

# **THE WAR ON TERROR COMES TO CAMPUS**

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## **What happened at Nottingham University?**

On May 14 an MA student at the School of Politics and International Relations at the University of Nottingham, Rizwaan Sabir, and an administrator at the School of Modern Languages, Hicham Yezza, were arrested under the Terrorism Act of 2000. The arrests followed the discovery by one of Hicham Yezza's co-workers of an Al Qaeda training manual on that had been saved on his computer – the document had been sent to him by Rizwaan Sabir for printing. When university authorities learnt of this, they in turn contacted the police, which resulted in the high profile action<sup>i</sup> on May 14 by the Nottinghamshire Constabulary and the West Midlands Counter-Terrorism Unit.

The two men were detained for six days, until they were finally released without charge on May 20. Hicham Yezza was immediately rearrested on immigration charges and taken to a detention centre in Manchester. On Friday May 23, he was put on fast track deportation to his home country Algeria. Scheduled for deportation on June 1, he was first shuttled to Colnbrook detention centre in London, then shifted to Oxford, and then back again to Colnbrook. On Friday May 30, the Home Office imposed a stay of execution on his deportation after his lawyer filed for a judicial review of his case. At the time of writing, he is in the process of being shifted to The Citadel detention facility in Dover<sup>ii</sup>; the threat of deportation still hangs over his head.

So why were Rizwaan and Hicham in possession of an Al Qaeda training manual? For the simple reason that Rizwaan Sabir was going to use it as data material for his MA dissertation on radical Islam and the strategies of Islamist terror networks. Not being able to print the document himself, he sent it to his friend Hicham Yezza who had access to a printer through his job as an administrator at the School of Modern Languages. And where had Rizwaan gotten hold of the document in the first place? Through a US government website, where it is openly available for downloading. Of course, he could also have obtained the document through other sources had he wanted to – for example the website of the Federation of American Scientists, or the website of the FBI, or indeed through Amazon.co.uk, which offers the document for sale for £16.

And what is the nature of the document? Well – having gone through the document, “boring” is the first word that comes to mind. By and large, the document contains starch dry information on how to avoid having a telephone bugged, how to undertake surveillance by car, and how to recruit new agents – indeed, the material in the document is certainly of a far less inflammatory character than, say, the collected speeches and writings of Osama Bin Laden, which are widely available on the shelves of the high street bookseller Waterstones.

Of course, the University of Nottingham could have found out all this for themselves if they had chosen to adopt the cool, calm and rational response that one might expect from an institution of higher learning and research when faced with materials of this sort<sup>iii</sup>. A quick word with Hicham Yezza and Rizwaan Sabir about their reasons for having the document<sup>iv</sup>, a phone call to Rizwaan’s supervisor and personal tutor, or indeed a quick Google search would have made it possible to settle the matter internally without any police involvement, and without any unjustified arrests. The

police's handling of the matter was equally inept – in spite of the fact that they were informed by Rizwaan Sabir's supervisor as well as his personal tutor that the document in question was perfectly legitimate and highly relevant data material for his MA dissertation two days after the arrest, the police chose to hold both him and Hicham for four more days<sup>v</sup>. A Google search seems to have been beyond the investigative capabilities of the West Midlands Counter-Terrorism Unit. Instead, they preferred to subject Rizwaan and Hicham to excruciating interrogations<sup>vi</sup>, covering amongst other things their political convictions, and to raid the homes of the two men and impounding their computers and other personal belongings – it goes without saying that Rizwaan's family and Hicham's partner were deeply upset and terrified in the process.

What can we make of the re-arrest of Hicham Yezza? In answering this question, let us observe a few facts about Hicham first. Having lived in the UK for 13 years, Hicham has developed deep bonds in Nottingham. He carried out his undergraduate and graduate studies at the University of Nottingham, and had also started his PhD studies there. Moreover, he was a very active in the student union, a prominent peace activist and editor of Ceasefire magazine, and a central member of various cultural troupes seeking to advance intercultural understanding through dance and music. Moreover, Hicham was not a person trying to stay below the radar of the immigration authorities. In fact, he had been consistently trying to clarify confusions around his visa and work permit, and was scheduled for a hearing of his case in July. However, the Home Office with its decision to put him on fast track deportation brushed this process, aside, and Hicham has effectively been denied his right to a fair hearing<sup>vii</sup>. In light of these facts, it is very difficult to not agree with Labour MP Alan Simpson, who in a letter to the Home Office argues that there is "no reason for an emergency deportation

of Mr. Hicham Yezza other than to cover the embarrassment of Police and Intelligence services"<sup>viii</sup>. In other words, Hicham Yezza is paying the heavy price for the police authorities' perceived need to save face in this shameful affair.

