

A TRAVESTY OF JUSTICE

– THE INCARCERATION

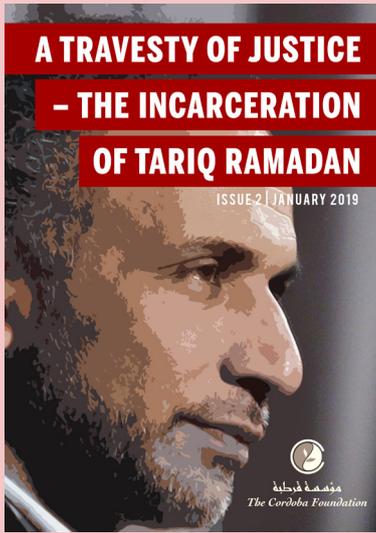
OF TARIQ RAMADAN

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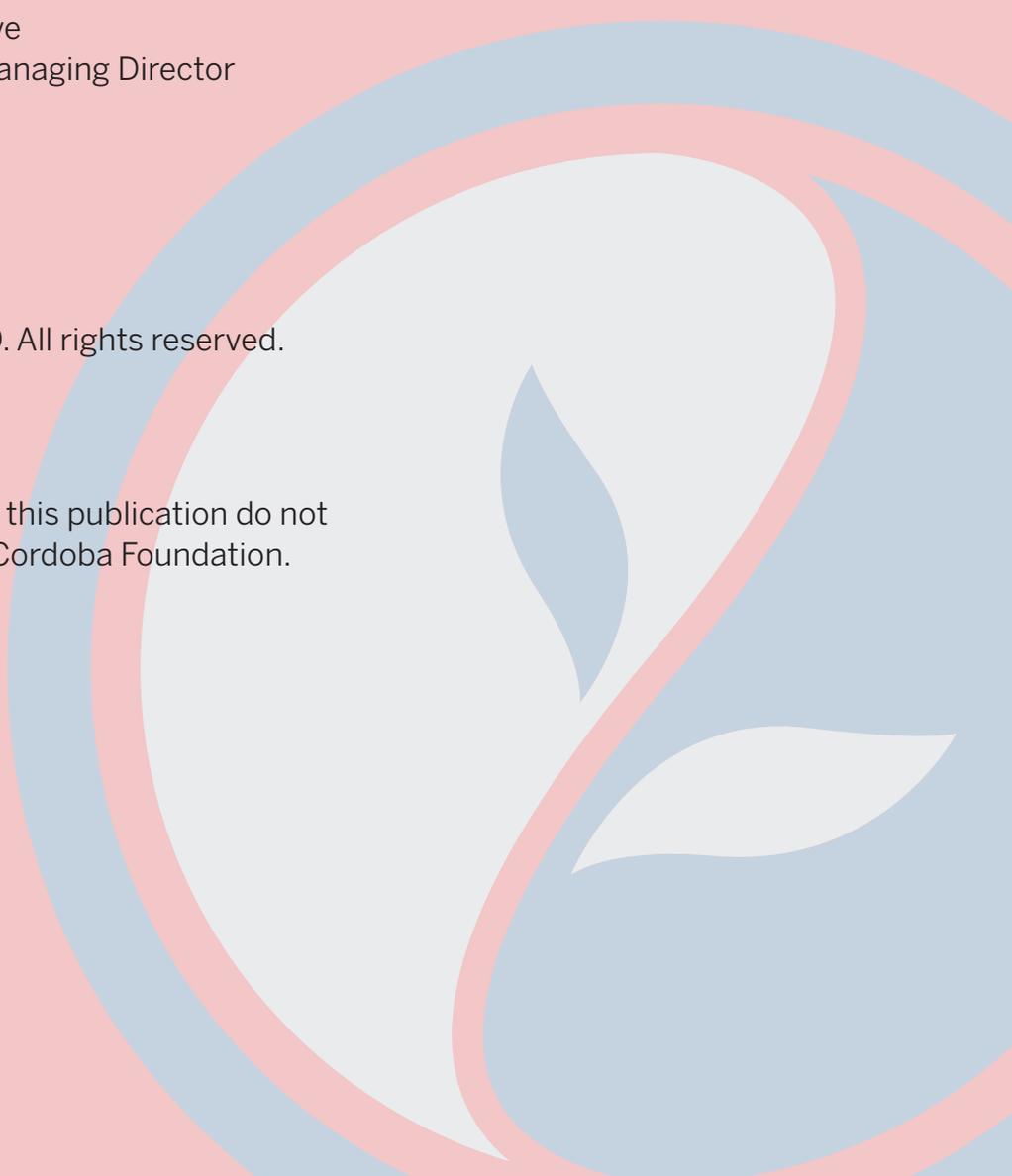


