

# Criminal Law News



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- Chief Editor: Sally Ramage, Member of the Chartered Institute of Journalists; Society of Editors and Society of Legal Scholars, UK.
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- Design: David. E. Tonkinson, Designer and Online Editor, Poole, UK.

# ***THE SYRIAN REFUGEE LEGAL ISSUE***

***by***

***Sally Ramage***

## **Abstract**

This paper addresses the issue of the refugees entering the European Union. It addresses the obvious way that the television, Internet and newspapers are actually leading the United Kingdom into making hasty decisions to allow thousands of these illegal entrants through the UK border without democratic risk analysis and considered debate. This same media will incite British people to protest and riot when government attempts to introduce financial cut-backs, an amoral, anarchy by news casting for their own financial gain.

The legal issues relating to this matter highlight the provocative leadership of government by media; the legal issue of criminal smuggling of people into Europe.

The emotional and provocative digestion of 'begging' for citizens funds by using radio, Internet and television, show dying children to ordinary British people straight into UK living rooms (no doubt whilst citizens are having a cup of tea or relaxing after a hard day's work). Such adverts does not warn people of distressing scenes to come with emotional and shallow statements aimed at people feeling guilty for their ordinary lives- a sort of bullying and emotional blackmail of British people.

Another legal issue is highlighted when the news programmes on television show ‘starving’ refugees behaving in a most illegal, aggressive and criminal way, contrary to the way even protesters are allowed by law to behave in this country. It makes one wonder if such people would take over whole country estates, disregarding land law and burgle British houses and shops just because this country has the things they want to have without heed of law and order, and civil and criminal laws. Such anarchy is usually defined as without government , and ‘anarchism’ defined as the philosophy which aims at anarchy’s realization, and ‘anarchists’ as individuals who seek to bring about anarchy by advocating anarchism and/or by engaging in anarchic praxis.

It is to be noted that the Geneva Conventions provide for a system of fact-finding or inquiry as per articles 52/53/132/139 of the Geneva Conventions I-IV. Fact-finding is very difficult in this Internet age of social media, when Tom, Dick or Harry may upload on *YouTube* and similar websites all manner of edited versions of the facts. This really is our problem which makes for significant potential for breaches of the law, retaliation and escalation.

In the United Kingdom, there is the Perjury Act 1911, section 1 1) of which states:

*‘If any person lawfully sworn as a witness or as an interpreter in a judicial proceeding<sup>1</sup> wilfully makes a statement material in that proceeding, which he knows to be false or does not believe to be true, he shall be guilty of perjury’ .*

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<sup>1</sup> Judicial proceeding, by section 1 (5) of the Perjury Act includes a proceeding before any court, tribunal or person having by law power to hear, receive and examine evidence on oath.

A successful conviction for perjury will depend on being able to show that the defendant knew the statement to be false or did not believe it to be true.

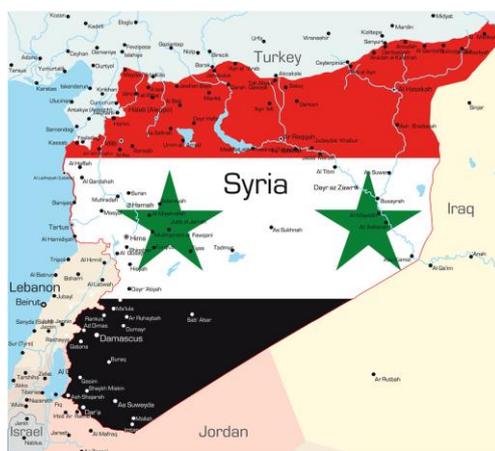
Another issue this brings to the fore is terrorism. How can the police be sure that terrorists will not slip into the UK with the sole purpose of terrorist attacks on this country?

Will such 'refugees' blow up hospitals if they are not given jobs as doctors? Or lawyers?

Terrorism can come in this new form of hate crime.

## The Syrian Refugee Legal Issue- introduction

The Syrian Arab Republic (Jumhuriya al-Arabya as-Suriya) has a population of 18 to 22 million people. Syria is bounded by the Mediterranean and Lebanon in the west; by Israel and Jordan in the south; by Iraq in the east and by Turkey in the north.



