.

It would have been more appropriate for the British government to apprehend Israeli officials accused of war crimes and crimes against humanity, particularly in the Gaza Strip, rather than arresting a Palestinian leader who has been and continues to be a victim of Israeli oppression.

In the name of the people of Jerusalem, we call on the British government, without restriction or condition, to release Sheikh Salah immediately and bring those responsible for his arrest to account. We similarly call on international human rights organisations, primarily Amnesty International, to condemn this latest violation of Palestinian rights and work towards securing the Sheikh's release."

The Syrian Revolutionary Council in Daraa

“We hold the British authorities fully responsible for the safety of this icon of resistance and deplore the Arab regimes’ silence on disgraceful behaviour such as this. The Arab people and the free people of the world call on them to assume their responsibilities toward the support of worthy causes and the protection of personalities leading the struggle against occupation, injustice and oppression.

The Syrian Revolutionary Council in Daraa also calls on Syrian intellectuals in the Arab and Islamic world to align themselves with their people and their just causes rather than trading for the occupation or dictatorship.

The Syrian Revolutionary Council in Daraa extends its thanks to the free people of the world who supported the Sheikh of al-Aqsa [Sheikh Raed Salah] during his ordeal, and assumed an appropriate stance in protection of humanity and against conspiracy against the liberated, the honourable and the defenders of freedom and justice.”

Fatah

Sheikh Raed Salah's arrest is in line with Israeli policies of racial discrimination. Fatah spokesman, Ousama al Qawasami, said that the arrest of Sheikh Raed Salah in Britain gives Israel the green light on detention and deportation and is a decision in identification and congruity with Israeli policies of racial discrimination against Palestinians. “The British decision to detain and deport Sheikh Raed without any justifications, legal or otherwise, sends a negative message out to the Palestinian people,” said Qawasami, adding, “The Palestinian people have suffered injustice on two counts at the hands of the international community; the well-known historic injustice and their bias toward Israeli policies of repression carried out in the full view and knowledge of the whole world.



Nevertheless, the international community has failed to take any serious legal action against Israel and its racist policies.” Qawasami went on to demand that the British government rescind this decision.

The Supreme Follow-up Committee of the Arab Community in Israel

“It would have been more fitting for the British government to pursue and punish Israeli war criminals rather than to fall in line with Zionist dictates to pursue and arrest those who defend the Palestinian people and their rights; who expose the immorality and oppression of the Israeli occupation with its savage and repressive practices.”

Salam Fayyad, Palestinian Authority Prime Minister in Ramallah

“Sheikh Raed is a respectful man among Palestinians here and in the diaspora and his arrest will harm the Palestinian Authority and the Palestinian People.”

Israeli parliamentarians

Balad Party MK Haneen Zoabi: “Instead of the British authorities supporting the Palestinians' just struggle for democracy, freedom and political action, it looks like they support the Israeli policies of political persecution against Arabs in Israel. I suggest that the British have to be smarter in their policy relating to the rights of Palestinians in Israel. We, the Arab leadership, need to act more aggressively in the international area, so that the world understands the racist and discriminatory policies and political persecution carried out by the Israeli government against us.”



Ahmed Tibi MK

Sheikh Raed’s arrest is “baffling and undemocratic behaviour by the British authorities.”

Islamic Movement in Israel

“Ever since Sheikh Salah received the invitation to go to Britain the pro-Israel lobby has gone crazy and done everything in its power to prevent the visit; the lobbyists are pushing for the Zionist narrative to be the only narrative.” Addressing the pro-Israel Lobby directly, the Islamic Movement added, “We will protect our rights and will bring the voice of truth to the world, especially as it relates to the Palestinian people. We won't be affected by this politically-motivated arrest.”



Jamal Zahalka MK

“Instead of the British government supporting the rights of Arab citizens in Israel, it is cooperating in hurting them.” In fact, continued Zahalka, “Britain is thus collaborating with Israeli oppression. The arrest is a blow to the Arab public in Israel, which regards Sheikh Raed Salah as one of its leaders.”