### **Academic Freedom Under Attack**

The Nottingham terror arrests constitute nothing less than a grave attack on academic freedom – and tragically, it was the University of Nottingham itself that initiated this attack.

It goes without saying that it is the job of academic researchers, be they staff or students, to probe controversial, objectionable, distasteful, deplorable and even criminal aspects of social and political life. And in doing so, we also have to consult primary data material that may be controversial, objectionable, distasteful, deplorable and even criminal. This work yields crucial inputs to open, rational and informed debate about issues of public concern. A central aspect of this process is that of questioning and testing received wisdoms, of pushing the boundaries of what we already know, and doing so by putting forward opinions about and interpretations of social and political phenomena that may be controversial and unpopular. The very hallmark and basic criterion of academic freedom is in turn that researchers can feel free to carry out this task without having to fear disciplinary action, dismissal, or worse – infringements upon our civil liberties.

It is precisely this hallmark of academic freedom that has been undermined by the terror arrests at the University of Nottingham. As a result of doing precisely what he is supposed to do as a researcher – consulting primary sources in order to produce critical knowledge – Rizwaan Sabir was subjected to a gross violation of his

civil liberties and human rights. Hicham Yezza suffered an equally grave violation of his civil liberties and human rights as a result of wanting to help his friend in doing this – and worse still, he faces unjustified deportation in a thinly veiled attempt by police and intelligence authorities to deflect attention from their disgraceful handling of the initial arrests.

The responses of the University of Nottingham to critical claims from academics, students and citizens worldwide that its actions in this case have in effect trampled all over the basic principles of academic freedom have been puzzling to say the least<sup>ix</sup>. Initially, a university spokesperson stated categorically to the media and to the public that the document in question was “not legitimate research material”<sup>x</sup>– in other words, an open source document widely available in the public domain, and acutely relevant to Rizwaan Sabir’s MA dissertation – was not considered as relevant research material. This statement was subsequently withdrawn, and the university changed tack to argue that academics and registered students have “very good cause to access whatever material [their] scholarship requires”. However, the university spokesperson also added that it is expected that scholars act “sensibly within current UK law” and refrain from sending their materials to “any Tom, Dick or Harry”<sup>xi</sup>. This statement of course leapfrogs over the fact that the document in question is in fact available to any Tom, Dick and Harry – or Tom, Hicham and Harriet – in the public domain; they can even purchase it from Amazon. Are we to understand then that the University of Nottingham believes that members of the public should be prepared for the ominous prospect of a quiet knock on the door at night as a consequence of their most recent Amazon purchase?

Furthermore, the university’s statement raises the broader question of intellectual freedom – and indeed the university’s attitude to

intellectual freedom as such. Is the university of the opinion that only academics are entitled to access controversial documents that are available in the public domain? If so, on what grounds do they hold this opinion? And if they truly hold this opinion – whatever happened to the right of citizens to inform themselves about matters of great concern to the public? Fuelled by the informational flows of the World Wide Web, ours are the halcyon days of the political blogger, the citizen journalist and the critical autodidact – and democracy is being broadened and deepened as a result of this. Shouldn't the university, itself arguably a model for open debate, critique and dissent in wider society, welcome and strengthen this development, rather than implicitly label it as illegitimate and suspect? Shouldn't we all welcome the concerned, curious, informed citizen who makes up her or his mind about current affairs on the basis of her or his own examination of the available evidence?

In a recent comment to BBC East Midlands in connection with the demonstration on the campus of Nottingham University on May 28, which saw 500 or so academics, students and supporters gather in defence of academic freedom and in protest of the deportation of Hicham Yezza, a university spokesperson stated that the University of Nottingham takes the issue of academic freedom seriously, but that it also "comes with responsibility and it needs to be handled thoughtfully and sensitively"<sup>xii</sup>. It is hard to imagine that scholars and researchers of various descriptions do not take the responsibility which accompanies their intellectual labour very seriously, but in relation to the recent terror arrests it is quite clear that there is only one party that has not accepted and respected the responsibilities that attach to academic freedom, and handled this responsibility thoughtfully and sensitively, and that is the University of Nottingham itself. The conduct of the University of the Nottingham in this case and the resultant arrests set a worrying

precedent for the future and raises a host of unsettling questions for scholars in the UK academy. Who of our staff and students will be next to be arrested and detained for a long period of time without charge? And which controversial or objectionable subject area will be targeted next time? Research on human trafficking? Research on the sex industry? Research on political protest? Research on illegal immigration? And what will be the outcome of the possible constraints upon research signalled by the terror arrests? Most likely a sanitized and censored research culture in which controversial, distasteful and objectionable research areas have faded from view – a research culture in which we see no evil and hear no evil, and therefore also a research culture which is ill-equipped to contribute to combating evil. Society will be the poorer for it<sup>xiii</sup>.

