

UA 140/09

Health concern

UNITED KINGDOM

Mahmoud Abu Rideh (m), aged 37

Lawyers for Mahmoud Abu Rideh, a Palestinian refugee who is subject to a "control order" imposed by the United Kingdom authorities, believe that there is a real risk he will commit suicide if the control order is not lifted or if he is not provided with travel documentation to leave the UK. Mahmoud Abu Rideh has written repeatedly, most recently on 26 May 2009, to the UK authorities asking that he be issued with the necessary internationally recognized travel documentation to leave the UK. He has previously attempted suicide on three occasions, most recently in May 2008.

Mahmoud Abu Rideh, a stateless Palestinian, was recognized as a refugee in the UK in 1997. Mahmoud Abu Rideh is a survivor of torture and suffers from severe post-traumatic stress disorder. His mental and physical health has been severely damaged by years of persecution at the hands of the UK authorities, and he is often unable to move without the use of a wheelchair.

Mahmoud Abu Rideh was detained without charge between December 2001 and March 2005 under the Anti-Terrorism, Crime and Security Act 2001, on suspicion of being involved in terrorism-related activity. The grounds for that suspicion were kept largely secret from him and from his lawyers. The control order was imposed on him immediately after his "release" in March 2005, under the Prevention of Terrorism Act 2005. In February 2009, the UK government's Independent Reviewer of counter-terrorism legislation, Lord Carlile, published a report recommending that control orders should not be continued indefinitely, and should not normally be used for any longer than two years. Following his "release" in March 2005, Mahmoud Abu Rideh has been subject to severe restrictions on his liberty for over four years now.

His lawyers believe that he has "reached a level of despair that places him at a high level of danger to himself" as he is faced with the choice between an indefinite control order in the UK and a lack of access to appropriate internationally recognized travel documentation to leave the UK. Under the terms of his current control order, he is required to stay inside his home for 12 hours a day, and to phone a monitoring company three times a day. Any visitors to his home while he is there must be approved by the Home Office. He is not allowed to have an internet connection in his home. Any breach of these obligations is considered a criminal offence.

He has been charged with several alleged breaches of his control order, but with no substantive terrorism-related offences. None of the charges relating to breaches of his control order have yet come to trial. He has not been able to see, or to challenge, much of the material on which the government bases the allegation that he is, or has been, involved in terrorism-related activity. He remains on bail, as the UK authorities' ability to prosecute Mahmoud Abu Rideh for any alleged breaches of the control order relies on a forthcoming decision on the legality of the control order regime itself.

The restrictions and conditions that are part of his control order, including regular police intrusions into the family home, have also had a severe impact on Mahmoud Abu Rideh's wife and six children, who are UK nationals. On 25 May 2009 his wife and six children left the UK for Jordan, to live with his wife's parents. Mahmoud Abu Rideh's lawyers are concerned that his wife and children's departure has increased the risk of suicide as a result of Mahmoud Abu Rideh's "despair at losing his family forever".

On 4 June, Mahmoud Abu Rideh's lawyers filed an emergency application to the High Court seeking a judicial review of the UK authorities' refusal to provide Mahmoud Abu Rideh with an internationally recognized travel

document. His lawyers are also currently awaiting two other court hearings, one appealing against the renewal of the control order against Mahmoud Abu Rideh, and another against an appeal by lawyers for the UK authorities seeking to prevent disclosure of the secret material relied upon to impose the control order.

Following decisions by the High Court in August 2008 and subsequently by the European Court of Human Rights on his internment, Mahmoud Abu Rideh's lawyers are currently seeking to enforce disclosure of information relied on by UK authorities to impose a control order. However, lawyers for the UK authorities are appealing the High Court decision and are seeking to prevent the disclosure of that information to Mahmoud Abu Rideh and his lawyers. The case is currently stayed pending a decision by the House of Lords on the legality of control orders. The severe restrictions on Mahmoud Abu Rideh's liberty remain unchanged.

BACKGROUND INFORMATION

The system of control orders was brought into UK law by the Prevention of Terrorism Act 2005. This allows a government minister to impose severe restrictions on people suspected of involvement in terrorism-related activity, if the government minister thinks this is necessary for the protection of the public. The control order system is grossly unfair: it relies heavily on secret material which is not disclosed to the people affected by the order or their lawyers. This means that people subject to control orders may not know why they are suspected of involvement in terrorism. Although control orders can be challenged in court, the proceedings fall far short of international standards of fairness. People affected by the orders, and their lawyers, can be excluded from large parts of the proceedings where secret material is being considered. Thus they cannot mount an effective challenge to the orders imposed on them.

Mahmoud Abu Rideh was the subject of UA 198/02 (EUR 45/010/2002, 28 June 2002 and follow-ups), UA 108/05 (EUR 45/012/2005, 4 May 2005, and follow-ups) and UA 175/08 (EUR 45/008/2008, 19 June 2008, and follow ups). After UA 175/08 the terms of his control order were modified however, a year later Mahmoud Abu Rideh's situation has deteriorated considerably.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language:

- urging the Home Secretary to lift Mahmoud Abu Rideh's control order immediately;
- calling on the Home Secretary to ensure that Mahmoud Abu Rideh continues to receive any medical attention he may require, given concerns about his health and well-being and his past history of attempted suicide;
- calling on the Home Secretary to grant Mahmoud Abu Rideh's request for an internationally recognized travel document that permits entry to another country in a timely manner.

APPEALS TO:

Home Secretary

The Rt Hon Alan Johnson MP
Secretary of State for the Home Department
Home Office
2 Marsham Street
London SW1P 4DF, UK

Fax: +44 20 7035 4745
Email : public.enquiries@homeoffice.gsi.gov.uk
Salutation: Dear Home Secretary

COPIES TO: diplomatic representatives of the United Kingdom accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 17 July.