Professor Noam Chomsky, Cambridge, Massachusetts

“I was deeply disturbed to learn that Sheikh Raed Salah is under threat of deportation on grounds that this action would be ‘conducive to the public good’. On the contrary, it would be very harmful to the public good, at least if the public good is construed as encouraging free and open discussion of issues of great significance. Sheikh Salah, former mayor of the most important Arab town in Israel, Umm al-Fahm, has played a very important role as a representative of the Arab community, domestically and internationally. He has been a respected voice advocating rights and justice, a voice that most definitely should be heard in the West. I trust that this decision of the government will be rescinded, that he will be released from detention without delay, and that he will be able to continue with his talks and discussions in Britain.”



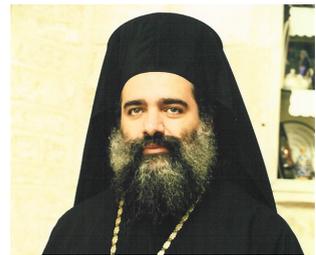
Dr Ghada Karmi, London

“How interesting that the same Mike Freer MP who demanded the banning of Sheikh Raed Salah from Britain should also have, in effect, supported the entry of suspected Israeli war criminals into this country. As my constituency MP, he brusquely rejected my appeal in November 2010 to vote against the government’s proposed change to the law of universal jurisdiction, which would make it easier for visiting Israelis accused of alleged war crimes to evade arrest here. By contrast, Sheikh Raed has committed no crime in Britain or elsewhere. But perhaps his criticism of Israel’s policies against his fellow Palestinians is the real crime for Freer and other supporters of Israel.”



His Eminence Atallah Hanna, Archbishop of Sebastia

“The action taken against Sheikh Salah is unjust and we completely and totally denounce and reject it. The Sheikh fulfils his religious and national role and serves the cause of his people; he defends Jerusalem and its sanctities which is the duty of every Palestinian and is a position for which Sheikh Raed deserves commendation and thanks, not to be treated with such harshness or targeted in this manner.” Archbishop Hanna demanded that the British authorities release Sheikh Raed and enable him to continue his visit of Britain. “The targeting of Sheikh Raed is a pitiful attempt to put pressure on national figures and the attainment of their roles and prestige.”



The Arab League

The Arab League condemned strongly the British government's arrest of Sheikh Raed Salah, the prominent leader of the Islamic Movement in Israel. In a statement the League demanded the immediate release of Sheikh Salah and called for him to be treated in a manner befitting an internationally-renowned man of faith. News of his arrest, said the League, was received "with considerable shock and surprise". The Arab League pointed out that Sheikh Raed Salah is well known for his prominent role in the non-violent struggle to defend the Palestinian people and their rights in Israel and the occupied Palestinian territories, including the inhabitants of Jerusalem who suffer under Israel's policy of systemised racial discrimination. The defence of the Holy City's Christian and Muslim sanctities is also on Sheikh Salah's agenda for peaceful change.

CONCLUSION

It now appears to be beyond doubt that the Home Secretary's decision to exclude, detain and deport Sheikh Raed Salah was political in nature and a direct result of the pressure exerted on the government by pro-Israel elements. The well-orchestrated and libellous media campaign mounted against him before his arrival in the UK was an attempt to damage his credibility, get him banned from speaking in public buildings and possibly banned from the country altogether. It was a blatant attempt by lobbyists to curtail his freedom of speech while blocking the British public from access to the Palestinian narrative. When Sheikh Raed arrived in the UK, efforts to gag him became desperate but presumably, as no verifiable evidence against him existed, he remained unmolested for three whole days. Nevertheless, the political significance of his parliamentary address, scheduled for the day after he was arrested, appears to have been such that the Home Secretary decided to throw caution and protocol to the wind and have him arrested.