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A TRAVESTY OF JUSTICE – THE INCARCERATION OF TARIQ RAMADAN

Dr Alain Gabon*

The Tariq Ramadan affair, which exploded internationally in October 2017 and became by far the most mediatised #MeToo case of rape accusations¹ in France, is no longer making headlines despite still unfolding and generating regular plot twists. But since the English language media have essentially ceased to cover this most significant affair, and even in France, related news has been scarce, partial and hard to find for months, an update may be useful.²

Who is Tariq Ramadan?

Although this may be redundant to this readership, Tariq Ramadan,³ an Oxford University professor in Islamic Studies, a prolific author⁴ of more than 30 books on Islam and literally thousands of articles and conferences (both academic and non-academic) all over the world, founder of the European Muslim Network⁵, is without any doubt the most influential Islamic intellectual in postwar Europe. In that respect he has always been in a league of his own, a transnational Islamic institution all by himself. He is also a man who, for reasons beyond the scope of this article but that we develop elsewhere,⁶ has become for at-least a decade Muslim Public Enemy Number One for all French mainstream media, politicians, and governments as well as countless intellectuals and academics. It is safe to say this man doesn't have a single friend and ally among France's elitocracy and Powers that Be, only sworn and lifelong enemies who for years since at least the early 2000s, have done everything they could not just to discredit him, but to destroy him.

Main developments of the case

The main development has been Ramadan's conditional liberation⁷ in November 2018, after ten months of extremely harsh incarceration in solitary confinement that was gravely endangering his health. At least one official medical report from the prison hospital itself assessed that "the damage may be irreversible".

The decision by the Paris Court of Appeal casts further doubt on whether that incarceration was justified and necessary in the first place. The judges declared⁸ "it has not been demonstrated that jail is the only way to avoid pressure on the plaintiffs and that the accused will remain available" (meaning that he will not try to flee to another country). The judges are now recognising the validity of the arguments made by Ramadan's lawyers since the beginning. His defence is therefore vindicated, but only after much harm (including legal, financial and medical) done to him. In light of this decision, it does appear that long incarceration was utterly useless and gratuitous in the first place, as Ramadan's supporters and defence team never ceased to claim.

For months, as we already documented⁹ and will further show below, the accusations of all three French plaintiffs have steadily collapsed almost completely. It is remarkable that to this day not a single piece of concrete and irrefutable evidence of wrongdoing has been presented, despite the hypermediatisation of the affair and the repeated promises of the plaintiffs to mainstream media that they were "soon going to show proof"¹⁰ of their accusations. We are still waiting.

This now obvious lack of credibility of the accusations of all three French plaintiffs has led the anti-Ramadan media and government to adjust their attack angles. They now try to obliquely discredit the intellectual using new smears utterly unrelated to the rape charges.

