

statewatch

monitoring the state and civil liberties in the UK and Europe

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The cycle of UK racism

- stop & search, arrest and imprisonment

● MURDER SUSPECTS

In 90% of cases of murdered white people there are suspects but for murdered black people there are suspects in only 60% of cases

● STOP & SEARCH

Black people form over one quarter of all stops and searches in the Metropolitan police area

Stops and searches have increased by 21% over the year - a ninefold increase since 1986 (the first year of PACE legislation)

The proportion of arrests resulting from stop and search has dropped from 17% in 1986 to 10% in 1997/8

● ARREST

Black people are now 7.5 times more likely to be stopped and searched and, 4 times more likely to be

In December the Home Secretary published his annual report "Race and the Criminal Justice System 1998" - a duty under section 95 of the Criminal Justice Act 1991 to help overcome discrimination. It covers the financial year 1997/98 and buried within the mass of detail, there is further support for the view that there is institutional racism within the police service in England and Wales.

Last summer *Statewatch* carried out a comprehensive analysis of the figures for 1996/97 and commented critically on a number aspects of last year's report including the failure of the Home Secretary to publish detailed tables for all 43 police forces (*Statewatch*, vol 8 no 3/4). Now *Statewatch* presents unique new data with far-reaching implications.

arrested, than white people

Black people formed nearly one quarter, and ethnic minorities (black and Asian people) nearly one third, of all Metropolitan police arrests

15 police forces in England and Wales arrested the equivalent of one in five of the total black population aged 10 or over in their areas

Merseyside police arrested the highest proportion of the black population - nearly one in three of the total black population aged 10 or over (apart from Norfolk)

● IMPRISONMENT

The number of black people per 1000 sent to prison following sentence was between 4 and 7 times greater than for white people in ten selected police force areas

This year's official report once again contains detailed tables for only ten police forces - those with the highest percentage of the ethnic minorities. As pointed out last time, the use of street powers against ethnic groups are likely to be higher in those areas with low proportions of ethnic minorities and vice versa. It is therefore invalid and also unrepresentative to analyse the data for only forces with the highest proportion of ethnic minorities. A full picture can only be obtained from a detailed analysis of all 43 forces. *Statewatch* has, therefore, once again reworked the data using an adjusted set of population figures, supplied by the Office of National Statistics. The City of London has been left out of some of the analysis because it is so unrepresentative. Table 1 (overleaf) gives the main details.

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Stop and Search

There is still wide variation in the use of stop and search powers in different police forces. At one end, Dorset police stopped and searched 4 people per 1000 of the population aged 10 or over. Essex police also had a low rate at 6 per 1000 of the population. At the other, Cleveland - the home of "zero tolerance" - stopped and searched 1 in every 10 of its population. The magnitude of this figure must raise questions about whether the law is being widely abused and the impact this level of stops and searches will have on police community relations long into the future.

There was also extremely wide variation in the use of stop and search powers between the white population and other ethnic groups. The rate for white people was 19 per 1000, for black people 142 per 1000 and for Asians 45 per 1000. Within the white population, the pattern of stops and searches followed that of the population as a whole. Cleveland topped the list with a rate of 98 per 1000, which was double the next highest, Dyfed Powys (43 per 1000), followed by Merseyside (41 per 1000). The lowest was in Dorset with 4 per 1000. Within the black population, Cleveland again had the highest rate with an extraordinary 419 per 1000. Put another way, this meant that 4 out of every 10 black people at some point in time during the year had their freedom of movement curtailed by the police in that area. The next highest rate was on Merseyside where nearly 3 out of every 10 black people were stopped and searched.

Overall, black people were 7.5 times more likely to be stopped and searched than white people aged 10 and over. The black/white stop and search ratio varied from 1:1 in Cumbria to 9:1 in Surrey. Other forces with extremely high ratios of black to white stops and searches were: Surrey (8.6:1), Wiltshire (8.1:1), Leicestershire (7.3:1) Hertfordshire (7.0:1), Merseyside (6.8:1), Warwickshire (6.8:1) and Thames Valley (6.5:1). Interestingly, Cleveland had a slightly smaller differential between white and black people and there the black/white ratio was 4.3:1. Asians were 2.3 times more likely to be stopped and searched than white people. However, some police forces had high Asian/white ratios. West Mercia, Thames Valley and Sussex had ratios of 5:1.

These figures provide no detail of the number of people who experience multiple stops and searches during the year. All the comparisons assume that each stop and search involves a different individual. Multiple stops and searches are, however, common experiences for individuals in both the black and white communities. A black motorist, for example, was stopped 34 times by West Midlands police over a two-year period.

At the end of January the Home Office published its annual report on the Operation of Certain Police Powers under PACE, England and Wales. These recorded 1,050,700 compared with the 1,011,533 stops and searches in 1997/98 in the Home Secretary's Report - a difference of 39,167. It is not clear, however, what the difference is in the compilation of the two sets of figures. In any event if the former is taken, they show that there has been a 21 per cent increase in stops and searches over the year and a nine-fold increase since the introduction of PACE in 1986.

Arrests

In 1997/98 there were 1,964,686 arrests in England and Wales - an arrest rate of 43 per 1000 of the population aged 10 or over. Expressed by way of a time clock, it means that on average 224 people are arrested every hour of the year. Although comparisons with previous years need to be treated with caution because of changing recording practices, in 1986 there were 1,3102,88 arrests. Thus the number of arrests have increased by one third in the period.

The use of this power, as with the stop and search, varies greatly between police forces and within different populations. The highest rates are found in Cleveland and Merseyside (70 per 1000) and the lowest rates in Surrey (24 per 1000) and Devon and Cornwall (19 per 1000). The white population has an arrest rate

of 40 per 1000 compared with 177 per 1000 for black people and 66 per 1000 for Asians. Black people are therefore 4.4 times more likely to be subject to an arrest than a white person. The Home Secretary's analysis of the ten police forces showed a slightly higher ratio: black people were 5 times more likely to be arrested.

Some of the rates of black arrests within some police forces are very high. Norfolk recorded the highest rate. It arrested 857 black people during the year out of an estimated black population of 1,400 - a rate of 612 per 1000. This is so extraordinary that either the figure is incorrect or there was some event, attracting black people from outside the area, which led to disorder. The next highest was Merseyside (298 per 1000) followed by Staffordshire (291 per 1000). The lowest rates were in Cumbria (38 per 100) and Humberside (75 per 1000).

The black/white arrest ratios followed a similar pattern to the stop and search ratios. The highest ratio was, of course, in Norfolk where black people were 18 times more likely than whites to be arrested. The next highest ratio was in Sussex (8.7:1), Surrey (8.5:1) and Warwickshire (8.4:1), Wiltshire (8.3:1) and Avon and Somerset (8.1:1). Cumbria was the only force to arrest similar proportions of black people to white people. Overall 70 per cent of police forces in England and Wales arrested four or more times as many black people as white people.

Arrests from Stops and Searches

The report examines the number of arrests that arose from stops and searches in two ways. First, it presents the percentage of stops and searches under PACE and other legislation that result in an arrest by ethnic group for the 10 selected police forces. This shows that for the majority of the forces both black people and Asians are more likely to be arrested following a stop and search than a white person. Apart from Bedfordshire and Nottinghamshire where the difference between the proportion of white and black arrests are considerable, the difference in the majority of the 10 forces is small. Second, the report presents a table for all 43 police forces showing the proportion of all arrests which resulted from a search under PACE by ethnic group. This definition of stop and search is narrower than the one used above but the information is provided for all police forces. It is therefore possible to rework the data to show what percentage of stops and searches under PACE (but not other legislation) results in an arrest by ethnic group.

The first point that emerges is some of the data is clearly wrong. Northumbria police, for example, report that they arrested 1112 Asians of whom 20%, or 222, were arrested as a result of a stop and search under PACE. Yet they reported that they stopped and searched only 208 Asians under PACE and other legislation.

Secondly, the figures show that while overall there is little difference between the percentage of whites, blacks and Asians who are arrested following a stop and search, there is considerable variation in some police forces - a point which does not emerge from the Home Office analysis. Some 13 police forces arrest nearly twice the proportion of black people than white people following a stop and search and 9 police forces arrest nearly twice the proportion of Asians. Some of the figures are small and therefore need to be treated with caution. But of those police forces who arrested more than 1000 black people, the following have large percentage differences between whites and blacks: Avon and Somerset (10% to 18%) Bedfordshire (10% to 18%), Nottinghamshire (10% to 21%).

Other findings

Cautioning was used less frequently for black people than for white and "other" ethnic groups. In the ten police force areas black people were overall 2 to 3 times more likely than white people to commence a criminal supervision order with the probation service and were 5 to 6 times more likely than white offenders to be received into prison. Forty-seven per cent of

CHART

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white prisoners were serving over 4 years compared with 61% of black prisoners.

One of the most significant statistics in light of the Stephen Lawrence enquiry is the huge differential in the proportion of white and black homicides in which someone had been identified as a possible murder suspect. There was no suspect in 10% of all homicides of white people compared with 40% of cases where the homicide was of a black person.

The government's response to the figures

The Home Secretary has suggested once again that the problem lay with the statistics. First, he endorsed the importance of a cautious approach to their interpretation. Second, he wants the statistics to be improved. All police forces have therefore been asked to provide the Home Office with information on the age groups, gender and offence group of all arrests for notifiable offences from 1 April 1998 on a voluntary basis prior to a mandatory collection of data from 1 April 1999.