The original reason Sheikh Raed was given for his arrest was "immigration offences". However, when it was realised that he would in fact appeal against the Home Secretary's decision and that this would constitute a flaw in their case, issues of consideration for the public good appear to have been introduced. Indeed, according to email evidence, and as argued by Sheikh Raed's lawyers, the Home Secretary made the decision to exclude him and then set about finding ways to justify that decision and the flimsy case against him was bound to fall apart at the slightest challenge. A baffling aspect of the Sheikh Raed Affair continues to be the question of why the Home Secretary chose to take the bullish stance that she did on such an obviously delicate and controversial case against, it must be said, the advice of her own officials.

One of the basic conditions for deporting an individual is that there must be clear and verifiable evidence against them. However, most if not all of the evidence used by the Home Secretary to assess Sheikh Raed came from a report written by the Community Security Trust [CST]. This is an organisation which monitors anti-Semitism in the UK and the 'evidence' was almost exclusively lifted from secondary sources. For example, the doctored anti-Semitic version of a poem Sheikh Raed was alleged to have written was lifted directly from the Jerusalem Post. Similar allegations made by various British media outlets were challenged by Sheikh Raed's legal team prior to his

arrival in the UK. However, amazingly, this same ‘evidence’ was adopted by the Home Secretary as factual without any cross-referencing or verification, and no consultation was made with other relevant bodies. In the Home Secretary’s defence, it was argued that that CST is a credible and trusted government partner. However, when academic expert Dr. Robert Lambert, an ex-Metropolitan Police Inspector, was later consulted on the issue, he held that while the CST does excellent work combating far-right extremism and anti-Semitism, when it comes to issues to do with Israel, the organisation has a problem with impartiality. Other experts assert that the CST generally fails to distinguish between anti-Semitism and criticism or opposition to the actions of the Israeli state.

The result of this was that all the evidence available to the Home Secretary came from one particular political perspective based on a narrow ethno-historical narrative; it was weighted exclusively in favour of one party to a conflict in which almost every aspect is contested fiercely. In adopting the assessments and recommendations made by the CST report so completely, the Home Secretary more or less gave its author, Michael Whine, executive input and authority over British government action with regard to the Middle East conflict. Michael Whine is not a democratically-elected politician, nor is he an official government adviser; nor, indeed, has he been entrusted with the safety of the British public. Even more astounding than the fact that he has such influence over the Home Secretary is that Theresa May overruled internal assessments made by senior UK Border Agency officials at the Special Cases Directorate in favour of the CST report. The official assessments warned that “disputed underlying evidence could make an exclusion decision vulnerable to legal challenge” and concluded that the case was “very finely balanced”.

This presents us with a rather sinister scenario. Both the exclusion order and the deportation order were said to have been issued at the Home Secretary’s personal discretion. In fact, the whole Sheikh Raed Affair appears to have been the result of her flawed personal discretion. Speaking to the Home Office Select Committee on July 5, she could not recall when she had signed the exclusion order, when she realised Sheikh Raed was in the country or why she had initially banned him. Her very flustered and nervous performance before that Committee has been attributed to her being aware of how untenable her decision was at that point. Nevertheless, throughout the whole affair she continued to act with the same contempt for justice that she displayed by ordering Sheikh Raed’s arrest.

While documents indicate clearly that Home Office advisers later realised the critical and hugely embarrassing error that they had made in failing to verify information supplied by the CST report, this fact went unacknowledged in the Home Secretary’s objection to bail. She continued to maintain that Sheikh Raed was “well known for his views and the violent anti-Semitism he promotes” and that his statements “have the potential to foment terrorism or serious criminal acts as well as to foster hatred which might lead to inter-community violence in the UK”.