Syria (source: Google)

Syria's capital city is Damascus.



Over 90% of the people of Syria speak Arabic; 9% speak Kurdish and 1% other languages. Expectation of life in Syria is almost the same as in the United Kingdom because 72.2 years is the average life expectancy of men whilst women enjoy a longer life expectancy of 76 years. They enjoy mild winters and hot summers.

The Syrian national anthem is

*'Humata al Diyari al aykum salaam'*, translated as 'Defenders of the realm, to you be peace'.

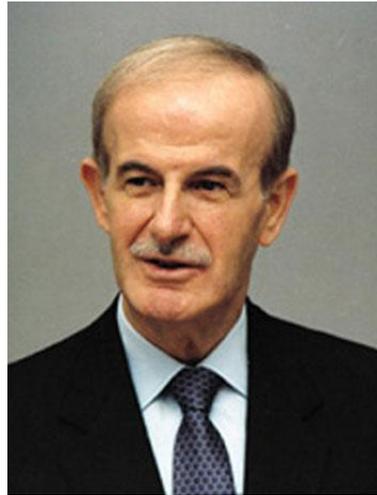
Agriculture accounts for 20% of Gross Domestic Product; industry 30% and services 50%.

Oil accounts for 40% of export receipts. Syria's natural resources consist of oil and gas; electricity; minerals; forestry; fisheries; and agriculture.

### **Syria over many centuries has endured strife**

There has always been strife in Syria, ever since Alexander the Great overthrew the Persians and Syria came under Greek rule in the 4<sup>th</sup> Century BC. Later Syria became an important frontier zone under Diocletian who established lines of defence against eastern invaders.

Then there were the Persian invasions of the 6<sup>th</sup> Century. In 636AD after the Battle of Yarmuk River, Muslim Arab forces took over. It changed hands until the 12<sup>th</sup> Century when Muslim tribes won back much of Syria and in 1516, Syria fell to the Ottoman Turks. In the 1830s Egyptian forces invaded Syria but they withdrew in the 1846 along with French and British forces. During the 1948 Arab-Israeli War, Syria fought for the Palestinians. In 1958 Syria united with Egypt to create the United Arab Republic which did not last long and a series of military coups ensued. In 1963 the Ba'ath Party took power in Syria. In 1966 the Syrian Ba'athists broke away from the Iraqi Ba'athists and Syria began to support Iran. In 1967 Syria was at war with Israel and so lost the Golan Heights to Israel. In 1971 a small minority Alawite sect seized power in Syria and Hafez-al-Assad came to power.



Assad (source: Google)



Hamah. Source: Google

In 1982 this new government destroyed the Sunni Fundamentalist Muslim Brotherhood in the city of Hamah. Assad died in the year 2000 and his son Bashar Assad took his position.



Bashar al Assad (source: Google)

In 2003 Syria refused to join the Americans in attacking Iraq. In 2008 France brokered talks, and this led to the first Syrian embassy in Lebanon. In March 2011, there was unrest throughout Syria. By May 2011 some 9000 protesters had died causing the United States and the United Kingdom to impose sanctions on Syria.

### **Disasters globally are streamed into British living rooms**



Boatload of immigrants. Source: Google

Every single day, British citizens who turn on their computers, television sets or their radios are bombarded with the world's alleged tragedies which feed the media financially, cause country-wide stress to the country's people and are mostly biased and dramatised without giving people all the relevant facts - to such an extent that people feel sick as they sit down to their average suppers. Studying the developments closely, one can see that immigrants are showing their young offspring in most photos, the same advertising method used by charities

begging for money in their television adverts, paid for by even more private donations. Many refugees have high-tec equipment which they use to send their success back to others in Syria and thus a new influx of people arrives.



Source: Google



Source: Google





On Friday 4 September, many UK broadsheets carried a front page oversized picture of a man carrying a boy's body (see above) and UK citizens waking up to their newspaper and cup of tea are immediately terrified and horrified and appalled.

