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United Kingdom: Collapsed prosecution of Moazzam Begg

The prosecution of Moazzam Begg, a UK national formerly held at Guantánamo Bay, collapsed on 1 October 2014, days before his trial on terrorism-related charges was due to begin. Moazzam Begg was formally acquitted of all charges by the trial judge.

The recent treatment of Moazzam Begg by UK authorities—including the withdrawal of his passport; his arrest and lengthy pre-trial detention, despite his claim of transparency with the UK Security Service (MI5) about his travel to and activities in Syria; the freezing of his assets; the state's repeated opposition to bail; and then the sudden decision by the UK Crown Prosecution Service (CPS) not to offer any evidence at trial—suggest a pattern of harassment by the UK authorities. Of particular concern is the possibility that MI5 had information at the time of Moazzam Begg's arrest in February 2014 that should have been shared with West Midlands Police (WMP) and critically, could have precluded the possibility of prosecution from the outset.

At the 1 October pre-trial review, the CPS explained that it had received new information that did not make it feasible to proceed with the prosecution. In light of that, the CPS stated that it would offer no evidence at trial and the judge entered “not guilty” judgments on all of the charges. Moazzam Begg was released the same day from HMP Belmarsh, in London, after spending more than seven months in custody.

Moazzam Begg was arrested by WMP in February 2014 at his home, as part of a highly-publicized series of arrests in the UK on allegations of terrorism-related activity related to Syria. He was subsequently charged with seven separate terrorism-related offences and held in pre-trial detention at HMP Belmarsh. The charges against Moazzam Begg included “attending a terrorism training camp”, being concerned in “funding terrorism”, as well as five ancillary charges of “possession of an article for a purpose connected to terrorism” relating to five electronic documents.

Moazzam Begg has also previously raised publicly, and directly with Amnesty International, his ongoing concerns at being stopped and questioned repeatedly when leaving or entering the United Kingdom, and eventually having had his passport withdrawn in December 2013.

Media reports following Moazzam Begg's release suggest that information held by MI5 about him and/or his activities was decisive in the CPS decision to drop the charges, but that the information was only given to WMP and the CPS in the last two months. The content of that information has

not been made public.

The CPS said in a statement on 1 October: “If we had been made aware of all of this information at the time of charging, we would not have charged.”

The Assistant Chief Constable of WMP, in a television interview broadcast on 1 October, said, “Moazzam Begg is an innocent man.” He also publicly stated on the same day, “New material has recently been disclosed to police and the CPS, which has a significant impact on key pieces of evidence that underpinned the prosecution’s case. [...] I understand this is going to raise many questions. However, explaining what this newly revealed information is would mean discussing other aspects of the case which would be unfair and inappropriate as they are no longer going to be tested in court.”

Amnesty International considers the definition of terrorism, and particularly that of terrorism-related activity, as specified in United Kingdom law to be overly broad and vague such that it infringes the principle of legal certainty. Such definitions can lead to unjust convictions for conduct which should not be classed as terrorism, and can also expose people to other harsh administrative sanctions. Moreover, they are open to broad interpretation, which increases the possibility of arbitrary or discriminatory prosecutions, including lengthy periods of pre-trial detention. Moazzam Begg’s case illustrates precisely the problems of overly broad and vague laws that provide wide scope for interpretation and thus leave people vulnerable to the laws’ abuse

Amnesty International calls on the United Kingdom to review its legislation to ensure that its definition of terrorism and terrorism-related activity comply with international legal standards (including addressing concerns raised by the Independent Reviewer of Terrorism Legislation and by the Supreme Court in *Gul, R. v* [2013] UKSC 64). Amnesty International recommends an urgent review into whether the rules and practice on disclosure of information between agencies in terrorism prosecutions are adequate and enforceable, and a making public of any such review’s key findings. Amnesty International further calls on UK authorities to cooperate fully with Moazzam Begg’s exercise of his right to remedy, including compensation.

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