Theresa May’s objections to bail were based on an asserted need to maintain public order, as well as an unjustifiable alleged risk of Sheikh Raed absconding. The latter appears to have been a particularly unfair assessment given that Sheikh Raed had been to the UK on four previous occasions without incident; this alone should have had significant influence on the decision to detain him. In fact, despite deferring to the Home Secretary and denying bail, immigration Judge Barton pointed out that as Sheikh Raed had also been elsewhere in the world and that he would

find it difficult to go to ground, he did not concur with Theresa May's assessment. Moreover, he asserted that evidence presented by the Home Secretary was weak. Nevertheless, even after Judge Stadlen granted bail subject to stringent conditions, Mrs May was determined to keep him behind bars. Her application to appeal against the bail decision was, however, rejected.

All inflammatory statements relied upon by the Home Secretary to justify Sheikh Raed's exclusion occurred in Israel and resulted in neither violence nor disorder. According to Justice Stadlen, these statements fell into two categories; namely statements which are anti-Semitic but which Sheikh Raed not only denies having said but opposes and finds offensive, and statements which are not anti-Semitic or inflammatory but are contentious in nature given the particularities of the Palestine issue. While the Home Secretary's legal team argued that the case was completely divorced from the Middle East conflict, these statements are only fully understandable within the context of the conflict. In fact, it was argued by the SSHD's team that Sheikh Raed's poem was anti-Semitic because it was written from the point of view of a victim, and therefore must be about Jewish oppression of Palestinians.

The apparently political rather than legal nature of the case against Sheikh Raed was seen most clearly in the judgement given by the Immigration and Asylum First Tier Tribunal. It was asserted that as there exists the possibility for Sheikh Raed's poem, written in Arabic, to have been misinterpreted by "for example, Jews resident in the UK", this, gave them concern over its potential impact [within the context of public order]. It suggested that because Israel is a democracy, the actions and stance of the government must have large support from Jews in Israel and the Diaspora and therefore, should not be criticised. It also appeared to take issue with Sheikh Raed addressing issues that are 'highly sensitive' with 'particular resonance to those on either side of the dispute' –which could arguably be applied to every aspect of the conflict.

There is a fine line between the requirement for public order and an individual's right to freedom of expression. Article 10 of the European Convention for the Protection of Human Rights states clearly that, "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers." This relates to the form as well as content of speech, and significantly, this reference to the boundless frontiers of free speech is made nowhere else in the convention. Freedom of speech is a hallmark of democracy and when it falls, democracy itself is at stake. In this regard, Sheikh Raed's legal team gave the example of the Kurds in Turkey who the European courts ruled were within their rights despite calling for a military uprising. In Sheikh Raed's case, all statements he made and with which the Home Secretary has taken issue are supported by various UN bodies and conventions and as such his positions uphold international law. Moreover, they are in line with the official position of the British government. However, as confirmed by the judgement made by the Immigration and Asylum First-Tier Tribunal, this was not a case of Sheikh Raed having broken any laws; he was not found guilty of anti-Semitism, but rather of addressing politically contentious issues.

The Home Secretary's legal team argued that her stance on the Sheikh Raed Affair was a matter of immigration policy and not a legal issue. This may be so; however policy must be in line with international conventions. Moreover, it may be argued that throughout the Sheikh Raed Affair, the Home Secretary's actions have reflected an autocratic propensity for flouting not only international convention (she has called for the scrapping of the European Convention for

Human Rights) but also British policy and norms. Her efforts to prevent Sheikh Raed from speaking in the Houses of Parliament were viewed by many as a direct attack on British parliamentary democracy. This is further reflected by the notion put forward by her legal team that as an elected official, she was not accountable to anyone – apart from the CST, one could argue - for her actions. It was also said that her assessment of Sheikh Raed was more important than that of any tribunal.

Indeed, this appears to have been the position adopted by the Immigration and Asylum First Tier tribunal which held that it “should not in most cases interfere with the Secretary of State’s assessments as to what is conducive to the public good. It is not our responsibility to find that the Secretary of State has proved each item of evidence upon which she relies as if they were counts of an indictment. We need only be satisfied that there is material on which proportionately and reasonably the Secretary of State can conclude that there is a real possibility of activities harmful to national security.” This was despite expressing concern that the SSHD had not consulted with any Palestinians or Muslim groups and that the organisations she had consulted, were thought by more than one independent expert to be biased. It nevertheless concluded that the SSHD was correct in her judgement of Sheikh Raed based on the evidence she *relied upon*, and as such this justified her decision to deport him.

