

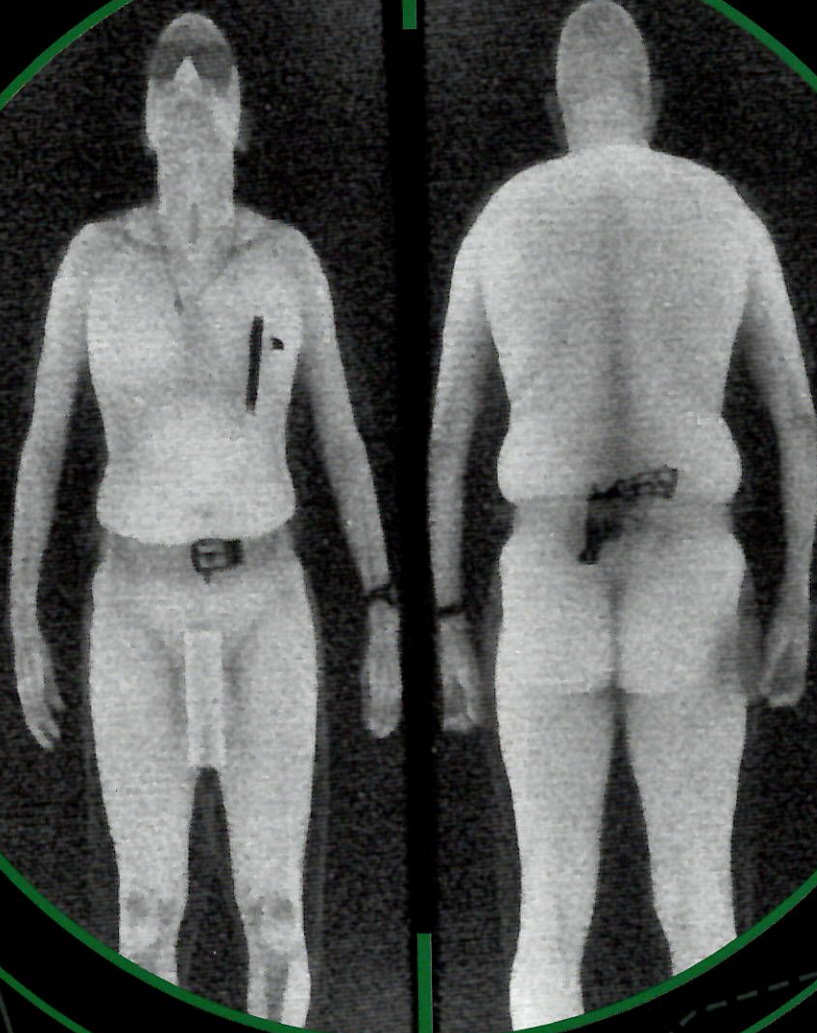
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• GRL781

• LV224



• BA074

• L11

X-Ray, X-Rated: *passenger screening*

Explosives:
concealment and detection

Israeli Security Technology:
solutions from \$0.03 to \$3,000,000.00

Customs In Control:
the war against terrorism and cross border crime

• RK595

**DON'T MISS...
AirPORT Security Expo
Special Supplement**

Hijack A Plane, Win A Council House Game

by Philip Baum

It was once sent to me as a rather tasteless joke, maybe you have seen it...

I refer to an e-mail that I received one month after the hijacking of an Ariana Afghan flight to London Stansted in February 2000. The (abbreviated) version of the e-mail goes as follows:

"Good morning and welcome to a brand new game, the game of ASYLUM. We've already given away hundreds of millions of pounds and thousands of dream homes courtesy of our sponsor, the British taxpayer. Anyone can play providing they don't hold a British passport. You only need one word of English: asylum. Prizes include all expenses paid accommodation and cash benefits starting at £180 per week. This competition is open to everyone buying a ticket or stowing away on one of our partner's airlines, ferry companies or Eurostar.

Only last month 140 members of the Taliban family from Afghanistan were flown to our international gateway at Stansted where local law enforcement officers were on hand to fast-track them to their £200 a night rooms in the fabulous four star Hilton Hotel.

If you don't understand the rules, don't forget there's no need to telephone a friend or ask the audience, just apply for legal aid. Hundreds of lawyers, social workers and counsellors are waiting to help. So, come on down. Come to the airport. Don't stop in Germany or France, go straight to Britain."

Tasteless, but true it would seem.

In May, the nine men found guilty of hijacking the Ariana jet had their convictions

quashed at the Court of Appeal in London after a trial that cost approx. £12 million.

The convictions were ruled unsafe after the judges heard that the law relating to whether the nine acted under "duress" because of their professed fear of the brutal Taliban regime had been wrongly applied at their Old Bailey trial. Accordingly, the two hijackers still remaining in prison were released; the seven other men had been released earlier having received shorter sentences.

Few can have anything but sympathy for those who lived under the Taliban regime and with the hijackers being members of a banned group known as the "Young Intellectuals", their lives would have had little value in Afghanistan. In fact many of their fellow passengers on the jet they eventually hijacked were equally keen to leave Afghanistan: of the 165 people on board, 74, including the convicted men, ultimately asked to remain in the UK.

However, especially when one considers the poor levels of security on domestic flights in certain parts of the world, we cannot allow the message to go out that Britain (or anywhere else) is a soft touch for hijackers. Duress may be mitigating circumstances when it comes to sentencing, yet it cannot be a defence against the actual conviction itself.

And the Afghan experience was not the first time hijackers' sentences had been quashed. The last time (before the Ariana incident) a flight was hijacked to the United Kingdom was in 1996: in 1998, the six Iraqi diplomats convicted for the hijacking of the Sudanese plane to

Stansted had their sentences quashed too when judges ruled that the men had acted under duress. The Iraqis had feared punishment, or worse, once summoned back to Baghdad from Khartoum.

On that occasion, Lord Justice Rose indicated that we would not have been trying Anne Frank had she chosen to escape the Gestapo by such means. I think otherwise...

We simply cannot allow potential hijackers to even consider that they might be let off, either on a technicality or as an act of humanity. Hijacking an aircraft puts at risk the lives of all those on board and the perpetrators must pay the price by being punished accordingly. Of course, the length of the sentence is going to be determined once all the circumstances have been taken into consideration, yet we cannot send out a message that acts of aerial piracy are legitimate avenues to asylum.

Potential perpetrators need to appreciate that, at the very least, their action will result in a lengthy prison sentence. If they deem that as a better existence than living under their own regime, then so be it.

I'm not some right wing fanatic devoid of sympathy. Being a strong opponent of the death penalty (how the United States can consider itself morally superior to anyone whilst it still practices what most civilised nations consider a cruel and inhuman form of punishment), I have the greatest respect for prisoner rights. Yet passengers have rights too. Attempting to escape a regime is all very well, providing it does not jeopardise the rights of hundreds of others. ☺