

Trying to deport Abu Qatada - 1

by Francis Bennion

The Home Secretary told the House of Commons on 24 April 2013 that in relation to the deportation of Abu Qatada she is pursuing a twin track.

One line is to obtain leave to appeal to the Supreme Court against the ruling of the Court of Appeal that the Government's argument that SIAC was wrong about Abu Qatada was "particularly difficult to sustain". Ms Theresa May that they will continue to argue on a point of law that they believe is arguable, notwithstanding the view taken by the Court of Appeal.

She added: 'It is right that we continue to ask for leave to appeal directly to the Supreme Court so that, if the appeal is accepted, the case can be tested in the very highest court in the land.'

It might help Ms May if in asking for leave she pressed a point that she mentioned to the Commons: 'We should be able to balance the rights of the individual against the wider rights of society'.

Why should the theoretical rights of the admittedly threatening Abu Qatada as regards the possible admission of evidence against him which was obtained by torture be held to outweigh the danger to life and property he poses to the British people generally?

Viewed objectively, this notion is surely preposterous. For the courts to hold it amounts to faulty judgment which needs to be urgently corrected.¹

Trying to deport Abu Qatada - 2

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[Daniel Finkelstein (1 May 2013) treats us to five confused, frivolous columns on the deadly serious Abu Qatada affair. Yet he fails to mention the argument in my letter of 27 April, on which I have received much positive feedback. One email I received said 'I am hopeful that your letter will concentrate a few minds and produce a satisfactory outcome'.]

Daniel Finkelstein points out that [Oscar Othman otherwise known as] Abu Qatada 'is a dangerous man who thinks it is a good idea to kill Jews'. He tells us he feels personally affected by this. [Article 2(1) (Right to life) of the European Convention on Human Rights says 'Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.']

Mr Finkelstein rightly says 'everyone has human rights'. That includes Jews in the United Kingdom, whose life Abu Qatada threatens. So far in the Abu Qatada litigation the courts have taken account only of *his* human rights. In saying 'We should be able to balance the rights of the individual against the wider rights of society' the Home Secretary, Theresa May MP, was suggesting that the courts have here gone wrong in law.

Mr Finkelstein hints that in this matter the Home Secretary is prepared to flout the rule of law. The opposite is the truth, but she rightly expects the law to be correctly applied.²

¹ Published in *The Times* on 27 April 2013.

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Any footnotes are shown at the bottom of each page

For full version of abbreviations click 'Abbreviations' on FB's website

References:

None

² Published in *The Times* 3 May 2013. Passages in square brackets omitted.