Sheikh Raed’s lawyers’ overarching submission was that, having failed to verify statements attributed to him, the Home Secretary did not look at what he had actually said, and neither did she assess the objective meaning of his words. Rather she made an assessment based on what he was perceived to have said according to the sensitivities of a particular group of people with, it has been claimed by expert witnesses, a particular bias. This decision, it is felt by many, was then rubber stamped by an immigration tribunal despite all the evidence to the contrary. It has been viewed as a severe blow to freedom of speech, human rights and democracy.

Although this case was brought before an immigration tribunal, it was obviously not an immigration case and could therefore, become a benchmark for the future.

Appendix a

A response to accusations made against Sheikh Raed Salah, Head of the Islamic Movement

16 June 2011

This statement was issued by the Office of Sheikh Raed Salah, Umm al-Fahm

People in glass houses shouldn't throw stones

The vicious political harassment of Sheikh Raed Salah, the Head of the Islamic Movement, began many years ago, long before the current allegations which date back to 2007 were made. This latest move is only one of many attempts to justify the unjustifiable, nothing more.

In 1989, when Sheikh Raed was the elected mayor of his home town of Umm al-Fahm, there was an attempt to plant illegal drugs in his pocket. Israeli intelligence tried to recruit a known drug addict to plant the evidence; he was threatened with a long prison sentence if he refused to cooperate. But refuse he did, and told the intended victim of the plot to incriminate him.

Nine years later, there were disturbances in Ar-Rawha after Arab land had been confiscated by the Israeli authorities; the army stormed into Umm al-Fahm Secondary School, injuring more than 600 students and local citizens over a three-day occupation of the premises. Sh. Raed Salah, who was the mayor at the time, was beaten badly by the army; when he fell down an Israeli soldier tried to throw a heavy rock on him. By the grace of God, the rock fell at his side. The mayor had to spend the night in hospital due to the injuries he received at the hands of the soldiers.

Assassination attempts

During the Al-Aqsa Intifada (uprising) in 2000, Sheikh Raed was standing at the side of the road leading to Umm al-Fahm in order to control demonstrators and make sure that matters did not get out of hand. When a military vehicle appeared a number of Israeli soldiers got out and fired so-called rubber bullets, hitting Sheikh Raed in the head. His injury again required hospital treatment.

Sheikh Raed Salah was on the Freedom Flotilla which was attacked by Israeli commandos at the end of May 2010. A man standing near him, who bore a remarkable resemblance to Sh. Raed, was shot dead by the Israelis in an execution-style killing. Sh. Raed told an Israeli court hearing in August of that year that he was convinced that he was the target on that fateful day and that the soldiers shot and killed the wrong man.

In mid-July 2010, Israel media covered the arrest of Chaim Pearlman, a man with far-right political leanings who was accused of killing two Palestinians 12 years earlier. Pearlman claimed that Israel's internal security agency, Shin Bet, had paid him to assassinate Sh. Raed Salah. Israeli Channel 2 carried the interview in its main news bulletin: According to Pearlman, "One of the Shin Bet agents asked me to kill Sh. Raed Salah by shooting him or by putting an explosive device beneath his car. I said, 'How can I do this? A war may be ignited as a result.' The agent answered: 'Let it be!'".

Reasons for the attack by the Israel lobby in Britain against Shaikh Raed

- First and foremost, this must be seen in the context of an Israeli establishment which is disturbed by the possible exposure of its racism and oppression of its own Palestinian citizens and those in the occupied Palestinian territories.
- The Israeli government is determined to ensure that the Palestinian voice is drowned out; despite the oft-trumpeted claim to be “the only democracy in the Middle East”, Israel can't and won't tolerate any opposition to its oppressive policies.

