

JUSTICE DENIED

On my election to the European Parliament in September 1999, I was offered a Constituency postal address with the use of accommodation at a complex of holiday cottages in Wroxham, Norfolk. I had stayed for six months at one of the cottages when I was a prospective parliamentary candidate for Norwich South, contesting the 1997 General Election for Westminster.

At my address in Wroxham, there are 34 cottages – not 56 – arranged in 5 blocks with each of the blocks having numbers in the 10's, 20's, 30's, 40's, and 50's respectively. The cottage numbered 56 is the sixth cottage in block 5. There is no No.57 as there is no 29, 30, 44, and others. The No.57 was allocated to me to ensure that my mail was delivered to the office and not to any of the numbered cottages. For five years, all my mail has been received without any difficulty at this address. I have stayed in the cottages whenever convenient as well as in Norwich at the house of the owner of the cottages. Although I am in the constituency every weekend – in Norfolk or Suffolk – I have never claimed that the Wroxham address is my “permanent home”. I have always maintained that my family home is in Sevenoaks and my supporters and constituents have known this. I have declared both my Wroxham and the Sevenoaks addresses to the European Parliament.

Norfolk's daily publication (Eastern Daily Press) has publicly stated its backing for Mr. Martin Bell as an independent candidate in the European Election. They made allegations about my Wroxham constituency postal accommodation address. They did not accept my explanation or verify with the owner of the property the authenticity of my Wroxham address and why I was allocated the number 57 at that address. National, regional press and television regurgitated their story in the absence of any defence by me.

What is the truth? Why did I not respond to the media?

My constituency address is genuine and easy to verify. The owner wrote to the Mail on Sunday and the Eastern Daily Press but neither published her letter. The cottage complex is a well-known address in Wroxham. I have registered both the Wroxham address and the Sevenoaks address with the European Parliament as well as the Conservative Party's Central Office.

Despite this, the Eastern Daily Press continued to portray the non-existence of this address. Others in the media simply regurgitated this inaccurate information.

Conservative Central Office, including its media section, did not challenge the press allegations and denied me my defence by preventing me from going to the media.

The College of Quaestors of the European Parliament monitor expenses of Members (MEPs) and I consulted the President of the College about my situation. He confirmed to me that the College had not judged me to be in breach of any rule of the Parliament and no reimbursement was necessary as I travelled to and from my constituency address that I had registered with the Parliament. My constituents and party supporters know that I drive straight to the constituency – Norfolk or Suffolk – every time I return from Brussels and Strasbourg and I spend every weekend there serving my electors. It is inconceivable that anyone, especially Conservative Central Office and Mr. Jonathan Evans MEP, the Leader of the Conservative Delegation in Brussels, could doubt my movements as my activities in the constituency are on record.

In order to eliminate any possible misinterpretation of European Parliament rules on travel and contrary to advice from the President of the College of Quaestors, I voluntarily reimbursed the difference based on a calculation from the Parliament's payment forms for the journeys from Wroxham. I did this at the earliest opportunity when I was in Brussels (on 5th April, 2004) and well before there was any media interest in this respect. I received no guidance or help in this respect from Mr. Evans or Conservative Central Office. It should be noted that MEPs, especially from the continent, periodically and on an ad-hoc basis calculate their travel expense payments and they either reimburse the Parliament or are paid for underpayment. I have such a confirmation in writing from the President of the Quaestors of the

Parliament and this was one of their letters submitted to the Candidates' Committee during my appeal. **Therefore, my reimbursement for possible over payment is not uncommon or indicative of any misdeed.**

I was in Spain over the Easter weekend when I received a phone call from Conservative Central Office that I should attend the Candidates' Committee on 14th April, 2004. I was given no time to seek legal advice or prepare my defence. I was not sent this notification in writing or given a copy of the Party rules for deselection of candidates. I left Spain on the 13th April and went to Brussels. I left Brussels on the 14th April, 2004 and arrived at Central Office unrepresented and unprepared. There were only three members constituting this Committee of Candidates – clearly not a quorum. They did not examine any documentary evidence from the Quaestors of the Parliament or my parliamentary payment forms. Within 30 minutes, they ruled that I should be deselected. I think this decision was mainly based on the strength of a biased report composed by Mr. Jonathan Evans MEP, the Leader of the Conservative Delegation in Brussels – a Report that implied that I was dishonest in my use of the Wroxham constituency address for claiming travel expenses. He wrote this Report even though he knew the position of the President of the College of Quaestors who advised him that they had not judged me to be in breach of any Parliament rule. He ignored this advice. I wonder what his motive was in writing such a Report that precipitated my deselection and that could put the Party in disrepute.