In a clinical fashion, it is as well to look at ferry disasters throughout the world which have caused many deaths. Should the UK government give residency to all the relatives of those who perished so that they can start again in a new environment?

### **South Korea ferry disaster in which hundreds of children died**



Source: Google

One is reminded of the ferry, MV Sewol, which overturned and on which several hundred innocent schoolchildren perished. The Republic of Korea, most commonly known as South Korea, is a vibrant country of over 50 million inhabitants and a huge GDP of \$1 trillion. An estimated 3,400 UK nationals currently reside in South Korea while over 50,000 South Korean nationals have made Britain their home plus an increasing number of Koreans on student visas to the UK. South Korea was overwhelmed with grief when the *Sewol* sank. People struggled to fathom how a routine ferry ride could lead to 304 deaths, many of them students on a high school field trip. Should all those who wish to forget the tragedy be allowed asylum in the EU?

It has been argued that the war on terror is largely not an issue of international humanitarian law at all except when the war against terrorism comes down to a concrete hostile encounter between concrete belligerents.<sup>2</sup>

### **Government information available for public consumption**

The UK government must make such legal information available to the public that there should be no doubt where they stand with regard to legal issues in refugee status to this country.

People should know whether all these persons entering the UK will have free access to Legal Aid when the citizens of the UK must be means tested. The UK and Northern Ireland did make reservations to the international laws on human rights on ratification as follows:

‘...The Government of the United Kingdom reserve the right to continue to apply such immigration legislation governing entry into, stay in and departure from the United Kingdom as they may deem necessary from time to time and, accordingly, their acceptance of article 12 (4) and of the other provisions of the covenant is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom. The United Kingdom also reserves a similar right in regard to its dependent territories.

The Government of the United Kingdom reserve the right not to apply article 13 in Hong Kong in so far as the shortage of legal practitioners renders the application of this guarantee

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<sup>2</sup> Kolb, R. (2014) *Advanced introduction to International Humanitarian Law*, Cheltenham: Edward Edgar at page 149.

impossible in the British Virgin Islands; the Cayman Islands; the Falkland Islands, the Gilbert Islands; the Pitcairn Islands Group; St Helena and Tuvalu.

The Government of the United Kingdom interpret article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order, reserve the right **not** to introduce further legislation.

The United Kingdom also reserves a similar right in regard to each of its dependent territories....

The Government of the United Kingdom reserve the right to enact such nationality legislation as they may deem necessary from time to time to reserve the acquisition and possession of citizenship under such legislation to those having sufficient connection with the united kingdom or any of its dependent territories and accordingly, their acceptance of article 24 (3) and of the other provisions of the Covenant is subject to the provisions of any such legislation.

The Government of the United Kingdom reserve the right not to apply subparagraph (b) of article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong and subparagraph (c) of article 25 in so far as it relates to jury service in the Isle of Man.

Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.’

It is to be noted that the ICPR and EHR are silent as to any right of asylum.

With regard to asylum only two Conventions (CR and CS) have some relevance to the right of asylum, though neither guarantees asylum, expressly or by necessary implication.

The Convention Relating to the Status of Refugees (CR) requires its contracting states to accord to refugees<sup>3</sup> within their territories rights not less favourable than those enjoyed by aliens generally- without discrimination as to race, religion, country of origin- as well as a number of additional rights there set out. CR 1 © sets out the ways a person may lose the status of a refugee.

The Convention Relating to the Status of Stateless Persons (CS) contains similar provisions for the benefit of stateless persons. A stateless person is defined as *'a person who is not considered as a national by any State under the operation of its law'*.

Neither refugee status or stateless person status can be given to these persons:

1. Persons who have committed a crime against peace; a war crime; or a crime against humanity (as defined in relevant international instruments).
2. Persons who have committed a serious non-political crime outside the country of their residence prior to their admission to that country.
3. Persons guilty of acts contrary to the purposes and principles of the United Nations.

A final note is that a refugee may be expelled if they have gained illegal entry.

ENDS+

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<sup>3</sup> A refugee is defined by CR 1A (2), as a person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality, or being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.



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