At the same time neither the Home Office nor the government appear to be concerned about the civil liberty implications of the use of stop and search and arrest powers for all sections of the population. Moreover, Her Majesty's Inspector of Constabulary (HMIC) - the body with responsibility for overseeing the work of the police - is more concerned with Value for Money or VFM. In a report published last year entitled "What Price Policing: Value for Money in the Police", the HMIC correctly predicted, although anyone could have made the same prediction, that "the move in some forces to 'Zero Tolerance' policing tactics will increase dramatically the number of stop searches conducted". But it expressed no concern whatsoever either about the possible abuse of civil liberties or about the impact that "Zero Tolerance" might have on police community relations and crime detection in the future.

The HMIC report then went on to interpret the increased number of stop and searches as representing "improved productivity". This is, of course, nonsense in the absence of any analysis of the outcome or impact of either power. In relation to stops and searches, the proportion of arrests that arise has been steadily declining from 17% in 1986 to 10% in 1997/98. Although in absolute terms the actual number of people being arrested has increased because of the expansion in the use of the power, in 1997/98 at least 900,000 people in England and Wales were stopped and searched and then allowed to go on their way. This "improved productivity" is unlikely to do much for police community relations as a high proportion of the 900,000 people who are searched will have a deep sense of resentment.

Even if a person is arrested it can not be assumed that the arrest is necessarily a success in relation to crime control. It depends on whether it leads to an eventual successful prosecution and conviction of the individual or some formal action, such as a caution. There is now a range of studies, which suggests that the number of arrests ending with no further action is steadily increasing. The most recent, conducted by the Home Office, found that in a survey of arrests which were made between 1993 and 1994 some 20 per cent led to no further action.

At the same time, statistical series, which reflect some aspect of police effectiveness in bringing criminals to book, are not impressive. The number of people being given a formal caution for all offences other than motoring rose from 236,600 in 1987 to 321,300 in 1992 and then dropped to 282,000 in 1997 - an overall rise of 19%. At the same time the number proceeded against at Magistrates' courts for all offences other than motoring has risen only slightly from 1,843,000 in 1987 to 1,855,000 in 1997 - a rise of less than 1%. The pattern for indictable offences, which are the more serious offences, is in the opposite direction. In 1987 488,000 people were proceeded against for indictable offences and this figure had dropped slightly to 487,000 in 1997

- a decline of 0.2%. If the number of offenders found guilty at all courts and the number cautioned for indictable offences are added together then the figure in 1987 was 536,300 and this had declined to 509,300 in 1997 - an decrease of 5%.

There is little evidence from these statistics that the widespread use of police powers on the streets is leading to higher numbers being formally processed through the criminal justice system. Yet there is considerable evidence of the differential use of the powers to back the widely held belief that there is institutional racism within the police.

Moreover, the evidence from this survey shows that the problem of institutionalised racism pervades the criminal justice system extending to the roles played by HMIC, the Crown Prosecution Service, the courts, the Police Complaints Authority and the Home Office. Each bears responsibility for the failure to tackle racism since the 1981 uprisings and the Scarman report.

Race and the Criminal Justice System, 1998, Home Office; Local Authority Performance Indicators: Police and Fire Services, 1997/98, Audit Commission; The Cost of Policing: A Study of Efficiency and Value for Money in the Police Service, April 1998, HMI; Entry into the criminal justice system: a survey of police arrests and outcomes, Home Office Research Study 185, Home Office; Black Motorist stopped 34 times sues the Police, The Guardian, 19.1.99; Statewatch, vol 8 no 3/4.

CIVIL LIBERTIES

SPAIN

Call for depenalisation of squatting

Last December in Barcelona 23 youths were acquitted of "usurping" property after it was revealed that they had authorisation from the owner. The owner saw the squatters on the first day of their occupation, and informed them that they would receive further information on the situation - an act the judge interpreted as consent. The trial was accompanied by protests supporting the defendants, leading up to a celebratory demonstration on December 18 calling for the depenalisation of squatting. Members of Barcelona's *Centro Social Okupado* (Occupied Social Centres, CSO), in which projects, initiatives and activities take place, have denounced the demolition of several squatted houses. On December 11 the CSO Tararin in Sant Boi was demolished while the occupants were out. Their belongings were buried in the ruins. It was the latest attack on the centre, whose demolition had been prevented two weeks earlier by people in the building. A representative of the firm which carried out the demolition of the Kan Warmi squat last August claimed that they went ahead in the belief that the house was uninhabited - despite the fact that repairs had obviously been made following a previous demolition attempt.

gurmanyach 13.1.99

Civil liberties - new material

No longer whistling in the wind. *Labour Research* Vol. 88, no. 1 (January) 1999, pp23-24. This piece considers the Public Interest Disclosure Act 1998 which "gives workers a new right not to be victimised or dismissed if they...report health and safety or environmental risks or raise concerns that they genuinely believe could reveal criminal acts or the failure of their employers to comply with legal obligations."

The Agitator: a directory of autonomous, non-hierarchical groups

and such like in Britain & Ireland. Counter Information, Haringey Solidarity Group & The Anarchist Distribution Service, 1999, pp44. Contains details of groups "as a way of encouraging information sharing, solidarity and networking between groups and individuals who are actively involved in the struggle against the oppressive and exploitative society we live in." Counter Information E-mail - counterinfo@punk.org.uk; Haringey Solidarity Group E-mail - hsg@clara.net

Parliamentary debates

Disability Rights Commission Bill Lords 17.12.98. cols. 1461-1497

Citizenship and Democracy Lords 18.1.99. cols. 440-464

Disability Rights Commission Bill Lords 4.2.99 cols. 1616-1686

Freedom of Information Bill Lords 10.2.99. cols. 291-318

POLICING

FRANCE

Shooting of Habib Muhammed

Rioting erupted in Toulouse following the shooting by police of Habib Muhammed at 3.30am on December 13. The 17-year old student was unarmed when police opened fire on him as he and an accomplice were attempting to steal a car. Two policeman have been arrested and a senior officer suspended pending the outcome of an inquiry opened on the day after the incident by state prosecutor, Michel Breard.

The police version of events was that two bullets were fired "by accident" and that Muhammed's accomplice managed to drive the car away. The officers decided not to pursue the vehicle, even though they were aware that they had hit Muhammed. The teenager was found two and a half hours later by a passer-by, bleeding to death under a car about 100 metres from where he had been shot. Muhammed's family and friends strongly contest the police account. Their version is based on the account of the other youth involved, who has gone into hiding. According to his testimony, he was in the car and managed to escape by knocking one of the officers with the car door and driving off. Muhammed, meanwhile was outside the car. The police fired, mortally wounding him, but did not intervene to try and stop him bleeding and save his life. His family do not believe that he was hit by accident. The police had their target well in sight, they say.

Riots broke out on the night of the 13th. Around 200 people were involved and six police and one journalist were seriously injured. Using reconstructions, the General National Police Inspectorate (IGPN) are investigating why the police officers did not pursue the escaping car and whether it is possible that they were not aware of having hit Mohammed. The events took place less than a month after the shooting of 20-year old Belaid Mellaz by a pharmacist, Marc Kiffer, whose premises Mellaz had broken into. Mellaz was killed, yet Kiffer was released from custody after only three weeks prompting protests.

Le Monde 15.12.98, *Guardian* 15.12.98, *Liberation* 21.12.98.

UK

CS spray "too toxic to be safe"

A secret Home Office commissioned review of CS gas, "Literature review of solvents suitable for the police CS spray", dating from 1997, says that police sprays contain "a solvent which experts consider too toxic to be safe" according to an article in *Police Review*. The report, which was compiled at Porton Down, rules out the use of methyl isobutyl ketone (MIKB) the solvent used in the police sprays, as "too dangerously toxic". An earlier

report compiled at Porton Down in 1996 also warned against using MIKB as a solvent in CS spray. The report considered 16 solvents which could have been used in the spray and MIKB was graded 3/4 (serious) in ascending order of toxicity; this automatically meant that it was unsafe to use. A Home Office spokesman told *Police Review* that the department was aware of the report but believed that CS spray did not pose any risk. However, it is understood that there are plans to replace police CS sprays with one of the variants of the equally unpredictable pepper sprays in the future.

Preliminary results from a Police Complaints Authority (PCA) survey into the use of CS spray show that "half the people who complained about being sprayed...were in police custody or care" at the time. The survey, which looked at all complaints about the use of CS in the six months since October, included five incidents in which CS was sprayed from within a metre of the complainants face. One man complained of being handcuffed at the time, (in March 1996 Ibrahim Sey died after being handcuffed and sprayed by police officers at Ilford police station). Commenting on the results to *Police Review* PCA chairman, Peter Moorehouse, expressed concern at the number of incidents where spray had been used in an enclosed space. Nonetheless, he qualified his remarks by saying, "it's not always inappropriate to use it inside" and added, "once you have somebody handcuffed you couldn't say you should never use it because they could be kicking or lashing out".

Police Review 5.2.99.

Police batons cause lasting injuries

Police chiefs have been urged, in a Crown Prosecution Service (CPS) report into police use of batons, to abandon "aggressive" US-style policing tactics when training officers. The study, *Striking a balance: the police use of new batons*, also recommends that police do not use the heavier American designed batons to hit suspects on "vulnerable" areas of the body, such the kneecaps and shins, because of fears that the blows will cause long term injuries.

