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Dear Home Secretary,

I am writing concerning your recent decision to invoke an exclusion order against the Islamic scholar, Dr Zakir Naik, of the Mumbai based Islamic Research Foundation.

We received a note from the Research, Information and Communication Unit (RICU) containing references to your statements made confirming the move (RICU fact sheet, 18 June 2010). The fact sheet contains some useful background information on exclusion orders and their usage. What it does not do is make clear the grounds on which the exclusion order has been advanced.

The fact sheet repeats your comments concerning the matter:

*"I have today excluded Dr Naik from the UK. Numerous comments made by Dr Naik are evidence to me of his unacceptable behaviour.*

*Coming to the UK is a privilege and not a right and I am not willing to allow those who might not be conducive to the public good to enter the UK."*

Unfortunately, no mention is made or examples given in the RICU factsheet of the comments made by Dr Zakir Naik that warranted your invocation of an exclusion order.

We have contacted RICU and the Home Office press office for further details of the "numerous comments" alluded to but I was told that no further information would be offered on this matter.

We take this opportunity to raise several concerns that arise from the exclusion order and the policy adopted in 2005 listing 'unacceptable behaviours', and the changes later introduced in October 2008 with the adoption of a "presumption in favour of exclusion".

The first, and most obvious point, is the utility of measures excluding individuals from the UK in an age of widespread dissemination of information via the internet. I would ask what purpose an exclusion order is supposed to serve when views and statements made by an individual excluded from the UK can readily be seen and heard via the internet? If the hope is to deter British Muslims and others from hearing the views of Dr Zakir Naik then unless the government is looking to move to proscribe the hosting of his speeches on Youtube and other sites, an exclusion order is unlikely to serve its desired purpose.

The more fundamental issue at stake here is the protection of the right to freedom of expression and the limits imposed to its parameters on national security and community cohesion grounds.

The preceding Labour government received responses from British Muslim and human rights organisations (Muslim Council of Britain, Liberty, Immigration Law Practitioners' Association and Article 19) on its consultation on 'Exclusion or Deportation from the UK on Non-Conducive Grounds' (August 2005). The main contentions raised in the submissions that are relevant to the issue at hand are those focused on the list of 'unacceptable behaviours' and the strong propensity for the violation of the freedom of expression given the vagueness of the terms applied to the behaviours listed.

The RICU fact sheet mentioned above refers to the exclusion of Dr Naik for reasons under the list of unacceptable behaviours which 'includes public speaking or publishing material that foments, justifies or glorifies terrorist violence or fosters hatred which *might* lead to inter-community violence in the UK,' (emphasis added).

Other than the fact that 'foments', 'justifies', and 'glorifies' are subjective terms, the decision to exclude appears to be based on the weak causal premise that Dr Naik's presence 'might' lead to inter-community violence in the UK.

I would add here as a useful and pertinent reminder that Dr Naik has visited the UK on previous occasions most notably in December 2005, the very year that the new guidelines on excluding persons from the UK on non-conducive grounds were introduced. It strikes us as rather odd, and wholly inconsistent, that the guidelines are invoked now in relation to Dr Naik's visit but have not been used against him before. If his presence in the UK had not formerly raised concerns over 'unacceptable behaviour' or fears for 'inter-community violence', then why now?

Home Secretary, despite your assurance that "exclusion powers are very serious and no decision is taken lightly," I would argue that the decision has been taken rather too lightly and with no regard for actual evidence, the state of our current laws on incitement to hatred, and with little regard for the good community relations that seem to have motivated the intervention.

We would argue strongly that no decision to exclude an individual should be based on the 'presumption' that their presence is not conducive to public good but on clear demonstration of evidence and facts that prove that such is indeed the case. And we are confident that our public order and incitement laws are sufficiently robust to prosecute an individual who falls foul of them.

We would further argue that the Council of Europe's Convention on the Prevention of Terrorism places on states signatory to the convention (the UK ratified it on 16 May 2005) a 'duty to investigate' the carrying out, or alleged involvement in, terrorist offences. In our view, excluding persons from the UK as 'not conducive to the public good' detracts from the UK's duty to investigate, preferring exclusion on tenuous grounds to proper assessment of incitement to violence and hatred.

We are alarmed at the response of the Home Office press office to offer no further information on the comments alluded to in the RICU fact sheet and prompting the

exercise of an exclusion order. We would welcome full transparency and proper documentation of the comments made by Dr Zakir Naik that led to the invocation of an exclusion order.

Home Secretary, freedom of expression is a prized virtue in any democratic society and while we would not condone its abuse to incite hatred or acts of violence, nor would we wish for the right to free expression to be curtailed by a government on a whim. It is the right of citizens to hear objectionable speech from whatever source, a visiting foreign national or via other means, and unless such speech demonstrates an actual, evidential causal relationship to incitement to hatred or acts of violence, its curtailment is a gross infringement of the right to free expression.

We would further add that the exclusion order puts at risk the very notion of good community relations in whose defence this move has been justified. There are many Muslims who are appalled at the decision taken to exclude Dr Zakir Naik from the UK all the while groups like the English Defence League terrorise neighbourhoods across the UK chanting obscene anti-Muslim slogans.

In striking the balance between liberty and security we would urge you and the new coalition government not to retrace the steps of the former Labour administration which by readily sacrificing liberties in the name of national security left British citizens neither more secure against threats of terrorism nor sufficiently protected against the overbearing powers of the state.

I look forward to your response on this matter.

Yours sincerely,

Mohammed Asif  
CEO