Freezing of assets of Ramadan's brother

Thus, in June 2018, the French government decided to freeze the assets¹¹ of Ramadan's brother Hani Ramadan (who lives and works in Switzerland as a Swiss citizen and theologian), arguing without any evidence¹² that he had "taken positions that may be "disruptive of public order" and "may be construed as supporting or encouraging terrorism"¹³. Even the Ramadanophobic media commented at the bizarreness of the measure, given the use of a financial legal article from the monetary code¹⁴ targeting "individuals who try to commit, facilitate or finance acts of terrorism, or who incite or take part in acts of terrorism"; despite the complete absence of evidence regarding any such deed and the fact that Hani Ramadan has no assets in France. Indeed he does not even have a bank account there.

Three hypotheses arise here: *firstly*, since the

accusations and credibility of Ramadan's three French accusers had been crumbling for months, now visible even to Ramadan's adversaries, this was a timely (and of course duly mediated) decision guaranteed to further associate the name "Ramadan" with "terrorism". *Secondly*, that this may also be a preemptive measure designed to prevent the Ramadan family from forwarding funds to France that could be used for his legal defence. This would be in keeping with the systematic efforts by the French justice system from the beginning to cripple his ability to defend himself, starting with the refusal of bail and jailing him as an innocent man until proven guilty. *Finally*, and at the very least, this further associates Tariq Ramadan to his brother in the old, classic Stalinist "guilt by association" mode, which can only serve to further demonise Ramadan given his brother's reputation in France as a dangerous "extremist Islamist" is even worse than his own.

Parallel smear campaigns

In addition to the above, since the rape accusations were losing credibility, the longstanding French and Swiss enemies of Ramadan (including the Swiss journalist Ian Hamel from France's weekly *Le Point* and the media more broadly) started to attack him in relation to the validity of his university degrees, titles, and credentials. They went so far as to claim, in numerous high-profile articles, that his doctoral thesis was "fake" and that he had only obtained his doctorate by "blackmailing" and "threatening" his jury members. Formal accusations were sent to the Swiss educational authorities, which even launched an investigation into it. This too, as far as we can tell, has predictably led nowhere. But that new smear circulated for weeks in most leading media outlets,¹⁵ systematically and falsely presented as credible, and even proven.¹⁶ The goal was clearly to try to strip Ramadan of his university titles and Oxford Professorship to better destroy his intellectual reputation, ideas, influence, ability to teach again and future income.

Another parallel smear campaign¹⁷ regarding alleged "inappropriate relations of a sexual nature" Ramadan supposedly had with some of his students 30 years ago was a clear attempt to portray him not just as a rapist but as a pedophile too. This was designed to capitalise on the cliché of Islam as a "religion founded by a pedophile" popularised by far right figures

such as Geert Wilders.¹⁸ These completely anonymous accusations that appeared in a few newspapers generated an investigation by the Swiss County of Geneva. That led to a 35-page report¹⁹ by two independent experts commissioned by the Swiss official educational authorities. It would seem that anything likely to hurt Ramadan is immediately taken up officially by authorities and then spiral as far as possible. The final report concluded²⁰ in the clearest possible manner that "There is no element of any order whatsoever to retain against him (Tariq Ramadan) the slightest suspicion of attacks on the sexual integrity of students". The report continued: "while he was working in that school, none of his alleged victims raised any complaints or criticisms regarding his behavior in or out of school". It further added that

“the alleged rumors about a behavior of sexual abuse on the part of Tariq Ramadan against students... [and rumors]... by the former teacher of the School of Commerce and relayed by the press in November 2017, are baseless as they are peddled in a confused way both over the concerned period and the content.”

Remarkably, and with complete impunity once again, the mainstream media succeeded in misrepresenting that report, covering up the above conclusions and making it appear as though the report assessed that Ramadan did indeed abuse his students. For example, on November 29, 2018 the 24/7 news station BFMTV published a piece entitled, "Rape accusations: the devastating Swiss report against Ramadan".²¹ The day before, the radio

station Europe 1, one of the largest in France, had published an article on its website with the title²² “Tariq Ramadan: The Swiss report confirms the testimonies of the schoolgirls he sexually abused”. In short, the *exact opposite* of the report’s conclusions! Such has been the environment in which the whole affair has unfolded since October 2017.