The two-year CPS study, which was published last December, considers three categories of new US-style batons:

* **The Monadnock PR-24 side-handled baton:** This has an aluminium frame with a shaft made either of polycarbonate plastic or aluminium. It is available in rigid and extendable form, weighing 611 grams and measuring 35cm when closed and just over 60cm when extended.

* **The straight friction lock extendable baton:** This category, which includes Monadnock, CASCO and Asp versions, weighs 561 grams and extends from 13cm to 39cm when extended. "It is made of hollow gun metal and sends shock waves along the fluid of the limb when struck" creating "temporary disfunction..."

* **The Arnald baton:** This baton is produced as a solid or hollow nylon shaft and handle with a ring of rubber dividing the two sections. It weighs 489-585 grams depending on length and does not extend.

Concern is expressed about two of the three designs, and is particularly acute over the use of the rigid version of the PR-24 side-handled baton which "appears to be involved in most of the baton related complaints in each of the two years studied." The report also notes that the Asp straight friction lock extendable baton was introduced from the USA along with a training manual "which was barely amended to take account of UK conditions. This may have led to an unnecessarily aggressive style of baton training and use." This observation led to the report belatedly recommending that forces "still using the original baton training manuals [should] consider amending these to take account of the less aggressive style of policing used in this Country..." The Arnald baton produced less complaints than the others.

The report also includes a section on "Potential dangers" which notes that while training manuals pinpoint areas where a strike may cause serious injury or death (these include the temple, ears, eyes, bridge of the nose, upper lip, throat, collarbone, knee joint and the hollow behind the ear) other target areas cause concern:

...the knee joint which can be dislocated or fractured by a baton blow, is a primary target area and the shin, again vulnerable to fracture, is given as a secondary target area. The Authority has some concern about such target areas and suggests that forces may wish to revisit the issue in the light of experience.

This leads the report to suggest "amending" the manuals and increasing "refresher training".

Finally, the report observes that following the introduction of CS spray the PCA predicted a decrease in the use of batons and, as a result, a fall in baton related complaints. However, despite the "increasing use of CS spray" 17 forces had more baton related complaints (19 fell and six remained the same) and the average baton complaints coefficient remained the same suggesting that "there has probably not yet been a significant reduction in the use of the baton despite the increase of CS spray."

Police Complaints Authority "Striking a balance: the police use of new batons" (Crown) 1998 £4. ISBN 0-9533157-1-1; Police Complaints Authority press release 30.12.98.

Another black "restraint" death in custody?

On January 24 nearly 500 people joined the family of Roger Sylvester in a vigil for the 30-year old black man who was pronounced dead at Whittington hospital, north London a week after being restrained by Metropolitan police officers. He had been detained on January 11 by eight officers who had been called to a disturbance in Tottenham, north London. Roger, who was found naked and banging on his frontdoor, was restrained and handcuffed before being held under Section 136 of the Mental Health Act and driven, still naked, to St Anne's psychiatric hospital. There he was restrained again before being attached to a life-support machine. A week later he was dead.

Roger's family have contacted Inquest, who will be acting on their behalf, and have expressed concern about the restraint methods used by the police and a number of unexplained bruises to his face. His death recalls that of another black man, Christopher Alder (see *Statewatch* Vol. 8, no. 6) and has every indication of being the latest in a long list of fatal police restraints - Brian Douglas, Ibrahima Sey, Wayne Douglas, Joy Gardiner and Shiji Lapite - on black people. It is clear that despite Metropolitan police rhetoric to the contrary, and in light of the imminent publication of the Macpherson Report on the police investigation into the death of Stephen Lawrence, the lessons of these deaths have not been learned.

Inquest press release 22.1.99.

Policing - in brief

■ **UK: ACPO call for internet police:** The chairman of the Association of Chief Police Officers (ACPO), Detective Chief Superintendent Keith Ackerman, has called for a national internet unit to be established to combat crime on the net. Describing the argument for a national unit as "persuasive", Ackerman said: "Personally, I think a national unit is definitely the way forward. But obviously, we have finite budgets and resources." His remarks followed a seminar between ACPO and internet service providers. *Policing Today* Vol. 4, no. 4 (December) 1998.

Policing - new material

Look out, they're after us, Andrew Wiard. *Journalist* January/February 1999, pp16-19. The National Union of Journalists is handling more and more cases of photographers arrested while covering environmental demonstrations. Wiard, who has covered political events for over 20 years, warns that his colleagues are being targeted by police "in an alarming threat to the freedom of journalists to cover dissent."

Police training for local service delivery in multi-ethnic communities: the Hammersmith model, Shelley Collins & Robin Oakley. *Police Journal* Vol. LXXI, no. 4 (October-December) 1998, pp297-306. This piece describes an "approach to police training on race" conducted in the Hammersmith division of the Metropolitan police during 1996-97. The approach involved five phases: i. Establishment of protocol and agreement on outcomes, ii. Training needs analysis and data gathering, iii. Consultation with the local community; iv. Design and delivery of training and v. Evaluation.

Economy of scale, Ted Crew. *Policing Today* Vol. 4, no. 4 (December) 1998, pp24-27. This article, by West Midlands chief constable Ted Crew, argues that the 43-police force structure in England and Wales "is inherently inefficient, wasteful of public resources and...makes it impossible for the service to negotiate and deliver national policies in sensible timetables." Using his West Midlands reorganisation as a template Crew calls for a commitment to regional-based policing.

Polizeipolitik in Europa, Harmut Aden. *Westdeutscher Verlag* (www-westdeutschervlg.de.ca) DM 25, ISBN 3-531-13198-2. Taking the examples of Germany, France and the Netherlands, the author compares the development of national police organisations in Europe and their enforced cooperation in common structures such as Schengen, Trevi and the EU. In his interdisciplinary dissertation Aden describes the lack of judicial and political control of the police bodies as well as the interests and tendencies towards a *maximum security society*.

Operation of certain police powers under PACE, Graham Wilkins & Chris Addicott. *Statistical Bulletin* (Home Office) Issue 2/99 (January) 1999, pp20.

Parliamentary debate

Police Act 1997 (Authorisation of Action in Respect of Property) (Code of Practice) Order 1998; Police Act 1997 (Notification of Authorisations etc.) Order 1998 Lords 8.12.98. cols. 897-901

LAW

Law - new material

The Narey pilots: implications for defence lawyers, Lee Bridges. *Legal Action* January 1999, pp6-7. Looks at the various changes for defence lawyers proposed in the "Review of Delay in the Criminal Justice system" (the Narey Report) - originally commissioned under the last Conservative government - and enacted in the Crime and Disorder Act 1998. Current Home Secretary Jack Straw has endorsed most of the 33 recommendations prompting Bridges to note the "remarkable continuity between the present Labour administration and its predecessor".

Section 60 of the Criminal Justice & Public Order Act - an update, Leonard Jason-Lloyd. *Police Journal* Vol. LXXI, no. 4 (October-December) 1998, pp313-316. This article examines changes to Section 60 of the Act which targeted "alternative lifestyles" such as those of travellers. The author concludes that the measures "will collectively enhance police powers of stop and search" but notes that the changes will make the provisions "very complex".

Defining human rights, Jonathan Cooper. *Runnymede Bulletin* No. 316 (November/December) 1998, pp6-7. This piece considers the usefulness of Human Rights Act 1998 to challenge racism. It regrets the fact that government "have not opted to include a Human Rights Commissioner

to oversee [the Act's] incorporation”.

Changes in civil litigation: starting proceedings, Charles Blake. *Legal Action* December 1998, pp12-14. Second part of an article that looks at “the main features of the reforms relating to commencement of proceedings, written ‘statements of case’, case management and some aspects of evidence” relating to the Woolf reforms.

Does the Blair government care about human rights? Louise Christian *Socialist Lawyer* No. 30 (Winter) 1999, pp14-17. Examines the Labour government's record on domestic human rights and specifically the Human Rights Act. It asks if the Act will “make any difference or is it going to turn out to be a massive diversion” and concludes that: “The best thing about the new Human Rights Act could...be the creation of a new expectation and demand for rights rather than the nitty gritty of what it will deliver.”

Parliamentary debates

Access to Justice Bill Lords 14.12.98. cols. 1107-1127

Access to Justice Bill Lords 14.12.98. cols. 1140-1201

Youth Justice and Criminal Evidence Bill Lords 15.12.98. 1236-1250

Youth Justice and Criminal Evidence Bill Lords 15.12.98. 1266-1307

Youth Justice and Criminal Evidence Bill Lords 18.1.99. cols. 367-391

Youth Justice and Criminal Evidence Bill Lords 18.1.99. cols. 404-440

Access to Justice Bill Lords 19.1.99 cols. 472-572

Access to Justice Bill Lords 21.1.99 cols. 701-752

Access to Justice Bill Lords 21.1.99 cols. 771-792

Access to Justice Bill Lords 26.1.99 cols. 878-935

Access to Justice Bill Lords 26.1.99 cols. 951-1008

Access to Justice Bill Lords 28.1.99 cols. 1137-1193

Access to Justice Bill Lords 28.1.99 cols. 1210-1278

Youth Justice and Criminal Evidence Bill Lords 1.2.99. cols. 1309-1410

Youth Justice and Criminal Evidence Bill Lords 8.2.99. cols. 11-27

Youth Justice and Criminal Evidence Bill Lords 8.2.99. cols. 39-82

Access to Justice Bill Lords 11.2.99 329-382

Access to Justice Bill Lords 11.2.99 390-456

January) 1999. Latest issue contains updates on The Bloody Sunday Inquiry and the Patten Commission on Policing and equality.