Specific recent allegations

With reference to the question of Al Aqsa Mosque and the Buraq/Western Wall, Sh. Raed stresses that he has no personal opinion about this; what he stands by is rooted in Islamic doctrine as well as international law which regards this as part of occupied Palestinian land. He cannot compromise on this to satisfy the occupiers or their supporters.

It has been claimed that he repeated a “blood libel” by saying, “among those whose blood was mixed with the sacred (Jewish) bread”; this is an absolute lie and a malicious fabrication. Sh. Raed was questioned by the Israeli authorities over allegations that he made such a remark, which he refuted categorically challenging them to provide any shred of evidence and they could not. He told his interrogators, “My belief is that no divinely-inspired religion ever sanctions the shedding of children's blood; likewise, no adherents of any religion should sanction the killing of children in Palestine or anywhere in the world. We Muslims are guided by the authentic Prophetic saying which asserts, ‘the sanctity of a believer is more precious with Allah than the sanctity of the sacred Ka’aba in Makkah’. Hence, whoever gives himself the right to deviate from the divine teachings and kills even a single child from the children of the world that person's crime is despicable and its heinous nature will continue to haunt him, even in the bread that he eats.”

With regard to the statement that “the Creator made from you [the Jews] monkeys and losers”, this is again a lie and fabrication. We challenge anyone to provide any true evidence that such words were ever uttered by Sh. Raed Salah. This calumny condemns those who have instigated it with their own racism and incitement to hatred of others.

A further attack on the Sheikh relates to an article he wrote and was later published by the Middle East Monitor. In it he cited a number of sources to show how Israel is losing its credibility internationally.

A reference was made to a story published in the Israeli mainstream media, in which Ukrainian academics accused Israeli companies of kidnapping 25,000 Ukrainians for their organs.

Sh. Raed notes: “This example was cited to demonstrate how Israel’s moral image has been damaged; to the extent that such ludicrous allegations can be openly made and published. They do not reflect my personal view.”

Harry's Place website has accused the Sheikh of everything from blood libel to holocaust denial – he asserts that these allegations are false.

He further says, “I condemn unequivocally all forms of racism, including anti- Semitism, Islamophobia, and racism towards my own people, the Palestinians.”

Conclusion

People living in glass houses shouldn't throw stones. This old saying is very appropriate in terms of the accusations of anti-Semitism and racism levelled against Sh. Raed Salah. There is ample evidence of blatantly racist statements made by leading Israelis, but the Israel lobby remains silent about them. Sh. Raed has contacted his legal team to take appropriate measures against those in Britain who have sought to defame him.

One day, God willing, perhaps an honest and open debate about Palestine will be allowed; until then, those with sham claims to hold the moral high ground continue to censor opposing views lest their own lies are exposed. For this to happen in Britain, the Mother of Democracy, is a slur on the memory of all British and Commonwealth citizens who fought and died for freedom and justice in two world wars.

Appendix b

Transcript: Home Affairs Select Committee 5th July 2011

Keith Vaz: You banned Sheikh Raed Salah. When did you actually sign the order banning him?

Theresa May: Umm, I signed the order banning him on the, sorry on the Thursday, on the, the um no Sorry I'm I'm sorry I'm...

KV: It's ok.

TM: Remembering, misremembering an exclusion case. I signed the order on the previous week on I think the Wednesday evening of the week.

KV: The Wednesday before he came?

TM: The Wednesday before he came, yes. I can confirm, I will for the point of the record look I think it better if I look up the actual date and we can send that to you.

KV: I think somebody will look up a diary. The Wednesday before he arrived. So you signed the order. It was presumably your expectation that somebody would serve this order on him or his legal representative? Because the point of signing an order is to make sure that somebody knows that they're banned. That was your expectation. I'm not assuming that you as Home Secretary should trot off and do this yourself. Somebody in the vast bureaucracy of the Home Office would have taken that order off your desk and gone and served it. That your expectation presumably?