### **Casualties of War**

What happened at the University of Nottingham on May 14 brings home a simple but chilling insight: the so-called “war on terror” does not only have destructive ramifications in faraway places and for distant strangers; it also impacts upon our own societies, our communities, us and our friends and loved ones, and indeed our campuses. This is of course not the impact of bombs, tanks and troops that is all too familiar to the people of Afghanistan and Iraq. Rather it is the impact of the intersection of, on the one hand, a culture of fear that turns our neighbours into suspects and criminalizes whole communities on the basis of ethnic origin and religious beliefs, and, on the other hand, increasingly draconian anti-terror legislation which turns amateur poets into terrorists<sup>xiv</sup>, leads authorities to encourage teachers to spy on Asian-looking and Muslim students<sup>xv</sup>, and allows the repressive arm of the state to

snatch away and detain without charge individuals whose only "crime" is their pursuit of intellectual curiosity, academic interests and political ideals in what is supposed to be a free and open society.

The impacts of "the war on terror" at home tear away at the very fabric of our communities, eroding the mutual bonds of trust, support and solidarity that sustain us in our everyday lives; the impacts of "the war on terror" at home wreak havoc on the lives of individuals, threatening to sever them from their communities and their loved ones and deport them to an uncertain future as and when police authorities feel the need to save face in the wake of unjustified terror arrests; the impacts of "the war on terror" at home undermines those hard-won rights and liberties that are supposed to protect us as citizens and individuals from random acts of power from above; the impacts of the "war on terror" at home constrains the intellectual space available to us to question the given order of things and circumscribe the political space that is at our disposal for expressing our reasonable doubts about the legitimacy of "the war on terror" itself.

In doing this, "the war on terror" has become the enemy of that which it claims to protect – freedom, democracy and human rights – and the architect of that which it claims to vanquish – tyranny, fear and totalitarianism. And that poses the challenge to us: it is only by coming together as we have done, as academics, students, citizens, community members and friends, over the past two weeks – not just in Nottingham, but indeed country- and worldwide – that we stand a chance of reclaiming the ground we have lost to "the war on terror" and the climate of fear and undemocratic legislation it has created. In doing so, I believe we follow the fine example set by Rizwaan Sabir and Hicham Yezza both as scholars and as activists.

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<sup>i</sup> Both the University of Nottingham and the police have repeatedly claimed that the arrest and investigation of Rizwaan Sabir and Hicham Yezza were conducted in a "low-key" manner and "sensitively handled" (see for example the statement by the Registrar, Dr. Paul Greatrix, in Times Higher Education supplement, May 29, 2008, and statement by a Nottinghamshire police spokeswoman in The Guardian, May 24, 2008). Leaving out for now the question as to whether police involvement was at all necessary, this claim hardly stands up to scrutiny. Rizwaan Sabir and Hicham Yezza were arrested and held from Wednesday May 14 until Tuesday, May 20 without charge, in spite of the fact that Rizwaan Sabir's supervisor and personal tutor both confirmed to the police that the document they had downloaded and printed was legitimate research material on Friday, May 16. The homes of the two men were raided; they had their computers impounded and they have still not been returned (as at the afternoon of Tuesday 27 May); Rizwaan Sabir's family members were ejected from their home during the police's search; several colleagues in the School of politics were interviewed for hours by the police. The day after the arrests, students had their bags searched by uniformed police before entering the Trent Building the day after the arrests, and Black Maria's were parked very visibly on the university campus.

<sup>ii</sup> Hicham Yezza stated the following about the relocation to Dover, which occurred very much against his wishes: "This would be the fifth movement in 9 days and is therefore unacceptable ... I am not a piece of luggage but a human being and deserve to be treated as such" (Press Release, 31.05.08; [www.freehichamyezza.wordpress.com](http://www.freehichamyezza.wordpress.com)).