“Ex-Salafist feminist” Henda Ayari’s characterisation of Ramadan

Meanwhile, the leading and most mediatised plaintiff (Henda Ayari), after recreating herself as an “ex-Salafist feminist activist” and a sort of French Ayaan Hirsi Ali, continued on her Facebook and Twitter accounts²³ to spread slander against Ramadan. The accusations made have become ever more gratuitous, outrageous and matched only by a continued complete lack of proof. Thus, she described the Muslim theologian as a gang leader and a “Muslim Godfather” who, after indoctrinating “an army of zombified followers”, was now “coordinating” (apparently from behind bars, where he couldn’t even receive his own mail) the hate speech and death threats she alleges to receive from Ramadan’s supporters.

Curiously, Ayari has never produced any of these death threats in any of her many high-profile interviews, nor shared them on her Twitter or Facebook accounts. Ayari even declared on national radio²⁴ that Ramadan had threatened to kill her and her children. But this is France, and if Ayari were to claim tomorrow that Ramadan eats babies for breakfast, there would be mainstream respected media outlets and prominent chroniclers ready to invite her and intently listen to her with tears in their eyes.

Free Ramadan Campaign gains mainstream traction

In Ramadan’s favour, none of those smear campaigns have managed to stop the well-organised Free Ramadan Campaign. In fact, this reached a new level²⁵ when hundreds²⁶ of internationally renowned and respected scholars, academics and beyond²⁷ added their names to the global appeal to secure fair and impartial justice for Ramadan. Despite the noticeable absence of French personalities with rare exceptions like François Burgat²⁸ and *Monde Diplomatique* editor-in-chief Alain

Gresh,²⁹ signatories included Professors Noam Chomsky, Leila Ahmed and John Esposito, French activist and historian of colonisation Françoise Vergès, and the Reverend Dr Rowan Williams, among many others. Meanwhile, a steady stream of private support and campaign videos³⁰ continued to be produced and shared. Leading media watchdogs, like Counterpunch, as well as respected reporters, like Britain’s Peter Osborne,³¹ began to publish pieces on the affair³², all highly critical of the handling of this case by the French authorities. It is safe to assume that, coupled with the collapsing testimonies of the accusers, this continuous domestic and international pressure and the (well-deserved) shame it was increasingly putting on the French justice system may have contributed to the liberation of Tariq Ramadan. The academic is now, at-least, able to properly defend himself.

Two justice systems for rape cases

While the circus around Ramadan rages, more rape accusations were filed against other French personalities. The two most noticeable were those of billionaire film director, producer and media mogul Luc Besson³³ (*The 5th Element*, *la Femme Nikita*, *Taken*, *Transporter*, etc.), and high-profile right-wing MP, Gilbert Collard³⁴ (an old supporter of Marine le Pen’s National Front). Needless to say, neither saw the inside of a jail cell even for 24 hours. None of the ludicrous excuses used by Ramadan’s three judges (that he could “escape to another country” or “try to intimidate and pressure” the accusers etc) were heard, although both Besson and Collard have far more power, influence, and connections than Ramadan ever had. No public lynching or media smear of any kind occurred, and both men were able to continue their business as usual, superbly unbothered by such anecdotal episodes that barely made the French news.

To this day, and in blatant contrast with all the other cases involving French personalities, including those accused of multiple rapes, Tariq Ramadan remains the one and only person to have been incarcerated as guilty until proven innocent. These latest two cases of Luc Besson and Gilbert Collard have further confirmed the egregious double standards from the very outset and that in France, there are at least two justice systems: one for Ramadan, and a second far more benign and “normal” one, for everybody else.

