

The shameful response to Shamima Begum. [Newspaper article]

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2023

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The Shameful Response to Shamima Begum

The response by the UK government to the actions of Shamima Begum is shameful. It is discriminatory, disproportionate and inhumane.

Imagine a 15-year-old girl makes a bad decision. Led astray by family members, friends and strangers on social media. Influenced by radical Islamists. Possibly trafficked, she travels to a war zone and aligns with a terrorist group waging war against the West. Several years later and without advice she gives a misguided, unsympathetic interview to an experienced UK reporter.

Imagine a government that permits the banishment of its children. Leaving them to their fate in a foreign and dangerous land. In a refugee camp in a desert. Cut off from their families. With the country to which they notionally belong saying that they will be hung if they attempt to enter.

Imagine a government that appears to vilify children for political reasons. Seemingly seeking to distract attention from the real issues and to ignore the conditions that give rise to the disillusionment and disenfranchisement that allows hateful rhetoric to gain traction. Imagine a country that appears to pander to those who crave villains and scapegoats, who in turn can be used to legitimise division and antipathy.

Imagine a country where its judges decline to closely scrutinise its government's decisions because they relate to national security. Leaving decision-making on the subject to the near total discretion of politicians. Where a tribunal accepts that there was a credible suspicion that an individual was trafficked to be sexually exploited and holds that that does not matter for reasons of national security.

One needn't imagine. These are facts.

As is well-known, Begum travelled to Syria in 2015. She married a Dutch so-called foreign terrorist fighter and had three children. All of whom died shortly after birth. Following the collapse of Islamic State she was found in a refugee camp. The two girls she travelled with had been killed.

Begum was interviewed by a Times reporter in 2019. She was not repentant. The interview made headlines. Not long after the Secretary of State, Sajid Javid, deprived her of her citizenship because he considered it conducive to the public good to do so. Her return was thought to be a national security risk.

The latest judgment in Begum's challenge of that decision was handed down on Wednesday. The Special Immigration Appeals Commission rejected all nine grounds of her appeal. Begum remains stranded in the Al-Roj camp for internally displaced persons run by rebel forces in northern Syria.

Begum's treatment is discriminatory, disproportionate and inhumane.

The treatment of Begum is discriminatory because the deprivation of her citizenship was only possible on account of having non-UK national parents and

being eligible for Bangladeshi nationality until she was 21. Sole UK nationals cannot suffer the same fate. They must be allowed to return to their country. Of note here is that there is no evidence that Begum had ever been to Bangladesh, nor that she had any connections there. She was born and raised in the UK.

The treatment is disproportionate because it is substantially more consequential than that which follows acts of others who pose a risk to the UK or offended its norms. Begum has been permanently banished from the UK. Her actions, whilst undoubtedly serious, have led to severe and permanent consequences. Begum has never been tried and convicted. Her treatment follows a view taken by the Secretary of State.

Whilst very difficult to compare cases, Gary Glitter has recently been released from prison after serving half of his 16-year sentence for abusing three schoolgirls. He was found guilty of one count of attempted rape, one of unlawful sexual intercourse with a girl under 15 and four counts of indecent assault. The nature and consequences of Begum's acts and Glitter's crimes are difficult to reconcile.

Her treatment is inhumane because Begum has been permanently deprived of home, family, relationships and the protection of her country. She has been left in a state of uncertainty in Syria. The suggestion that she can move to Bangladesh is farcical. The authorities running the camp in Syria are keen to have the foreign nationals there repatriated. A number of other countries are doing just that, including Spain and Canada. What may happen to Begum when the camp closes is unclear.

Arguing in favour of Begum's repatriation does not mean that she does not deserve to be punished for any crimes she has committed, nor that her possible threat to UK national security cannot or should not be addressed.

Criminally, it may be possible to successfully prosecute Begum for several offences, including being a member of a terrorist organisation and showing support for one. Admittedly, there may be difficulties in securing a conviction on account of a lack of sufficient evidence to meet the criminal burden of proof.

As to her risk to national security, Begum can be made subject to a Terrorism Prevention and Investigation Measure. If deemed to be involved in terrorism-related activity the Secretary of State can impose such a measure and restrict her activity in a number of ways, including where she travels and who she associates with. She can also be forced to participate in a deradicalisation programme.

The Begum case has become a touchstone, with sections of the press and government politicians celebrating the rejection of her appeal and human rights and other campaigners bemoaning it. As with many complex issues, it is easy and tempting to adopt a simple solution. That is the wrong thing to do. She should be allowed to return to her country of birth, the only country she had ever known, to face the consequences of her actions.