

THE MUSLIM COUNCIL OF BRITAIN



BRIEFING FOR A JUDICIAL INQUIRY

The tragedy of 7 July 2005 and the events of 21 July 2005 have led many politicians to rush to judgments about the causes of the bombings in Britain. They suggest that the cause is “perversion of Islam” and describe the motivation for these acts of terror as “the evil ideology.” These suggestions are speculative and lack evidentiary foundation.

As a direct result of these suggestions, some politicians and opinion formers have started to question the basic precepts of our society. The value and need for Multiculturalism is now up for debate as is the “Britishness of Muslims”.

The security of our society cannot and should not be compromised on any account. It is therefore of crucial importance that we find out, in an objective and transparent manner, the reasons that have led young Muslims to engage in acts of terror and murder against their own fellow citizens. We cannot address this shocking phenomenon unless we know the causes. Misdirected action has the potential to make matters far worse for the future. We fear that such misdirected action can be brought about by hasty or erroneous judgment on causes. We could as a consequence end up living in a fragmented society, deeply suspicious and resentful of each other.

The Muslim community is committed to play its full role in getting to the bottom of this horrendous problem but it cannot do so without the active support of the government. It is the duty of the government to protect its citizens and in order to discharge that duty it is imperative for our government to do all it can to find the true reasons for such alienation and hostility to a section of the youth in a faith group as to blow themselves up to cause mayhem and terror.

It is in this context that the Muslim Council of Britain calls for a Statutory Inquiry in accordance with the Inquiries Act 2005, which provides for inquires into events that ‘cause public concern’.

We ask that an Inquiry panel is immediately established, which is chaired by an eminent Judge preferably a Law Lord who has a track record on issues of equality and cultural sensitivity.

We ask that Muslims of appropriate qualifications, skills and experience are included in the Inquiry panel and in the assessors selected. This is imperative as Statutory Inquiries have an inquisitorial mandate. Inquisitorial as opposed to adversarial process by its very nature demands greater public confidence and acceptability. The requisite public confidence and acceptability will not be forthcoming if the participation and active involvement of the Muslim community is not ensured at all stages of the Inquiry including the planning stage.

The Terms of Reference recommended for the Inquiry by the MCB are:

To enquire into the events of 7 and 21 July 2005 and to identify the causes and other associated factors including matters that particularly affect the Muslim Community in Britain and to make recommendations to facilitate for a cohesive, just and safe society for all.

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For those who oppose the holding of an inquiry, they may wish to consider what can be of greater concern to the public than the bombing of our country?

The MCB would like to remind that in June 2005 the Constitutional Affairs Minister Baroness Cathy Ashton said: *"Inquiries examine events that have caused serious public concern and can make a real difference in establishing what went wrong and recommending how it can be avoided in future."*

BACKGROUND INFORMATION:

The Inquiries Act 2005:

- S.1 Minister has power to establish an inquiry for events that 'cause public concern'
 - S.2 Inquiry panel has no power to determine a persons civil or criminal liability
 - S.3 Inquiry panel can be the chairman or the chairman with one or more members
 - S.4 The Minister appoints the inquiry panel
 - S.5 The Minister having appointed the chairman, must after a reasonable time, specify a setting-up date and the terms of reference
 - S.6 The Minister must as soon as is reasonably practicable inform Parliament of the inquiry, the Chairman and of the inquiry panel if applicable
 - S.7 The Minister has the discretion to appoint further members to the inquiry panel at any time, even during the inquiry
 - S.8 The Minister must consider the suitability of appointing a member to the panel
 - S.9 The Minister is bound by the requirement of impartiality when appointing members to the inquiry panel
 - S.10 The Minister must consult a specified person when appointing a judge as a panel member
 - S.11 The Minister or the chairman can appoint assessors, one or more, to assist with the inquiry panel
 - S.17 The chairman may direct the process for evidence, procedure and conduct
 - S.18 The chairman must take steps as he considers reasonable to secure that members of the public have access to the inquiry proceedings and information
 - S.21 The chairman has powers to require a person to submit evidence
 - S.22 A person may not be compelled to provide privileged information
 - S.24 The chairman must deliver a report to the Minister setting out the facts determined by the inquiry panel and its recommendations
 - S.25 The Minister has the duty to publish the report of an inquiry
 - S.26 The Minister must lay the report before parliament as soon as is reasonably practicable
 - S.38 The time limit for applying for a judicial review is 14 days
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- A public Inquiry is not like a civil or criminal trial which is adversarial in nature. A public inquiry which is inquisitorial aims primarily at establishing the truth rather than proving guilt or innocence.
 - The Inquiry has the freedom to conduct its operations as it sees fit; to decide what documents it needs to see; whom to call as witnesses; and how to proceed, in order to discharge its responsibility to the public to arrive at the truth.
 - The Inquiry that we are seeking can be ordered by a Minister (the Home Secretary in this case). It does not require the approval of Parliament but the Parliament needs to be kept informed.