Parliamentary debates

Fair Employment and Treatment (Northern Ireland) Order 1998 *Lords* 7.12.98. cols. 755-773

Decommissioning and Prisoner Releases *Commons* 9.12.98. cols. 329-380

Terrorist mutilations (Northern Ireland) *Commons* 27.1.99. cols 347-396

SECURITY & INTELLIGENCE

UK

Who bombed Israeli embassy?

A campaign has been launched to protest the innocence of two people who were convicted of conspiracy in relation to the 1994 bombing of the Israeli embassy in London. Samar Alami, a Lebanese Palestinian woman, and Jawad Botmeh, a Palestinian man, were sentenced to 20 years in prison last year at a trial in which evidence was withheld from the defence. After serving their sentence they will face the threat of deportation.

The campaign for Samar and Jawad was launched at a public meeting in June 1997 at which the defendant's solicitor, Gareth Peirce, veteran of many miscarriage of justice cases, stressed their innocence:

What I realised after the end of this case is that I never, or almost never have been involved in a trial which has ended in a conviction where I am certain, completely certain, that the defendants are wholly innocent, and are wholly wrongly convicted.

Both of the Category A prisoners have consistently protested their innocence of the charges against them and believe that their only “crime” was “to believe in the right to self-determination and self defence of their people in the territories illegally occupied by Israel.”

The case against the two began to unravel towards the end of 1998 with the disclosure by former MI5 agent, David Shayler, that the intelligence services had been warned about the embassy bombing before it occurred. The journalist Paul Foot then revealed in *Private Eye* (7.8.98.) that in September or October, two or three months after the bombing, another MI5 official had also cast doubt on the convictions of Samar and Jawad:

Soon after the bombing a senior MI5 manager wrote a note expressing his view that the Israelis had carried out the bombing on their own embassy to embarrass the British government into more security for Israeli buildings and personnel.

The importance of this new information, in a case where many questions remain unanswered, has become all the more relevant as the defendants' have lodged an application for leave to appeal against their conviction scheduled for March 29. However, the prosecution has refused the defence access to the new information which raises more doubts about the fairness of their convictions. Effectively, the defendants are being denied access to information whose existence is publicly known and acknowledged. Before the appeal, the Crown Prosecution Service (CPS) will hold a Public Interest Immunity (PII) hearing confirming their intention to hide any further information that is not in the public domain. As Jawad pointed out in a recent letter:

...this new information which is being withheld from us is vital as it represents our last realistic chance to prove our innocence before we slide into the kind of unnecessary, inhumane time wasting that occurred with the Birmingham Six, the Guildford Four, and many other miscarriages of justice.

NORTHERN IRELAND

Northern Ireland - new material

The terror business, Neill Birnie. *Police Review* 1.1.99, pp22-25. This article, by a personnel trainer working in private security, considers “the history of paramilitary backed organised crime and racketeering in Northern Ireland and looks at the RUC's response to such activity.”

Just News. Committee on the Administration of Justice, Vol. 13 nos. 10 & 11 (October-November) 1998. These issues contain pieces on the Human Rights Act, the launch of the CAJ's Prisoners' Rights Guide, the policing of Orange marches and Prevention of Terrorism Act statistics (October). The November issue looks at the Patten Commission on Policing, the CAJ's submission to the criminal justice review and children's rights.

Just News. Committee on the Administration of Justice Vol 13, No. 12 (December) 1998. Contains pieces on “Pinochet, plastic bullets and the RUC”, the Northern Ireland Act, Traveller's accommodation, options for a Human Rights Commissioner and covert policing.

Just News. Committee on the Administration of Justice Vol 14, No. 1

The Freedom and Justice for Samar & Jawad campaign will be picketing the secret CPS PII hearing (at the Royal Court of Justice, Strand, London WC2) on March 15 as well as the application for leave to appeal on March 29 (also at the Royal Court of Justice, beginning 10.30am). The campaign would like supporters to write to the Home Secretary expressing concern about the case and sentence and to the Director General of the Prison Service about their prison status and conditions.

The Campaign can be contacted at: Freedom & Justice for Samar & Jawad, BM FOSA, London WC1N 3XX.

DENMARK

Government to investigate intelligence service

The Danish Minister of Justice, Mr. Frank Jensen, presented a new law to parliament on 27 October 1998 stipulating the guidelines under which an investigation into the police intelligence service, *Politets Efterretningstjeneste* (PET) should take place. The investigation will cover the period from 1968 until present (see *Statewatch* Vol. 8, no. 5).

The law was introduced after documents were found in PET archives showing that even though the Prime Minister in 1968, Mr. Hilmar Baunsgaard, promised that nobody would be registered in PET files on the basis of their political views alone, the PET chief, Mr. Arne Nielsen, ordered his employees to continue to register them anyway. This practice continued until 1974 and perhaps even longer. Later it was revealed that the PET chief had the files microfilmed and secretly - without informing the minister - sent the films to the Danish embassy in Washington where they were hidden. It was claimed that by so doing the records would be secure in the event of a Soviet-bloc occupation of Denmark.

Under the proposed law the investigation would be conducted by a commission consisting of a judge, a lawyer and a university academic. Both right and left parties in parliament criticised the new law. The right did not want any investigation at all but, in case it came anyway, they argued that it should include an investigation of the left's political activities. The left criticised the law for limiting the scope of the investigation and for granting too many protection provisions to civil servants that had been and/or still are in critical positions in relation to the intelligence services during the period investigated. The results would be very limited and any conclusions useless, they argued.

Since October debate has been raging. The Lawyers' Council was reluctant to appoint one of its members as was the case with the universities. Both believed that by appointing from among their own members/staff they, as organisations/institutions, would be too closely tied to the final report's findings. Instead, parliament should take responsibility to appoint the members of the commission. This would create a better start for an independent investigation. In light of this argument Jensen has signalled that he is open to review the arrangements along the lines inspired by the Norwegian Lund Commission (see *Statewatch* Vol. 7, no. 3). Negotiations will begin by the end of February,

NETHERLANDS

Requests to view BVD files

At the beginning of December the Council of State decided that the BVD (Internal Security Service) cannot impose restrictions on requests to view personal files. The service is allowed to withhold details related to areas where the BVD is still active.

The case was brought by the *Vereniging Voorkom Vernietiging* (Association for the Prevention of Destruction)

which for many years represents the interests of people who have requested to view their personal files. For some time the BVD has demanded to know from the applicants the contexts of their requests. Furthermore, the details must not be part of ongoing investigations. Many people refused to give this information and appealed. The Civil Court in Den Bosch granted these appeals and now the Council of State has upheld this decision. The ruling applies to everybody whose applications are still being dealt with.

ITALY

“God's Banker” exhumed

Italian police have exhumed the body of Roberto Calvi from the family vault in Drezzo, near Lake Como, for the fourth time, under orders from the Rome judge Otello Lupacchini. This follows revelations by Mafia *pentiti* (informers) that Calvi was the victim of an alliance between the Mafia, the Neapolitan Camorra and the Roman underworld Magliana Band for borrowing, losing and failing to pay back Mafia funds. The claims led to magistrates filing murder conspiracy charges against Flavio Carboni, who accompanied Calvi on his last journey from Milan to London.

The latest exhumation was attended by the late banker's son Carlo. Following the autopsy, which will not be concluded until late March, he said that pathologists had found previously undetected signs of bruises on his wrists and different sets of DNA imprints on his underwear, which increased suspicion that his father had been murdered. He believes that politicians who opposed his father's plans for restructuring Banco Ambrosiano to meet requests by the Bank of Italy, particularly Giulio Andreotti the plan's main opponent, were responsible for his father's death.

The prosecution case claims that Carboni was part of a plot which included Pippo Calo, who was instrumental in running the Mafia's financial affairs, to deliver Calvi to Francesco Di Carlo, the Mafia's man in London. Di Carlo then commissioned Vincenzo Casillo, to carry out the murder. Calvi was allegedly strangled, taken down the Thames in a boat, and hanged from scaffolding under Blackfriars Bridge. Di Carlo, however, claims that he was not in the country at the time, and Casillo has never testified because he died in a car bombing less than a year after the Calvi murder.

Calvi had developed wide ranging business associations with powerful characters and institutions, notably Licio Gelli, Venerable Master of the P2 masonic lodge. He was linked to the Vatican, through the Institute for Religious Works (IOR) and its main exponent Archbishop Paul Marcinkus. Marcinkus was charged as an “accessory to fraudulent bankruptcy” after the exposure of Banco Ambrosiano's corrupt business empire, which included several dummy accounts and businesses in Europe, South America and in Central American tax havens. The bank eventually crashed with debts of £892 million, despite Calvi struggling to keep it afloat by seeking assistance from a number of increasingly unlikely sources.

Calvi feared for his life during his last months as Banco Ambrosiano's situation deteriorated and his erstwhile allies distanced themselves from him. He expressed these fears to his family and arranged for them to leave Italy. In an interview in *La Stampa* on 15 June 1982, a few weeks before his death, he issued veiled threats: “A lot of people have a lot to answer for in this affair. I'm not sure who, but sooner or later it'll come out.”

Explanations of Calvi's death pivot around the conflict between those who point to suicide, brought about by failure and depression but dressed up as a murder for the benefit of Calvi's family, and those who point to a murderous conspiracy involving many possible combinations of actors who had the ability and interest to ensure Calvi's disappearance.