<sup>iii</sup> In several of its public statements on the matter, the University of Nottingham has claimed that it had no choice but to involve the police in the matter (see, for example, statement on the University of Nottingham intranet portal, posted on May 27, 2008). This, however, does not dovetail with guidelines issued by the Department of Education and Skills on how to handle extremism on campus, which clearly argue that "[t]here are a number of intervention options available to HE providers that may be more appropriate than direct police enforcement action" and that its is only on "rare occasions" that law enforcement action "may be required". Had the University of Nottingham followed these guidelines, rather than making the police the first port of call, it would first of all had discovered that the document in question was in any way related to extremist activities, but also have avoided instigating a chain of events which in sum violated the very duty of care to staff and students that university spokespersons tend to refer to when they seek to justify the fact that they contacted the police (see for example statement on the University of Nottingham intranet portal, posted on May 27, 2008). Moreover, the argument that police was contacted due to "reasonable anxiety and concern" is also an odd one, given that the document was found in the setting of a university where the School of Politics and International Relations specializes in research on international security and terrorism. Indeed, university authorities could in all likelihood easily have obtained an assessment of the document from one of the experts in international security and terrorism at the School of Politics and International Relations.

<sup>iv</sup> In an interview in The Guardian, May 31, 2008, Hicham Yezza states: "Someone could be forgiven, in this current climate, for panicking at this type of document. But I would have appreciated had I been given five minutes simply to answer the questions relevant to the document". Similarly, in a statement to The Guardian, May 24, Rizwaan Sabir's lawyer, Tayab Ali, argued that the matter "could have been handled sensibly if the university had discussed the issue with Rizwaan and his tutors".

<sup>v</sup> Rizwaan Sabir's lawyer, Mr. Tayab Ali through this into relief in the following statement: "The two members of the university were treated as though they were part of an al-Qaeda cell ... Why did it take so long for the police to reach the conclusions that they did? ... These are not unqualified police, they are the top counterterrorism command for the region" (Times Higher Education supplement, 22 May, 2008).

<sup>vi</sup> Rizwaan Sabir commented to Times Higher Education supplement on May 29, about the interrogations that: "It was sheer psychological torture – particularly in the last 24 hours when they were umming and ahhhhing about whether to charge me".

<sup>vii</sup> Whereas the Home Office refuses to comment on Hicham Yezza's case, its zealous pursuit of deportations is evidenced by a statement made to Nottingham Evening Post on May 31: "We will seek to remove those who no longer have any right to be here, we are already removing one person every eight minute and we are committed to removing more".

<sup>viii</sup> Letter from MP Alan Simpson to MP Liam Byrne, Minister of State (Borders and Immigration), 23 May 2008.

<sup>ix</sup> The University of Nottingham has received between 40 and 50 e-mails from scholars across as well as beyond the UK expressing their concern over the unjustified arrests and their ramifications on academic freedom. Some 100 academics from the University of Nottingham, as well as several other UK universities have also signed a petition asking the university – among other things – to guarantee the academic freedom and civil liberties of all its student and staff, irrespective of ethnic and religious background. A demonstration for academic freedom and against the deportation of Hicham Yezza on May 28 gathered about 500 academics, students and supporters at the campus of the University of Nottingham, and Labour MP Alan Simpson addressed the demonstrators in support of their demands.

<sup>x</sup> The Guardian, Saturday, 24 May, 2008. See also Times Higher Education supplement, 22 May.

<sup>xi</sup> The Guardian, Saturday, 24 May, 2008.

<sup>xii</sup> "Students protest deportation plan", BBC East Midlands, 28.05.08.

<sup>xiii</sup> The university's statements on its future actions related to the terror arrests and its implications for academic freedom have been nebulous and unsatisfactory at best. For example, the Registrar, Dr. Paul Greatrix, points to the University Research Committee "considering the enhancement of our

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research ethics network” and also argues that an issue that arises is “the level of discussion and guidance on the rights and responsibilities of staff and students in terms of research and freedom of speech” (Times Higher Education supplement, 29 May, 2008). In its current Intranet portal statement, the university states that it is “already addressing issues raised by these events through the ongoing work of the Research Committee”. What is unsatisfactory about this statement is of course that it reflects the university’s persistent unwillingness to enter into dialogue with concerned staff and students on the issue of academic freedom raised by the unjustified arrests – an unwillingness that was recently manifested in the university’s refusal to participate in a roundtable discussion on the issues of academic freedom raised by the terror arrests. Moreover, the statements seem to indicate that the university wants to issue guidelines on research materials, which in all likelihood will amount to an institutionalization of constraints on academic freedom. What is not forthcoming from the university is of course an unconditional guarantee of the academic freedom and civil liberties of its staff and students, which is hugely disappointing.

<sup>xiv</sup> In 2007, Samina Malik was found guilty under the Terrorism Act of owning terrorist materials – the material was her own amateur poetry on Osama Bin Laden and martyrdom.

<sup>xv</sup> In 2006, lecturers and university staff across Britain were approached by the government and asked to watch the activities of Asian and Muslim students, and report suspicions of extremist activities to a specialist police unit.