TM: As with any exclusion case which I sign chairman, there is a process that is followed in relation to that exclusion case. It depends exactly what the process is, it depends on the circumstances of the individual who is being excluded and the extent to which their whereabouts is known as the point at which the notice is intends to be served.

KV: Sure

TM: But the normal process would be...

KV: Sure.

TM: ...that a notice would be served.

KV: So when did you find out that he had actually arrived in this country even though you the Home Secretary had banned him from entering?

TM: Well I found out after, shortly after he had uh, arrived in the country. At least initially the report to me was that it was believed that he had and I then waited and was given conformation.

KV: So you signed on Wednesday, he arrived on Saturday, so did you find out on Sunday or Monday? Because we had Home Office questions on Monday as you know.

TM: Yes you did have, we did have Home Office questions on Monday. Umm, I found out over the... I think it was anticipated that he had come in; it was believed that he had come in, but I don't think the firm confirmation had come through. Um I think it was over the weekend that I was told that he had... I mean again I'm very happy to put a complete,

KV: yes

TM: to put a timeline in for you if that's

KV: Yes, yes, yes, I think the committee would be very keen to have that information because obviously this has been in the public domain and at 3:31 on Monday, Mike Freer, our colleague from Finchley specifically asked you about this case and you said that you wouldn't comment on individual cases though you subsequently issued a press release about this, but you were told over the weekend so, so a man who was banned from

TM: Yes sorry I apologise to him because I'm now recalling what happened. I believe that I was not told over the weekend; I believe the indication was on the Monday that we were not clear whether or not he had, at the time of Home Office Questions, we were not absolutely clear whether or not he had entered the country.

KM: Hmmm, yes, because Mike Freer asked you at 3: 31. So here we have someone you have banned entering Heathrow airport, there seems to be no operation at Heathrow airport that would flag up the fact that someone of that kind had entered the country. Does this concern you in respect of your other counter terrorism role; that people who are banned, or wanted or on a watch list, just are able to wonder in through Heathrow airport. Again, I'm not holding you personally responsible for this

TM: No

KV: I'm looking at the system and whether you are worried about the system and the way in which we operate the system; is there actually a computerise watch list or as we've heard anecdotally, bits of paper are given to immigration officers to see if they can track people.

TM: No there is indeed a watch list that is operated by UK border agency, I am of course concerned about the fact that an individual who was excluded, then subsequently entered the country, that is why I have asked for an investigation to take place. I know there has been speculation in the newspaper as to the reasons why he might have been allowed to enter the country despite the exclusion having been signed and I can confirm, I do apologise, the exclusion was actually signed on the 23rd so it was the Thursday that the exclusion was signed.

KV: very helpful

TM: as I say, I'm concerned that somebody was then able to enter the country. That is why I have asked for an investigation to take place; I don't want to speculate as to what it was that happened that meant that he was able to enter the country, ah, and I believe that it is important that that investigation is able again to take its course. It is being conducted now; we are not waiting for a long time to ask somebody to do this, we have set out on it immediately

KV: And I'm sure parliament is very grateful for that, but nobody thought of contacting the Israelis. I rang the Israeli acting ambassador yesterday to ask whether based on the fact that this gentleman lived in Tel Aviv, whether the Israeli Authorities had been notified that a banning order had been served and it appeared that they hadn't been told, so as part of your review which of course we welcome, will you ask them to look at that as well; whether foreign governments where banned subjects are living are actually notified especially if it's a country like Israel which is a friendly country as far as the UK is concerned.

TM: I'm sure the investigation will look at the whole process, but I'm very happy to ask them to look at that extra aspect if they're not already doing so.

KV: Yes Mr Winegas' specific question, can I just ask about Hizbul Tahrir, it's still not banned is it?

TM: It's not a proscribed organisation that is correct

KV: And, the Prime Minister is very keen that it should be

TM: the Prime Minister has expressed his concern about Hizbul Tahrir on a number of occasions

KV: and presumably, whenever he sees you to discuss this topic he's when is this organisation going to be proscribed and what do you say to the Prime Minister when you say you can't proscribe it? What's the reason?