Ramadan's standing in the Muslim community

In another development that will most likely prove gravely detrimental to Ramadan's influence and credibility among practicing Muslims, he admitted marital infidelity³⁵ with the plaintiffs. This was a change of legal defence strategy, after declaring³⁶ he had never had any sexual relationships with them (see explanations by his lawyer).³⁷ Ramadan is obviously not accused of adultery, which is not a crime anyway. If it were, then perhaps half his lynch mob would be behind bars. But such admissions will most likely make it hard for him to preach Islamic morality and virtue in matters of personal relationships, particularly marriage, again. In that respect (and although such extra-marital affairs were an open secret), his reputation has greatly suffered, making his public come-back less than likely.

Many Muslims, however, including conservative ones, continue to consider him a role model and remain grateful for what he has taught them: how to be fully European and fully Muslim without complex and apology, how to get civically and politically involved, how to renounce the double "minority/victim" inferiority complex, and so on, as this young researcher explains.³⁸ Besides the essential Islamic value of forgiveness, which is often invoked, they argue that Ramadan is a public Islamic intellectual, not an imam. That marital infidelity is, and should remain, a problem between he and his wife, and that private sexual mores are not part of what constitutes his main legacy to Muslims. But there is no doubt that the question of how to handle this and what position to adopt towards him after this admission has proven deeply divisive among Muslims, and gravely detrimental to Ramadan's status, image and credibility. It has led to some calls by imams to sever ties with him.

“Many Muslims... continue to consider [Ramadan] a role model and remain grateful for what he has taught them: how to be fully European and fully Muslim without complex and apology”

Collapsing claims by accusers lead to Ramadan's liberation

Nonetheless, the main development has been the continuing collapse of the two remaining French accusers, which undoubtedly is another major reason for his recent liberation.

Two recent plot twists that occurred in December 2018, in particular invalidate further the declarations of Henda Ayari and “Christelle”/Paule Emma A:

1) The facial recognition technical expertise ordered by Ramadan's defence to three different independent firms confirmed that the second alleged victim (“Christelle”/Paule Emma A.) was actually in the audience of his conference³⁹ the night she claimed she had been raped. Following the alleged assault “Christelle” claims she was beaten mercilessly then locked in Ramadan's hotel room after he left for his conference, ordered to stay in the room until he returned and kept her prisoner until morning. This is in itself a truly bizarre scenario of sequestration of a person in a hotel room at its busiest moment, with the alleged attacker quietly leaving for the entire evening, with the victim unsupervised inside.

Two of the three firms specialising in facial recognition and other technical identification expertise concluded that there is “moderate support for the hypothesis” [that the woman in the photos of the conference audience is indeed the alleged victim], while the third firm, which uses the most sophisticated facial recognition technology and often contracts for governments and national security, assessed they are “certain at 75%” that the person in the photo is “Christelle”, concluding: “We assess that person in the audience is that individual.”

Given that none of the three firms invalidated the claim, with two that said they “support moderately” and one positively confirming the presence of the accuser, it is clear that “Christelle” was in the audience of the Ramadan conference, not locked in the hotel room as she claimed. Asked about this, the best her lawyer could say was “this doesn't prove anything, people always tell me I look like Tom Cruise”. This is a remarkable statement from a lawyer in such a high-profile case regarding the most crucial aspect of his client's testimony. But this is Tariq Ramadan in France, so anything goes.

The French judges have themselves ordered a similar facial recognition test, the results of which are due in a few weeks. It remains to be seen whether this test will corroborate those of Ramadan's lawyers. But at this point it looks very much like a repeat of the case of Henda Ayari, whose declarations have also been repeatedly invalidated by hard evidence.⁴⁰ The most spectacular example was seen recently when a police-authenticated wedding DVD showed her celebrating the whole evening at her brother's wedding in another city, the same night she was claiming she was being raped in Paris. This was after she had already changed her story after being proven wrong with irrefutable evidence from the defence. Following this latest and rather amazing mishap, Ayari simply and casually admitted she cannot give a day or even a place for her alleged rape.

