

# افغانستان آزاد – آزاد افغانستان

AA-AA

چو کشور نیاشد تن من مباد بدین بوم ویر زنده یک تن مباد  
همه سر به سر تن به کشتن دهیم از آن به که کشور به دشمن دهیم

[www.afgazad.com](http://www.afgazad.com)

[afgazad@gmail.com](mailto:afgazad@gmail.com)

European Languages

زبان های اروپایی

<http://www.aljazeera.com/indepth/opinion/2013/02/201324165957645514.html>

## Exile the Obama way

**Through utilisation of the federal No-Fly list, authorities are increasingly subjecting individuals to de facto exile.**

Murtaza Hussain

2/5/2013

On January 2, 2005, Rahinah Ibrahim, a PhD student in Construction Management and Engineering at Stanford University, arrived at San Francisco International Airport to board a scheduled international flight en route to Malaysia. Ibrahim was slated to attend a Stanford-sponsored conference in the country to present findings from her doctoral research; a trip she was taking **despite being wheelchair-bound** due to complications from a recent hysterectomy.

However instead of boarding her flight, Ibrahim found herself in handcuffs - detained by the San Francisco Police Department before being searched and locked in a holding cell by TSA agents without explanation as to the reason for her arrest. After being interrogated for several hours by the FBI it was revealed that she had been placed - for reasons not revealed to her - on a No-Fly list which prevented her from routinely boarding her flight. Despite this Ibrahim was cleared by the agents of being a security risk, assured there would be no future problems, and allowed to board a flight for Malaysia the following day.

However upon attempting to return to the United States after her trip, **Ibrahim found herself again detained and prevented from boarding her flight** by local authorities who had received instructions from the US Consulate that she was to be barred from returning home.

It has now been eight years and Ibrahim has still not been allowed to return to the United States, banished based on secret evidence which she is unable to view let alone contest and trapped in a Kafkaesque legal limbo which has made her an effective exile from the country.

### **No fly, no way**

As shocking as Ibrahim's situation is, **it is not unique**; over the past decade there have been countless documented cases of individuals who have suddenly found themselves permanently stranded abroad after being banned from the United States despite holding legal residency and/or citizenship in the country.

In April 2012, a 43-year old American citizen and US Air Force veteran named Saadiq Long **was banned from boarding a flight to Oklahoma** to visit his mother whose health had been deteriorating due to congestive heart failure. Long, who had grown up in Oklahoma but moved to Qatar for work, was told by officials from the Department of Homeland Security (DHS) that he had been placed on a No-Fly List which would exclude him from the country of his birth but was refused access to even the most basic details as to the reason for his placement on this list. **Outcry over Long's case** from American civil rights organisations eventually led to him being allowed to visit his mother - but the worrying precedent set by the arbitrariness of his de facto banishment has had an impact on countless others.

**In the past year alone**, the number of individuals placed by the Obama administration on the federal No-Fly list has doubled to over 10,000, with at least 500 being holders of American citizenship. **A further 400,000 individuals** of indeterminate citizenship are on a separate "watchlist" which flags them as being "reasonably suspicious" and potentially subject to exclusion. The names of those on these lists are not disclosed and neither is the reasoning or evidence as to why any particular individual may be flagged. The American Civil Liberties Union has represented many Americans who believe have been on the No-Fly list and have been banned from travelling for work or to visit family for reasons unknown to them. **In the words of ACLU attorney Ben Wizner:**

*People who are protected by the Constitution have a right to fundamental due process. If the United States government is going to maintain a watch list and prevent people from flying, there has to be some way for people to confront the evidence against them and rebut it.*

### **Targeted bannings**

An identified trend has seen Muslims and those who claim ethnic descent from majority-Muslim countries **being overwhelmingly targeted for seemingly inexplicable placement** on these lists. Steve Washburn, a Muslim convert as well as a US military veteran was told by officials at Dublin International Airport that he was on a "**terrorist watch list**" and would not be allowed on his flight home to New Mexico or on any other future flights which would take him to the United States. Even high profile individuals such as Gilbert Chagoury, a multimillionaire businessman with close ties to former President Bill Clinton, have seen themselves effectively banned from travel by their unexplained and indisputable placement on the No-Fly list. After being detained

and interrogated by agents for several hours and questioned about his views and purported ties to terrorists he would say:

*I cannot accept being labelled a terrorist when I am known all over the world as a person who loves peace. It really hurts.*

Gadeir Abbas, a lawyer with the Council on American-Islamic Relations (CAIR) says that calls from Muslim-Americans stranded abroad after being banned from boarding flights home have become a regular occurrence. "The amount of people who experience tragic, life-altering travel delays is significant," said Abbas.

In numerous cases individuals have claimed to be banned from travelling **after refusing to become informants against their own community**. Ibrahim "Abe" Mashal, was told by FBI agents that his name would be removed from the No-Fly list if he would agree to go undercover and spy on other Muslims, while Mohammed Tanvir was coerced with threats and blackmail to become an informant spying on the South Asian community in New York. After refusing, Tanvir was placed on the No-Fly list, an act which his lawyer said was direct retaliation for his refusal to inform.

There is a recognised and genuine need to prevent known terrorists and those legitimately suspected of involvement with terrorism from travelling freely to the United States and elsewhere. However in practice it seems as though the ability to place individuals on No-Fly lists and other types of restrictive surveillance has been abused to harass and pressure innocent individuals, with specific emphasis upon Muslims.

In the case of Rahinah Ibrahim a federal judge in San Francisco **recently blasted the government's usage of secret evidence against her**, citing their "persistent and stubborn refusal" to follow applicable laws and attempts to undermine "the traditional system of fair play where both sides have notice of the arguments and evidence being used against them".

This system increasingly appears to be inapplicable to Muslim-Americans and those who claim descent from Muslim countries, for whom a parallel legal system exists which leaves them at the mercy of secret evidence and subject to effective exile from the United States through legal prohibition them flying home. The subversion of the US justice system towards this end has been a legacy of the past decades erosion of civil liberties and has continued with even greater vigor under the Obama administration.

As **articulated by ACLU attorney** Nusrat Choudhury, "It doesn't make anyone safer for innocent people not to be allowed to fly." Effectively granting government the ability to opaquely subject citizens to de facto banishment while abroad protects no one, but rather represents a troubling and potentially consequential deterioration of constitutionally protected rights in the post-9/11 era.