Without a full quorum, this Committee of three deselected me and stated that "however inadvertent, your acquiescence in accepting travel allowance payments from an accommodation address in Norfolk has put you in a position of receiving public money to which we believe you are not entitled". The Committee gave me 24 hours notice to decide whether I would resign, in which case they would not issue a press release, or appeal, in which case they would issue a press release to say that I had been deselected. This was a kangaroo court and denial of natural justice.

I was speechless. I could not believe that the Conservative Party could dispense such injustice as it claimed to be the world's major political party that stood for democracy, accountability, transparency and fair play. It occurred to me that there were elements in the Party who were out to destroy 15 years of my dedicated work in Conservative politics because I was a conviction politician who had succeeded. It seemed that such people could not accept my success coupled with my ethnicity. Many senior Conservatives, including Westminster MPs, were horrified that I was treated in this way.

I received a further phone call on the 15th April, 2004 (Thursday) that the appeal would be at 10.30am on the 19th April, 2004 (Monday). How could I, under short notice, find a solicitor let alone a barrister to represent me? How could I secure documentary evidence from the Parliament in such a short time? How could I secure in writing the overwhelming support of the grass roots and senior Conservatives who supported me for so many years and who elected me to be third on their Region's list for the Euro elections?

Family and friends rallied to my support. They found me a Norwich solicitor and a London barrister to study the brief over the weekend. I met these legal advisors for the first time at 08.30am on the day of the appeal. Unknown to me, a senior Westminster MP and an influential President of a Conservative Association had submitted to Central Office written statements in my support. The Secretary of the Committee was unwilling to present the MP's submission to the Committee and had omitted to present a copy of a letter from the owner of the Wroxham property addressed directly to Mr. Michael Howard. My barrister had to insist that both these documents were submitted to all members of the Committee. Whilst the MP's letter was finally circulated, the letter to Mr. Howard had to be read out by my barrister as it was NOT circulated.

From the outset, it was clear that the Committee had been led to presume that "dishonesty" in claiming travel expenses from Norfolk would be sufficient ground for my deselection. My barrister challenged this and insisted that an "inadvertent error" implied no dishonesty and no charge had been made against me that met any of the 12 criteria for deselection according to the Party rules. The barrister declared that if "dishonesty" was to be a new charge then he would need time to prepare defence and the proceedings must be adjourned.

At this appeal, all relevant documentary evidence was submitted, including the Parliament's payment forms, indicating the difference in the amounts for travel from Wroxham and Sevenoaks. A senior Conservative from Eastern Region personally appeared before the Committee to confirm the overwhelming and widespread support and respect I have among Conservative Party members in Eastern Region, especially in Norfolk and Suffolk.

On the 20th April, 2004, Conservative Central Office phoned my office in Brussels and stated that the Candidates' Committee had, in the light of the evidence presented, reversed the earlier decision and instructed the Conservative Party Central Office to re-instate me in 3rd position on the Eastern Region List.

The decision was reported in the Eastern Daily Press and other papers.

Clearly, there were some elements in the Conservative Delegation in Brussels, Conservative Central Office and on the Conservative Party Board who were disappointed with my successful appeal. Unknown to me, they are alleged to have continued to feed the media with inaccurate and potentially libellous information. Extraordinarily and for no justified reasons, I was advised by Central Office NOT to go to the media to defend myself. Furthermore, they did not challenge the biased and damaging media reports to support me. I was simply abandoned by the Party, my delegation leader in Brussels and Central Office. Neither the Chairman nor the Vice Chairman of the Eastern Region Conservatives were offered assistance by the Party to guide or help me against the onslaught from the media, led by the Eastern Daily Press. It is clear now that these elements against me in the Party were seeking a way to oust me despite my successful appeal.

Mr. Michael Howard said the following as reported in East Anglia Daily Times 8th May, 2004:-

"It is very straightforward. Allegations were made about his expenses. Those allegations have been thoroughly investigated by an independent body which we set up for the specific purpose of considering allegations of this kind. When they are made, it is important they are investigated. **It is also important they are investigated fairly and that justice is done and seen to be done**, I don't decide these things, it would be absurd if I did.

The process has taken place, there was an investigation and at the end of that investigation the conclusion was reached that what had happened was an inadvertent error. As far as I am concerned, that's it. **Bashir Khanbhai is entitled to a fair and just hearing as anybody else**. If any fresh allegations are made, that's a different thing". Mr. Howard declared the matter closed.

Between the 9th May and 11th May there was an unacceptable and sustained coverage in the Norfolk media led by the Eastern Daily Press. It has also been alleged that Central Office and other elements in the Conservative Party were determined to reverse Mr. Howard's endorsement of my candidacy and they were feeding the media with ill founded allegations to unnerve the Conservative support for me in Norfolk and Suffolk.