2) Second, a whole slew of hundreds of new emails and text messages presented by Ramadan's defence contradict further Ayari's own accusation. Although she testified repeatedly, to the judges and to the media⁴¹ that her alleged rape left her terrified, traumatised, even "so terrorised by Ramadan that to this day [years later] I cannot even say his name", those emails, sent by Ayari herself to Ramadan for months on end after her alleged rape, show her begging him repeatedly for more sexual encounters, using extremely graphic pornographic language too extreme to reproduce here.⁴² In some of the messages Ayari begs Ramadan to see her again, while in others, more vengeful and threatening, she orders him to return and make love to her (a far less romantic verb is used), describing in the most explicit terms what she wants to do to him and wants him to do to her. None of this squares too well with her story of a traumatised and terrified woman who had just been raped and horrifically beaten.

Those hundreds of messages were sent during the weeks and months following her alleged traumatising rape. The hard data shows she could send up to fifty such messages to Ramadan in one single day, all begging, soliciting, often imperiously demanding more sex from him. Since he would not respond despite her pressure, they never met again and Ramadan was eventually forced to block her from his Facebook page, to her despair and subsequent rage. This can easily be seen as her harassment of him. In any case, such evidence shows again the truth of their fleeting relationship (they both agree they met only once) is very, very far from

what Ayari has always described.

More exculpatory evidence of a similar nature has now also been found on the mobile phone of the second plaintiff, "Christelle"/Paule Emma A.⁴³ "Christelle" alleged rape, sequestration and night-long torture, which as we remember from her graphic descriptions in, most notably, *Vanity Fair*⁴⁴ seemed to come straight out of a horror film. Yet, here is the text she sent the following morning: "If I had spent a bad time⁴⁵ I would have left...I miss your skin. I missed you the second I left the room. In the early morning, at dawn, I walked in the park, my head full of images, wondering if physically and personally, you liked me..." [end of the message missing].

This sent to Ramadan immediately after she was allegedly savagely raped and tortured for an entire evening and night until she "managed to escape" in the morning. Given that "Christelle" herself declared she met Ramadan only once, the night of her alleged rape and sequestration, the allusion to "I missed you the second I left the [hotel] room" can only refer to that encounter. One also remembers that instead of that dreamy "walk in the park head full of images wondering if you liked me", she claimed repeatedly, to the judges and media who always took her words at face value, that that morning, she escaped in a state of unimaginable pain and terror, all bruised and wounded, seeking help from various people in a state of panic.

Conclusion

Some may wonder why, with all this new exculpatory hard evidence now added to the rather considerable one that already existed, these two remaining cases of Ayari and "Christelle" have not simply been dropped altogether by the judges. The third French case (the former escort girl "Marie"/Mounia Rebbouj) has, at least for the moment, been dismissed,⁴⁶ following the devastating counter-evidence⁴⁷ from Ramadan's defence that led to the judges' decision not to charge Ramadan.

Though still underway, the one Swiss accusation⁴⁸ has so far led nowhere, as is the case for the American one,⁴⁹ an anonymous woman from Kuwait represented by Pakistani-American attorney-activist Rabia Chaudry⁵⁰ who in February 2018, filed charges for a sexual harassment that allegedly took place in 2013. This is a case about which, to our knowledge, there has been no information to be found anywhere, although the complaint was filed to a

Federal Prosecutor nearly a year ago. The police and judicial process can sometimes be very slow, but from all we can tell, this one American case has seemingly been dropped by whatever U.S. authority was in charge of the preliminary investigation. Nonetheless, in an ongoing affair so rich in plot twists and surprises, it may one day resurface.