TM: We, we are doing what the prime Minister has indeed has indicated to parliament when he's been asked this in prime Minister's questions, when he's been asked recently in PMQ's about this, we are constantly reviewing this organisation and monitoring its activities.

KV: So as far as Sheikh Salah is concerned, there are lessons to be learned but we'll only learn the lessons when the investigation is completed.

TM: Yes, I think it's better not to speculate on the reasons why he was able to enter the country and what happened I think it's better to wait until we find exactly what it was that took place

KV: Mr Winnick and Mr McCabe have a quick question

David Winnick: The reason for the banning we understand is the person is a dedicated, if that's the right word, anti-Semite. I'm about the last person to want to see racists enter this country, whether they're anti-Semites, anti-Muslim or anti-Christian. They should certainly in my view, it may not be the view of others, be excluded so I have no argument over that. But there is some dispute Home Secretary whether the accusation made against this person which he strenuously denies, which does not mean that he is not, but he and his lawyers strenuously denies the accusation that he is what is claimed to be, but is that the basis for the reason of the ban, that he is a racist?

TM: well

DW: are there are other reasons, or is that the reason?

TM: If I may chairman explain that I'm going to be quite careful in the answer that I give to this because as I'm sure members of the committee are aware the individual has a right of appeal against the exclusion that was given. I think it would not be appropriate for me therefore to talk in great detail in front of this committee about a particular individual. You chairman indicated that I didn't in Home Office questions refer to an individual and we normally do not do so. However, this became public knowledge and that's why we have spoken about it.

DW: I wanted to know the reason. Without going into all the details, he is a banned individual; would it be inappropriate Home Secretary to simply say the reason why he is a banned individual?

TM: He was banned for unacceptable behaviour that was the unacceptable behaviour which is one of the grounds for which it is possible for me to exclude

KV: Mr McCabe

Stephen McCabe: Well Home Secretary, allowing for the fact that you are waiting for this enquiry, can I ask are you taking any immediate steps so that if you sign another banning order on another individual there will be some certainly that they will be notified that they have been banned and that the organisation hosting their visit will be notified and that the terminals at Heathrow will ensure that they can't just stroll through as if they're on holiday? So I'm not asking about your inquiry, I'm asking about what you are going to do the next time you sign a banning order?

TM: Well I can ensure you Mr McCabe that UK's Border Agency are in no doubt that they need to ensure that if I sign

SM: (inaudible)

TM: if I sign an exclusion order that the expectation is that that individual will not be able to enter the United Kingdom. In terms of practical steps, of course, of course until we know exactly what it is that went wrong in this particular instance, you can't put something right until you know what is wrong. So we are looking at details.

SM: What's the normal procedure? If you sign a banning order is there a normal check that it has actually been issued to the individual, so has something gone wrong or are we identifying for the first time that you sign a bit of paper and that's the last bit of action you're involved in?

TM: No, there is a normal process that is undertaken by UK Border Agency in relation to any exclusion orders that I sign. As I indicated to the chairman earlier, that process may differ depending on the circumstances of the individual who is being excluded from the United Kingdom. But there is a normal process of notification and then obviously of indications to those at ports of entry that this is an individual who should not be allowed to enter the United Kingdom. That did not work in this instance, something went wrong, we are urgently reviewing this to see what it is that went wrong and of course when we have identified that we will take steps to put it right.

SM: what happens if you have to sign one before you have completed all this enquiry. What happens if you have to sign one on somebody else in the next 48 hours? What would you do to try and stop a repeat, bearing in mind you won't have all the facts, but there's not much point you signing a banning order if you can't stop the individual, is there?

KV: Perhaps, I can summarise it like this. I think the Committee is obviously less than pleased with what happened, I think Parliament is less than pleased and I imagine you are less than pleased and that you made it very clear to your officials that it shouldn't happen again.

TM: That would be a very good summary.



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