Conservative Central Office did not submit any new allegations or evidence to me (9th May to 2.25pm on 12th May). They telephoned me at 2.25pm on Wednesday 12th May to say that the Party would not be submitting my nomination papers for the election – a de facto deselection. The Central Office official said that they would issue their Press release at 3.00pm giving me no time to defend myself let alone seek legal advice. **They timed it to ensure that I would have no time to stand as an independent conservative candidate in the European Election because a victory for me could seriously damage the reputation of the Party.** On the same day at 5.00pm, I received an email from the Secretary General of the European Parliament confirming that the parliament had, to that time, not received any complaint about my travel expenses between the Wroxham constituency address and the European Parliament. **So much for Mr. Michael Howard's "due process" that ensures that "justice is done and seen to be done". So much for his public backing of my candidacy only 4 days before!**

I did NOT breach any rule of the Party in these three days (9-12th May, 2004). How can the Conservative Party Leader back me publicly on the basis of my successful appeal and allow the Party Board to overrule his Party's "independent body" that had "thoroughly investigated" the matter and exonerated me? Is the Party so weak and lacking in confidence that three days of biased and baseless media reports in a regional paper (Norfolk) can allow the Party Board to reverse the decision of the Party Leader? Why did the Party not consult the grass roots that actually elected me in the first place?

I maintain that I am not in breach of any Parliament rule in my use of the Wroxham address. I have said so all along and know that many other MEPs, including Conservative MEPs, connect flights to Strasbourg from their accommodation in the London area although they have registered their constituency addresses far beyond London.

As reported in The Observer on 16th May, 2004, a prominent and senior Westminster Conservative MP, alleged recently to have over claimed about £100,000, was asked to pay this back and remains a Member of Parliament. As reported on the front page of the Daily Telegraph, a fellow Conservative MEP from Scotland was questioned about his expenses but it seems that no further action has been taken in his case.

Despite Mr. Howard's public backing, the Conservative Party Board has unfairly and unjustly deprived me of an opportunity to serve my Conservative supporters and constituents who continue to send me their letters, emails and phone calls confirming their confidence in me.

The Eastern Daily Press reported that Mrs. May Reader, the Chairman of Waveney Conservative Association, had written to the Party Board for my deselection. I have an email from a senior member of that Association disputing her view and confirming that she did not have the support of many members of the Association. The Eastern Daily Press reported that the Norfolk County Councillors, led by Mrs. Alison King, had written to the Party Board for my deselection. Once again, such a letter was written despite fierce opposition from many councillors and without inviting me to represent my case. What authority and electoral mandate do these people have in asking for my deselection? Why did these people not give me a chance to present them the facts that won me my appeal? Were they protecting their own electoral interests? If so, how will the electorate judge them for their action?

I was selected by the grass roots at the hustings by and for Conservative supporters for the whole of Eastern Region – six counties (Herts, Beds, Cambs, Essex and Suffolk as well as Norfolk) – why should the personal view of one Association Chairman from Waveney and some Norfolk County Councillors influence the Conservative Party Board to deselect me? Where does the Party Board draw such authority to overrule the decision of its own "independent body" that ruled on evidence - not allegations - that I should be re-instated on the Party List?

Conservative grass roots and the public in general, especially in Norfolk and Suffolk, will want to know the true intention of those involved, especially Conservative Central Office and the Party Board for this unwarranted, unjust and unfair deselection.

Why was I treated differently?

It has been alleged that there has been "skulduggery" and "racism" that have led to my deselection.

I am a conviction politician with an excellent record of work in the Parliament and in the constituency. I have, it is said, not been shy to voice criticism, when necessary, of Conservative Central Office and Mr. Evans's leadership of the Conservative Delegation in Brussels. If this is the price I have paid for honesty, then the electors will have confirmation that spin – not straight talk - is indeed what many politicians prefer to ensure their survival.

The decision of the Conservative Party Board has, without any justification whatsoever, stained my reputation and record of performance. Their decision undermines Mr. Howard's leadership and the reputation of the Conservative Party.

Furthermore, many people, including ethnic British citizens, might infer from this decision that there are some Conservative activists high in office in the Conservative Party who cannot accept successful politicians if they are ethnic, even if it means reversing the decision of “due process” and the Leader of the Party. If this is likely to be an inference that gains currency in Britain then the prospects for ethnic participation in Conservative politics will have been dealt a severe blow!

I have done no wrong. I shall do everything I can to clear my name and restore the confidence of so many whom I have had the pleasure and honour to meet and serve.