“The case of Ramadan should elicit a level of critical scrutiny of France’s entire police and justice system”

In any case, given the egregious double standards and violations of French judicial norms obvious throughout this case from day one, the gratuitous 10-month long incarceration of a still innocent man, furthermore placed in solitary confinement while ill and in declining health, the collapse of the testimonies of all three French plaintiffs, the collapse, too, of the Swiss accusations of “inappropriate behavior” and sexual abuse on high school students thirty years ago,⁵¹ and the continuing absence, after sixteen months, of any shred of evidence of rape (but as explained above, evidence of sexual and other forms of harassment of Ramadan himself by Henda Ayari has now surfaced from her own cell phones!), it truly is surprising this case has not been closed yet. No date has been set for the trial and in view of the above development this past year, it is uncertain whether there will even be one. What is certain, though, is that the French mediascape, but also now more gravely France’s justice system itself has shown a rare level of dysfunction, double standards, bias (in this case, not coincidentally, against Europe’s best-known public Muslim), and untrustworthiness that will make it a lot harder, especially for Muslims, to keep faith in that crucial democratic institution that has turned out to be anything but blind and egalitarian, as it is supposed to be, in theory.

More generally, the case of Ramadan should elicit a level of critical scrutiny of France’s entire police and justice system regarding its treatment of Muslims that has not happened yet. If we consider for example that though Muslims represent less than 9% of the French population⁵² yet they are now the near-majority of France’s prison inmates,⁵³ it is no exaggeration to say the situation is (or is becoming) comparable to that of African-

Americans⁵⁴ vis-à-vis their own police and justice, or more exactly injustice system. If the latter situation is at this point beyond question and abundantly documented,⁵⁵ the French situation regarding the systemic discriminatory treatment of Muslims by their police and justice institutions must now be the object of a similar level of critical investigation.



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Gabon’s articles have appeared in popular media too such as *TurkeyAgenda* (Turkey), *SaphirNews* (France) and *Les Cahiers de l’Islam* (France). He is currently working on a book on women and/ or Islam in France and the Francophone world and is a regular contributor to the *Middle East Eye*. His paper, “The Twin Myths of the Western ‘Islamist Radicalisation’ and the ‘Jihadist Threat’” can be accessed in English and expanded French versions on The Cordoba Foundation’s site – www.thecordobafoundation.com.

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- 44 <https://www.vanityfair.fr/pouvoir/politique/story/-il-avait-lair-habite-jetais-glacee-deffroi-temoignages-glacants-sur-le-systeme-tariq-ramadan/1027#2>
- 45 https://www.youtube.com/watch?v=Gk3AyJ_xx9g
- 46 <https://www.ndtv.com/world-news/french-judges-dismiss-third-rape-probe-against-islamic-scholar-tariq-ramadan-1863041>
- 47 <https://www.milestonesjournal.net/articles/2018/6/17/the-tariq-ramadan-case-a-critical-update>
- 48 https://www.swissinfo.ch/eng/society/criminal-probe_geneva-investigation-opens-after-tariq-ramadan-accused-of-rape/44403102
- 49 <https://english.alarabiya.net/en/features/2018/02/21/Rape-accused-Tariq-Ramadan-faces-US-charges-as-Muslim-victim-comes-forward.html>
- 50 <http://www.rabiachaudry.com/>
- 51 None of these have led to formal charges and have now been assessed to be “baseless rumors” by the independent report commissioned by the Swiss authorities themselves, not by Ramadan’s legal team.
- 52 <http://www.pewresearch.org/fact-tank/2017/11/29/5-facts-about-the-muslim-population-in-europe/>
- 53 <https://www.adamsmith.org/blog/are-70-of-frances-prison-inmates-muslims>
- 54 <http://newjimcrow.com/>
- 55 <https://www.theguardian.com/commentisfree/2018/jan/10/new-jim-crow-banned-jail-changed-my-life>



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Cultures in Dialogue.

The Cordoba Foundation (TCF) is an independent strategic think-tank that works to promote intercultural dialogue and positive coexistence through a range of activities including research and publications, training and capacity building, policy briefings and dialogues. The Foundation takes its name from the city of Cordoba – the European metropolis which was once a symbol of human excellence and intellectual ingenuity, where cultures, civilisations and ideas thrived. Embodying this spirit, TCF today facilitates the meeting of minds to advance understanding and respect for one another.

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