Different inquests have brought contrasting verdicts,

including a first one in London ruling that he had committed suicide, a second one issuing an open verdict, and a civil court which decided that he had been murdered. Likewise, pathologists have reached opposite conclusions on the case; Professor Keith Simpson, a leading British pathologist, was responsible for a post-mortem examination, concluding that there was "no cause for suspicion of foul play", whereas Antonio Fornari, director of the Pavia University legal medicine institute, said that Calvi had been strangled from behind. The three previous exhumations have failed to uncover important evidence, but Calvi's family and the prosecutors lay their faith in technical improvements and new lines of inquiry to prove the murder theory.

Times 16 & 21.12.98; *Sunday Times* 20.12.98; *Guardian* 17 & 30.12.98; *Independent* 16.12.98; *R Cornwall "God's Banker"*; *G Piazzesi & S. Bonsanti "La Storia di Roberto Calvi"*.

PRISONS

UK

Three more suspended at Wormwood Scrubs

The governor of Wormwood Scrubs prison, west London, suspended three more prison officers in connection with an ongoing police investigation into assaults on prisoners in December. The investigation was launched after the solicitors, Hickman and Rose, compiled a dossier of the assaults (see *Statewatch*, vol 8, nos 2, 3/4 & 5). The latest suspensions follow information received by the police during the course of their investigation. The Director of Security at the Prison Service, Tony Pearson, issued the following statement:

"Following the initial inquiry, announced last March, into alleged brutality by staff I referred a number of cases to the police for investigation. Their investigation is now well underway and they have interviewed many members of staff and some prisoners, mainly for corroborative purposes. However during the course of the police investigation further information relating to officers not currently suspended has come to light. Given the seriousness of the allegations and having studied this information I am satisfied that it is entirely appropriate for these three officers to be suspended."

HM Prison service press release 7.12.98.

Life prisoners exceed 4000

The number of life prisoners in England and Wales exceeded 4,000 for the first time at the end of 1998 according to a report published by the Prison Reform Trust, *Prisoners' views of the lifer system*. The report notes that the number of life prisoners in England and Wales exceeds the combined total for the remainder of western Europe. Commenting on the report, Stephen Shaw, director of the Prison Reform Trust (PRT), said:

No other country in Europe has to cope with such a large lifer population. We are rapidly following in the footsteps of the USA where there are growing numbers of "pensioner prisoners" serving life sentences.

The research, which included interviews with 89 men serving life sentences at Wormwood Scrubs, Leyhill, Ford and Blantyre House prisons, found that the system for lifers is "frequently haphazard, inconsistent and chaotic." It argues that many lifers are "unclear about how the lifer review process works" and that information is "hit and miss" with life prisoners "not receiving feedback from the review process." It also notes that "staff dealing with lifers...do not receive any specific training" and that

"little effort is made to encourage contact and support from family and friends."

The annual general meeting of the National Association for the Care and Resettlement of Offenders (NACRO), heard last November that the use of imprisonment in England and Wales is "beginning to overtake that of eastern bloc countries like Bulgaria." The meeting was told by Wendy Singh, vice-chair of Penal Reform International, that "Over the last six years the prison population of England and Wales has been one of the fastest growing in the world...it has risen by over 60 per cent from 40,000 to over 65,000". She compared the figures with Bulgaria where the rate of imprisonment is "now lower than in England and Wales" and Poland where the "rate of imprisonment still exceeds that of England and Wales [but] on present trends this may not be so for much longer." The meeting was also addressed by Labour MP, Chris Mullen, Chair of the Home Affairs Select Committee, who argued that the figures make it "of paramount importance to investigate credible alternatives to custody and to use them wherever appropriate."

Clare Sparks "Prisoner' views of the lifer system: policy v Reality" (Prison Reform Trust/Prisoners' Advice Service) 1998 pp44, ISBN 0 946209 43X £5.95; Prison Reform Trust press release 11.1.99; NACRO press release 10.11.98.

Prisons - in brief

■ **UK: New DG for Prison Service:** Martin Narey was been appointed director general of the Prison Service in December. Narey will succeed Richard Tilt who will retire in the Spring. Narey joined the Prison service in 1982 and served at Deerbolt borstal and Frankland prison before spending two years as Private Secretary to Lord Ferrers, Minister of State at the Home Office. He also held a number of posts in the Home Office Criminal Policy and Police departments. In 1996-97 he conducted a review of delays in the criminal justice system and in 1998 he conducted an investigation at Long Kesh (The Maze) prison into the escape of Liam Averill and the killing of Billy Wright. Since January 1998 he has been director of Regimes of HM Prison Service. *Home Office press release 24.12.98.*

■ **UK: Prison officer jailed for racist attack:** A Belmarsh prison officer, Barry Lugg, has been sacked from his job after being jailed for ten weeks at Greenwich magistrates' court in January for carrying out a frenzied attack on a black traffic warden last year. Lugg, from east London, launched a tirade of racist abuse against Sunday Ajifowowe after getting a parking ticket at Lewisham shopping centre. He then attacked Ajifowowe, knocking him to the ground, and boasting: "I'll treat you like I treat my prisoners." Following the initial attack, Lugg drove to the Wearside parking depot and demanded Mr Ajifowowe's home address; when he was refused he racially abused a member of staff before driving off to hunt down the traffic warden and launch a second assault. Lugg was jailed for the minimum sentence because magistrate Howard Riddle took sympathy on him after he attempted suicide on learning that he might receive a custodial sentence for his savage behaviour. *South London Press* 1.12.98, 22.1.99.

Prisons - new material

Developments in prison law, Hamish Arnott & Simon Creighton. *Legal Action* January 1999, pp18-21. The latest update on the law relating to prisoners and their rights looks at life prisoners, standards of care, incentives and earned privileges, the Parole Board, sentence calculation and changes to the Prison Rules.

Transfers from prison to hospital - the operation of Section 48 of the Mental Health Act 1983, Ronnie Mackay & David Machin. *Research Findings* No. 84 (Home Office Research, Development and Statistics

Directorate) 1998, pp4. Examines the use of Section 48 of the Mental Health Act during 1992.

Penological Information Bulletin. Council Of Europe, No. 21 (December) 1998, pp128. The bulletin contains statistics on prison populations in the member states of the Council of Europe. It also includes reports on "Recent developments in the probation service in England and Wales" (Graham Smith); "The issue of motivation in prison" (Kevin Warner) and "Prison populations in Europe and North America" (Roy Walmsley & Matti Joutsen).

Prison Privatisation Report International. Nos. 25 & 26 (November/December & January) 1999. These issues contains brief reports on a new government "three strikes" policy; the crisis-hit Medway Secure Training Centre for 12-14 year old persistent offenders; the arrival of GSSC Europe Ltd and electronic tagging and suicides at Parc and Doncaster prisons (No. 25). Issue no 26 looks at profits for some of the companies operating in the UK, assaults at Medway Secure Training Centre and Wackenhut's venture into tagging. They also include round-ups from United States, Australia and New Zealand.

Projections of long term trends in the prison population to 2006, Philip White, Jo Woodbridge & Kirstie Flack. *Statistical Bulletin* (Home Office) 1/99 (January) 1999, pp16.

Parliamentary debates

Prison sentences *Commons* 10.12.98. cols. 503-541

Ashworth Special Hospital *Lords* 12.1.99, cols. 96-110

Alternatives to prison *Lords* 12.1.99. cols. 155-174

Ashworth Hospital *Lords* 12.1.99. cols. 107-123

IMMIGRATION

ITALY

Amnesty for "irregular" immigrants

The Turco-Napolitano law on Immigration was passed on 27 March 1998 providing for the expulsion of immigrants without the correct documentation. It was followed by a decree of 16 October 1998 offering an amnesty to "irregular" immigrants who entered the country prior to the 27 March, provided that they applied for residence permits in the period running from the 4 November to 15 December 1998. For requests to be considered, they must include an identity document (passport or other identification from the country of origin), job contract, as well as papers from the public administration, communications from service providers (gas or electricity), charity organisation documents or a rent contract to show that they were in the country prior to the 27 March.

It appears that the amnesty will be difficult to implement, particularly because of the quota of 38,000 residence permits (32,000, plus 3,000 for Albanians, 1,500 for Moroccans, and 1,500 for Tunisians) established for 1998. In fact, 188,123 immigrants had already submitted their applications by the 1 December 1998 and no criteria (ie. length of stay, chronological order in which applications were submitted) had been established to prioritise requests.

The prime minister, Massimo D'Alema, has repeatedly stated that the quota system will have to be modified, saying that a greater number of applications will be accepted than was originally intended. The interior minister, Rosa Russo Jervolino, added that all "clandestine" immigrants who fulfil the requirements for obtaining regularisation would receive temporary residence permits, until they could be made fully regular as part of the quotas for 1999 and 2000.

A worrying trend is that immigrants are almost systematically blamed for outbreaks of violence by extremist groups (such as the *Legia Nord*, see racism and fascism section) and the media, whether they are responsible or not, and that an excessively close relationship is being established between issues of immigration and crime. The regularisation program will not affect people from specific persecuted groups, including refugees fleeing civil war in Kosovo and Kurds who have been arriving steadily since the Ocalan affair, who cannot be expelled in view of their requests to be granted political asylum.