I wish to thank my Conservative supporters and constituents for their enormous support and regret that I have been denied the opportunity and privilege to continue to serve them.

Bashir Khanbhai MEP

Website: www.bashirkhanbhai.co.uk

23rd May, 2004

Sample of letters/emails received:-

1) Email from a senior Conservative in Eastern Region:-

I am so very sorry to hear that the Board has axed you from the list on June 10th. I am not surprised that this has happened because I was aware of the skullduggery that went on at the hustings last year.

I believe that somebody has been waiting for this moment and an investigation should ensue, but when it could involve a member of the Board, I am less than convinced you will be given fair chance.

I will never forget the way in which “a senior Conservative Councillor and Board Member” sat in front of me at the hustings and was encouraging delegates not to vote for you because you were not a team player. He then said he wanted to see Jonathan Morgan rise up the list instead. There was a least another witness to this fact.

It is no surprise that as your candidacy arises again, this Councillor is now on the Board and Mr. Morgan moves up the list to a possible gainable fourth MEP placement depending on the collapse of the Labour vote.

It would not surprise me if there were some introverted racism involved too. If you want my assistance, you know where you can contact me. I wish you well in your endeavour Bashir. You are the victim of a hatchet job.

2) Email from a Waveney Conservative Association member:

Bashir

Following the deplorable outburst by May Reader in the press I felt that I must contact you to say that she is in no way speaking for all the party in Waveney I and a considerable number of members of the party in Waveney hold you in the highest regard both personally and for what you have achieved in the European parliament. You are what I describe as a common conservative and that is in no way disrespectful, you are one of us, the rank and file who are the future of the party, some one who has a normal life and has been out in the commercial world a practical person and not an idealist.

Best wishes

3) Email from a North Norfolk High School, Norfolk:

I just wanted to thank you personally for your visit to the High School. Everyone that met you was extremely impressed with your interest in our school and your commitment to children in the third world who are denied an education.

I have been a Labour supporter for all my life but I was thoroughly impressed with your humanitarianism when you joined us. One of my Year 11 girls came back to me after the lesson that you took part in and said that you had such an impact on her that it almost made her cry.

We have all been so sorry to hear about the misfortune that has happened to you since you were with us. I, for one, would have considered voting Tory in June if you were still our candidate, and that would have been for the first time in 26 years of voting. I hope you achieve success in all that you decide to do.

4) Email from a constituent in Norfolk:

Dear Bashir

I have sent an e-mail to Howard saying I am disgusted in his action to de-select you. Best of luck in the future I hope you continue with the investigations into the waste of money in the EU

PRESS RELEASE FROM BASHIR KHANBHAI MEP

12th May, 2004

IN RESPONSE TO THE PRESS RELEASE ISSUED BY THE CONSERVATIVE PARTY TODAY AT 3.00pm

On the 19th April, 2004, the full Committee of Candidates of the Conservative Party considered all the documentation, including the correspondence from the College of Quaestors of the European Parliament and the Parliament's documentary evidence relating to Mr. Khanbhai's travel expenses, and concluded that there was no more than an inadvertent error which did not warrant removal of Mr. Khanbhai's name from the Party's Approved List of Candidates for the European Elections on 10th June, 2004.

Mr. Michael Howard, the Conservative Party leader, expressly stated his support for Mr. Khanbhai (7 & 8th May) and confirmed that he would be retained as a candidate in third position on the Eastern Region List.

Press interest, almost exclusively in Norfolk, has been such that attention has been refocused on these issues and as a result, despite the absence of any new evidence - **all the evidence that the Party has now is the same as the evidence before the Committee of Candidates** - the Conservative Party Board today peremptorily informed Mr. Khanbhai that it will not be lodging his nomination papers for which the deadline is tomorrow at 4pm.

Despite having been assured by Mr Michael Howard that the matter was closed, Mr. Khanbhai was informed today at 2.25pm by Mr. Phillips, the Secretary of the Conservative Party Board that the Party would issue its press release at 3.00pm. Mr. Khanbhai had no sensible opportunity to respond before the Party issued its press release.

The President of the College of Quaestors of the European Parliament and the Secretary General of the European Parliament have today both confirmed that there has been **no complaint** to either of them about Mr. Khanbhai's travel expenses between his **Wroxham constituency address and the European Parliament**. He continues to maintain his innocence, as he has throughout. Until now he has **not** been permitted to make any statements to the press.

He thanks his Conservative supporters and constituents for their enormous support and regrets that he has been denied the opportunity by the Party to continue to serve them as he has done over the last five years.

Bashir Khanbhai, 12th May, 2004