La Repubblica 17.11.98; *Migrations Europe* December 1998

BELGIUM AND THE NETHERLANDS

Charter flights to deport asylum seekers

Following the death in Belgium of Sémira Adamu (Nigeria), the Vermeersch Committee has recommended changes to deportation procedures. The principal recommendation is to isolate asylum seekers who "repeatedly use violence in order to prevent deportation". These asylum seekers should be put on charter flights rather than on regular scheduled flights. Luc Van Den Bossche, Belgian Home Secretary, announced that from the end of February small business planes would be used to deport asylum seekers and that the Netherlands and Germany had also shown interest and that the first flight was scheduled for the end of February.

NETHERLANDS

Officer jailed for sexually abusing woman

A Military Police officer has been jailed for up to eight months. Last year at Schiphol airport the woman from Ecuador had been refused entry to the Schengen area. She did not have a work permit and had insufficient resources to continue her journey to Italy. The police officer dealing with her case took her to the toilet. There, according to the officer, he "asked to have sex with her and she agreed". The woman was said to have cooperated out of fear and because the officer was armed. The court charged the police officer with having abused his position - the question of whether the woman complied was deemed irrelevant.

Church hunger strike of "illegal immigrants"

On 30 November 1998, 132 people began a hunger strike in St Agnes Church in The Hague. They were a group of people who for years worked legally and paid taxes but did not fulfil the conditions for a residence permit.

Until the end of 1997 these "illegal immigrants" could apply for a residence permit as part of the so called "six year rule", under which people who could prove that for six consecutive years they had worked a minimum of 200 days per year would be given a residence permit. The problem for the hunger strikers was that many had done seasonal work, often for more than ten years, but for less than 200 days per year. Under the rule they were not granted a residence permit. They organised various protests without result after which they decided to revert to this last ditch action.

In terms of publicity the action was a success. Media coverage and reactions were generally positive. Reactions from the Interior Ministry were predictable; a relaxation of the six year rule was non-negotiable and the hunger strike should be ended as

soon as possible.

With increasing public pressure however Secretary of State Cohen appeared somewhat more lenient, offering to have another look at the files to see whether some people could be considered for a residence permit after all. The hunger strikers decided to accept the offer and call off the action.

On 1 February the decisions were announced, only 13 of the hunger strikers will get a residence permit, another 60 are still awaiting a court ruling that does not look promising and 55 have to leave the country immediately. Naturally, the disappointment and anger amongst the hunger strikers was great and they are considering further actions.

In the meantime two further protests have begun in Amsterdam. A group of 15 Turkish women began a hunger strike on 2 February and a group of 25 Moroccan men on 9 February. Both groups are calling for a relaxation of the "white wash rule" [rule allowing legalisation of tax paying "illegal immigrants"] and an abolition of the "Link Law" [*Koppelingswet*, a law that forbids the provision of social security and national health care to "illegal immigrants"].

Immigration - new material

NCADC Newsletter. National Coalition of Anti-Deportation Campaigns, Issue 13 (January-March 1999) pp12. The latest issue of the Newsletter contains updates on the Nanga and Lemba families who have won their campaign to prevent deportation to Angola; the Belgian police killing of Sémira Adamu and a hunger strike by "illegalised workers" in St. Agnes church, The Hague, Netherlands.

The child welfare implications of UK immigration and asylum policy, Adele D Jones. *Manchester Metropolitan University* 1998, pp148. This report derives from an investigation of literature, legislation and case law in immigration work with children and is supported by data gathered from interviews with 50 young people and 35 practitioners. It found "evidence of discrimination and inconsistencies in practice based on such factors as age, gender, nationality, country of origin and immigration status of parents." Available from: Dept. of Community Studies, Manchester Metropolitan University, 799 Wilmslow Road, Didsbury, Manchester M20 2RR.

The role of national parliaments in the creation of the European area of freedom, security and justice: an Italian point of view, Fabio Evangelisti. Paper presented at the "Conference on the Treaty of Amsterdam" (London) 19.6.98. pp1-9. In this paper Evangelisti, chairman of the parliamentary committee monitoring the implementation of the Schengen and Europol conventions, briefly recalls the democratic deficit in the EU's migration and security policies before introducing the original solution to the problem in an Italian context. In 1997 the Italian parliament set up a committee responsible for supervising the implementation of the Schengen Agreements and the Italian Europol unit. The originality of this committee is found in the fact that it may issue opinions binding the government on draft decisions.

Parliamentary debate

Visitor's Visas *Commons* 13.1.99. cols. 274-281

MILITARY

UK

"Killing Secrets" campaign

A campaign for a transparent and accountable arms trade - "Killing Secrets" - was launched in a party atmosphere at the Ministry of Sound in south London in February. "Killing Secrets", which stresses that it is not a disarmament movement,

will "campaign for strict and unequivocal export laws overseen by an independent body with no vested or departmental interest in the arms trade". To this end it will be calling on Parliament to impose strict "requirements of transparency and accountability on the UK arms industry" and broadening the debate by making available facts about the arms trade which are not easily available or are deliberately concealed. This will include putting key players and decision-makers in the spotlight and publicising the "financial maze which supports the arms trade". Two projects underway are a whistleblowers service directed at those "who work in government and industry who wish to expose illegal activities related to the export of arms" and a forthcoming wallchart of 100 people in the British arms trade "including manufacturers, dealers, financiers, civil servants, "fixers" and military and intelligence personnel." With or without the double standards of the Labour government's so-called "ethical foreign policy" this is an important initiative. The campaign is looking for supporters to form local action groups around the country.

For information contact: Rae McGrath, Killing Secrets, PO Box 12, Wigton Delivery Office, Cumbria CA5 3DG.

UK strategic alliance

In the past the UK defence industry has to juggle between UK-US co-operation and European consolidation. However in the past few months, a new trend has emerged, suggesting that the twin-track policy has entered a new phase that will exploit the transatlantic link more effectively. The Eurofighter program and the imminent merger of British Aerospace and Daimler Chrysler Aerospace (Dasa) still remains a visible sign of the European perspective. However recent developments point to a "new era in Anglo-American defence industry relations" (Kent Kresa, chairman of Northrop Grunman). Beneath the rhetoric, last years failure of the Lockheed Martin Northrop Grunman merger seems to have been partly the result of political pressure arising from the emerging relationship between London and Washington on defence procurement issues. On the background is an intriguing shift in US Department of Defence policy on joint ventures with the UK. There is progress on several UK-US projects for instance in the field of military satellite technology (Lockheed Martin) and airborne stand-off radar (Northrop Grunman), and UK defence electronic giant GEC has decided on a transatlantic alliance (possibly Northrop) instead of a European one.

Jane's Defence Weekly, Defence Industry report, December 1998.

Military - in brief

■ **Splits surface over wider role for NATO:** At their semi-annual meeting a split emerged between NATO's foreign ministers around the extension of NATO's role and its autonomy to undertake missions without a UN mandate. The debate revolved around European reservations about US calls for extension of NATO's activities in areas such as proliferation and new geographical regions. There also was an attempt by the new German government for a review of NATO's nuclear policy to include a possible "no first use". NATO's nuclear powers rejected this move. *Jane's Defence Weekly*, 16.12.98.

■ **France: Thomson-CSF merger creates a leader in Europe:** France's Thomson-CSF has set up Europe's leading electronic warfare and airborne radar company by merging its recently acquired affiliate Dassault Electronique with two of its own units (Thomson-CSF Radars et Contremesures and Thomson-CSF Missile Electronics). The new daughter Thomson-CSF Detexis will have sales of around 20% of the parent company (\$1.5 billion) and rank first in Europe ahead of

Alenia Marconi Systems and fourth in the world. 80% of the revenue will come from military business. *Jane's Defence Weekly*, 23.12.98.

■ **UK: Euro success threatens defence companies:** UK defence companies will be severely affected by the EU's new common currency, especially if the UK's largest market, the Middle East, adopts the euro as a preferred currency. The Middle East makes up \$5 billion of the \$8 billion annual defence export of the UK. *Jane's Defence Weekly*, 13.1.99.

Military - new material

Out of control: the loopholes in UK controls of the arms trade. *Oxfam* (1998) pp28. This is the second Oxfam investigation into UK involvement in the arms trade and arms export controls. The first report, *Small Arms, Wrong Hands* (April 1998) focused on legal sales and revealed that, despite the Labour Party's professed "ethical foreign policy", export licenses were being granted to countries where human rights abuses, armed conflict and poverty were endemic. The new report looks at UK controls on legal sales and the "loopholes in arms exports that are exploited to allow the unregulated transfer of small arms to...countries where they may contribute to human rights abuses, prolong existing conflict and poverty". The three loopholes investigated in the report are: i. arms brokered by UK companies without passing through the UK (Sandline and Sierra Leone, Peter Bleach and Border Technology and Innovation and Mil-Tec and Rwanda and Zaire); ii. arms produced overseas under license (Heckler & Koch, Land Rover and Otokar) and iii. the failings of end-use monitoring and control (Oxfam, Occidental Airlines and Kent International Airport, the Scott Report). The report concludes that: "The unregulated or ineffectively regulated trade in arms continues to exacerbate conflict, contribute to human rights abuses and cause enormous human suffering around the world."

An uncertain future for central European defence industries Paul Cook. *Briefing paper No. 20*, International Security Information Service, January 1999.

The future of the European Union's common foreign and security policy: conference report. International Security Information Service (Brussels), 24-25 September 1998.

Nuclear futures: western European options for nuclear risk reduction, Martin Butcher, Otfried Nassauer & Stephen Young. *Research report 98.5 BASIC-BITS*. Western European nations should take concrete steps to reduce the risks of nuclear weapons. Examples are reducing the alert status, ending deployment of non-strategic weapons and halting first-use policies.

Europe-Asia Arms Trade Challenges ASEM Security Dialogue, Transnational Institute 1998. While arms to Asia have been overwhelmingly from the US, the European arms industry is gaining a larger market share in the region.

Parliamentary debates

Strategic Defence Review *Lords* 8.12.98. cols. 812-828

Strategic Defence Review *Lords* 8.12.98. cols. 845-897

Arms Trade *Lords* 20.1.99. cols. 667-690

RACISM & FASCISM

DENMARK

New Blood and Honour group

Until last year the *Danmarks Nationalsocialistiske Bevaegelse* (DNSB) was the only functioning nazi organisation in Denmark. However, a split in the movement has led to a Blood and Honour (B&H) group being formed. This became apparent after a private

New Year's party was revealed to be a nazi rock concert with participants from several countries. The event took place in a small village on the island Fyn.

The DNSB have their party headquarters in a suburb south of Copenhagen. From there they run a radio station, publish a magazine and organise activities such as the annual march to commemorate Rudolf Hess in August. The chairman of the DNSB, Jonni Hansen, confirmed the split in the newspaper *Fyns Amts Avis* but declined to give further information on the background: "I am not interested in throwing gasoline on the fire", he said. In another paper, *BT*, he said that he would not give any details about the split since he would not wash his dirty laundry in public. According to this source there had been dissatisfaction with the old leadership for some time; some members regarded them as "coffee club" nazis, incapable of organising direct actions.

According to figures from the UK Blood & Honour homepage several hundred fascists participated in the New Year concert. While this has not been confirmed by independent sources, local residents did confirm to the Danish press that there were participants from several countries.

One of the main speakers was the German-Norwegian nazi, Erik Blucher. Some years ago he moved from Norway to the UK but, during a trip to Belgium, the UK authorities excluded him from returning. Since then he has been living in Sweden, where he has become a key figure in the distribution of neo-nazi CD's and videos organised through the NS88 organisation (see *Statewatch*, vol 7 no 2). He was also a central figure in the production of a series of hate videos, one of which identifies four Danish anti-racists and "executes" them on the video (see *Statewatch*, vol 8 no 2). After the concert Blucher thanked the organisers on the B&H homepage.

The nucleus of the B&H group is living in the village of Kaedeby on Langeland island (next to Fyn) where their violent behaviour has caused fear among the locals. One of the nazis is in jail charged with assaulting a passerby. In the city of Svendborg, in the southeast of Fyn, members of the B&H gang smashed-up a local pizzeria owned by an Iranian refugee. According to the local press the police know their identity from several other violent incidents that have taken place.

FRANCE

Megret outmanoevers Le Pen

The bitter rivalry between the factions supporting *Front National* (FN) chairman Jean-Marie Le Pen and his deputy, Bruno Megret, which erupted into open warfare last December, has split the fascist party with both men claiming to have the support of its membership. Within hours of Megret's challenging Le Pen's authority - "inciting rebellion and destabilising the movement" in the FN leader's words - he was demoted to a minor role in the party only to later be reinstated by the French courts.

In late December Le Pen formally expelled Megret at a national executive disciplinary hearing at the party headquarters in Paris. Megret, who refused to attend the meeting, described the expulsion as "null and void", and said that he would ignore it and proceed to call an emergency congress; six other senior party officials were expelled along with Megret. In the new year the warring FN factions went to court to fight over the right to use the party's name. On 15 January the *Tribunal de Grande Instance* ruled that Megret's expulsion was illegal and that he had the same right as Le Pen to use name. The outcome also gave legitimacy to Megret's plans for an emergency congress in his stronghold of Marignane near Marseilles.

The emergency congress took place over the weekend of January 23-24 and was attended by 2000 Megret supporting delegates. Billed as the FN's eleventh congress, it unanimously overthrew the expulsions ordered by Le Pen. Le Pen refused to

attend and rejected the legitimacy of the meeting claiming that its organisers were no longer party members. The congress ended with the foundation of the *Front National-Mouvement National*, created in case future court decisions allow Le Pen to keep the original party name. It also elected Megret as president and, in a calculated insult to Le Pen, appointed him "honorary president" in mocking recognition of his "historic role".

UK

Justice for Taj and Roberto campaign launched

A campaign has been launched to draw attention to the deplorable situation of two anti-fascists who have been jailed for defending themselves against a racist attack. Taj Ahmed and Roberto Brollini were sentenced to 12 months imprisonment at Burnley Crown Court in January after being found guilty of actual bodily harm on a British National Party (BNP) election candidate, Andrew Weardon.

The attack on Taj and Roberto took place last May at Rawtensall bus station where Weardon and his racist associates had carried out a string of attacks on black people since setting up a BNP group in 1996. During the trial evidence relating to the racist activities of the "victims" was ignored. In a letter from HMP Preston Taj described the events that led to his imprisonment:

...I was receiving racist comments from a white girl. I also exchanged some comments and told my friend to ask her to go away. She soon left but soon after 2 white males approached me and said "WE DON'T LIKE WHAT YOU SAID TO THAT GIRL YOU SMELLY BLACK BASTARD." My friend and I replied "Leave it out, the girl has gone." They were both drunk and attacked me. Self defence was the next option [emphasis in original].

In court Weardon, and BNP member Matthew Perry, told the jury that Ahmed had attacked them, but their accounts ring hollow, in light of the BNP's well-documented violence in the area. Indeed, one local BNP organiser, David Haraldsson, was jailed in January 1997 after being convicted on five counts of aggravated bodily harm on elderly people at the Chorley nursing home where he worked. Weardon and Perry's drunken attack on Taj and Roberto, (after which the fascists were taken to hospital), is entirely in keeping with the "law and order" traditions of the BNP.

On the other hand, neither of the jailed anti-fascists has a record of violence. In fact, Taj was the victim of a racist attack in 1994. His assailants were armed with a machete and their assault resulted in him receiving 112 stitches in his right shoulder which needed staples to close the wound. His face, neck and lung were punctured and his face severely disfigured. Of the six white males who took part in the attack one was jailed for a year while another received community service.

In light of Home Office and police promises to combat racist violence in the wake of the botched police inquiry into the Stephen Lawrence murder the case of Taj and Roberto demonstrates once again the lack of political will to seriously address issues of racism. The local police have told family members that they were unaware of Weardon's political affiliations despite the fact that he was the BNP's parliamentary candidate for Rossendale and Darwen in 1997; on another occasion they raided his house and confiscated racist material.

The Justice for Taj and Roberto campaign are asking for letters to be sent to Lancashire police and Burnley Crown Prosecution Service protesting at the treatment Taj and Roberto received. Letters of support can be sent to the two men at the following address: Taj Ahmed (BT9173) & Roberto Brollini (CC5829), HMP Kirkham, Freckleton Road, Preston PR4 5AB,

United Kingdom. The campaign, which is supported by MEPs Mike Hindley and Glyn Ford, can be reached at: Justice for Taj and Roberto, c/o Clr. Jean Hayler, Rossendale Town Hall, Lord Street, Rawtensall, Lancs BB4 7LZ.

Inquiry into Blair Peach killing?

Twenty years after Blair Peach was bludgeoned to death by a police Special Patrol Group unit following protests against a National Front (NF) election meeting at Southall town hall in west London, the Home Secretary Jack Straw has been urged to reopen the investigation into his death. The Blair Peach 20th Anniversary Committee and Blair's partner, Celia Stubbs, have also called on Straw to allow them to see the unpublished internal Metropolitan police report into the infamous events that saw hundreds of demonstrators arrested and injured.

The Conservative Home Secretary at the time, William Whitelaw, refused a public inquiry into Blair's killing and an inquest into the death was universally derided as an inept and blatant cover-up. It returned a verdict of death by misadventure despite eleven people witnessing Blair being battered by Special Patrol Group (SPG) officers and a police admission that he died after receiving a truncheon blow from an unknown police officer. Other eye-witness accounts described the SPG running amok in what has been described as a "police siege" of the town. They described how the elite SPG units indiscriminately charged demonstrators with flailing batons and other "unofficial" weapons, some of which were later recovered from police locker-rooms.

At the time Jack Straw was a backbench Labour MP who signed an early day motion calling for a judicial inquiry into the events in Southall, along with Robin Cook (now Foreign Secretary) and Michael Meacher (now Environment minister). Ms Stubbs has written to Straw complaining that she has never been allowed to see the police report and asking for a meeting: "After 20 years of very little, it would be nice to just have the courtesy of a meeting with the Home Secretary to discuss what has changed", she said. It would seem that Straw will at last be in a position to see his demands for an investigation met. Whether he will choose to act remains to be seen.

The Blair Peach 20th Anniversary Committee will be hosting events to commemorate Blair's death, including a march in Southall on Saturday April 24. They can be contacted at 86 Bow Road, London E3 4DL.

ITALY

Lega Nord calls for referendum on immigration

On January 17, the separatist Lega Nord (LN) held a demonstration in Milan at which their leader, Umberto Bossi, made a cynical attempt to link immigration with crime in order to call for tough law and order measures. The meeting was attended by around 16,000 people according to official sources, although the organisers claimed that 60,000 took part. During the rally there were calls for a "referendum on immigration" by the LN leader, who also voiced his opposition to a government amnesty for "irregular" immigrants and to a multicultural society. "For citizens, crime and the control of "clandestines" is not a problem for the police and carabinieri, the truth is that citizens don't want a multiracial society", said Bossi, who also condemned proposals to grant immigrants voting rights (see article in immigration section).

The LN is adopting an increasingly racist standpoint in which immigration and criminality are viewed as synonymous. This was demonstrated with the distribution of leaflets inviting

citizens to follow basic guidelines in order to avoid crime at a demonstration largely concerned with immigration issues. Mario Borghesio, from the party's policy section, expressed his views in no uncertain terms; "To bring order to Padania [the northern Italian region that the LN claim as their own] we don't need a mayor in his underpants, we need the Padanian stick", before being reprimanded by Roberto Maroni, a senior LN figure who preferred to stress the "democratic" nature of the movement.

Following the LN demonstration in Milan, a number of rallies were organised in opposition to racism and in favour of peaceful coexistence with immigrants in Rome, Turin and Milan, where Dario Fo, the Nobel prize for literature, participated. The Milan and Turin rallies, which were organised by youths from social centres, were specifically opposed to the setting up of shelters for immigrants awaiting expulsion, referred to by protesters as "the new lagers".

In February Bossi announced that LN militants would begin collecting signatures to force a referendum aimed at repealing the Turco-Napolitano immigration law and to back their own legal proposals on non-European immigration. They aim to collect 60,000 signatures and will work with the extreme right *Forza Nuova*, which belongs to the European Group along with Le Pen's *Front National*. The LN leader, scaremongering, went on to warn that an influx of 20 million immigrants would run Europe aground.

Further controversy has been sparked by Francesca Calvo, the LN's mayor of Alessandria, in Piedmont, who passed a decree on January 25 requiring that non-EU children produce a certificate showing that they are healthy when they apply for places in kindergartens and primary schools. Invoking the eugenics of Nazi Germany, the mayor explained that good civil servants must protect the health of their citizens, especially children. She warned that the influx of non-EU immigrants risked bringing diseases which have been wiped out in Italy, such as tuberculosis, back into the country. Calvo refused to repeal the decree following widespread condemnation. Titti Salvo, regional vice-secretary of the CGIL trade union in Piedmont, said that the initiative was offensive, as well as unconstitutional, and in breach of Italian anti-racist legislation.

Another racist LN initiative, organised by MP Mario Borghesio in northern Italy on February 6, involved using "green cleaners" to "clean" trains of foreign "prostitutes". Three volunteers responded to his call and the group began cleaning with disinfectant the carriages where they found black foreigners, presumed to be prostitutes. Amazingly, when Mr. Borghesio was questioned about this initiative, and his proposal to introduce a form of apartheid on trains with segregated carriages for whites and blacks, he claimed not to be racist: "I want to make it clear that I am not racist", he said, "this is a solution to avoid tension and xenophobic feelings."

La Repubblica 1.12.98, 18,19,25 & 30.1.99; *Times* 12.1.99.

Racism and fascism - in brief

■ **Scotland: march against racism:** Almost 500 people took part in a march against racism in remembrance of the murder of Axmed Abuukar Sheekh almost 10 years ago. The march, through the centre of Edinburgh, commemorated the death of Axmed who was stabbed to death by racists in the Cowgate area. Police initially refused to acknowledge the murder as being racially motivated and no one was found guilty of his murder. *Socialist Worker* 23.1.99.

Racism & fascism - new material

Crime and Disorder Act 1998: racially aggravated offences and other provisions in force, Vera Baird & Peter Wilcock. *Legal Action*

January 1999, pp16-18. This article summarises and defines the provisions of the Crime and Disorder Act 1998 concentrating on racially aggravated offences (ss29-32), "which are certain existing basic offences made more serious by the presence of racism".

Charter of European political parties for a non-racist society. Dutch National Bureau Against Racial Discrimination, pp32. The charter "appeals to the democratic political parties in the European Union to act responsibly concerning discrimination on the basis of race, ethnic or national origin, and religion." It was drawn up after consultation with these parties and under the auspices of the EU Consultative Committee on Racism and Xenophobia. Available from: LBR, PO Box 517, 3500 Utrecht, Netherlands; E-mail: lbr@xs4all.nl

Proposal to establish a Europe-wide anti-racism network, prepared by Michelynn Lafleche. UK Race & Europe Network, pp16. UKREN was established in the autumn of 1996 and this pamphlet is the conference report from a national roundtable meeting held in Manchester in June 1998 as "part of a Europe-wide consultation process towards establishing a framework for co-operation between anti-racism organisations..." Available from The Runnymede Trust, 133 Aldersgate Street, London EC1A 4JA; E-mail: run1@btinternet.com

Connections. Commission for Racial Equality, Winter 1998/99, pp16. Quarterly bulletin from the CRE which contains articles on racial stereotyping, electoral reform and ethnic minorities, the asylum and immigration system and incitement to religious hatred.

White noise: inside the international nazi skinhead scene, Nick Lowles and Steve Silver. *Searchlight* (London) 1998, pp89. This pamphlet documents the rise of the fascist music enterprise across Europe and the USA. Part One covers the UK scene with chapters on "The Roots of Skinhead Culture", "Blood and Honour 1987-1992" and "ISD Records 1992-1998". The second section covers Germany, Sweden and Poland, as well as the US scene and Internet marketing of white power music. Available from: Searchlight, 37B New Cavendish Street, London W1M 8JR.

European address book against racism. *United* (Amsterdam) 1999. This is United's annual address book detailing international and national organisations working in the following fields: anti-nationalism, anti-racism, anti-fascism and support for migrants and refugees. Available from UNITED for Intercultural Action, Postbus 413, NL-1000 AK Amsterdam, Netherlands; Tel. +31 20 6834778, Fax +31 20 4834582.

EUROPE

EU

EURODAC: By regulation instead of convention

EURODAC is to put on ice until the Amsterdam Treaty comes into force, (probably in June), according to Michael Klos, a German Ministry of Interior civil servant. His remarks came in reply to questions by Green Party members on the programme of the German EU presidency in the first six months of 1999.

By March 1998 the Council had reached agreement that the new database will not only include fingerprint data on asylum seekers but also on "illegal immigrants", despite the different meanings the term has among the EU member states. This aspect, it was decided, would be formulated in an additional protocol to the convention. According to Klos, the postponement of EURODAC will not change its political content but the mode of decision-making. The Amsterdam Treaty will transfer questions of asylum and migration to the first pillar and the council will produce directives and regulations. EURODAC will be set up by regulation instead of convention and this new mode of decision making will speed up the process.

In the five years after the Treaty comes into force the European parliament may formulate points of view but they will not have any influence if the Council chooses not to listen. Previously conventions had to be ratified by national parliaments, under the new regulations they will be decided by ministers.

SWITZERLAND

National DNA database

A report, by an expert commission set up by the Justice ministry, and published on 19 January 1999, recommends the creation of a central national DNA database. The commission argues that the number of "hits" achieved with the database would increase with the number of persons tested and recommends that tests should not be limited to those convicted of a crime. DNA tests should be carried out in every instance where fingerprints are taken.

The police may take fingerprints from any person suspected of having committed a crime (including petty offences such as minor theft or participation in a banned demonstration). DNA fingerprinting and the storage of DNA data will become a regular procedure. The commission calculates that 20-25,000 persons a year would be tested and filed, corresponding to about 30-50 hits every week.

According to the Swiss Data Protection Act (1992), all databases with sensitive information need a basis in a law. The commission says that this exists in Art. 351 of the Criminal code, which enables the Swiss federation to exchange data with the cantons and with foreign authorities for purposes of identification. This would mean, that the minister could set up the data bank by decree, without having to consult parliament.

Swiss military surveillance system

The Upper House of the Swiss parliament have sanctioned, through a secret resolution, the creation of a Swiss military satellite surveillance system. At the beginning of February the Ministry of Defence said that the surveillance product of foreign telecommunications systems would be supplied to the police, the federal police and the cantonal (local) police.

Enormous parabolic reflectors in Leuk will be able to monitor and re-route intercepted phone calls, faxes and e-mails from within and outside Switzerland. The nerve centre will be a military computer in Bern with the ability to search message for keywords on pre-prepared lists.

However, while the intelligence and military services have a broad remit for interception the police (federal and cantonal) are governed by laws which require judicial warrant before permission is given for surveillance.

SonntagsZeitung, 8.2.99.

EU

Informal JHA Council, Berlin

The main discussion at the Informal meeting of Justice and Home Affairs Ministers in Berlin on 11-12 February centred on the "link" between temporary protection and "fair" burden-sharing (now referred to as solidarity). German Interior Minister Otto Schily said that a way had to be found which did not "encourage refugees" to enter the EU in crisis situations (Bosnia, Albania/Kosovo).

He proposed that EU member states should indicate the number of people they were prepared to offer temporary protection to in relation to the following factors: cultural and

historical or social ties with the "crisis area"; the numbers of people already admitted; the labour market situation; and the member state's involvement in peace-keeping measures (the provision of military forces to be balanced against number given protection).

For the German Presidency Mr Schily said temporary protection should only be given to people going to member states willing to offer temporary protection. Those infringing this rule should lose their right to temporary protection.

The meeting also discussed post-Amsterdam Council working structures and agreed that there should be two coordinating bodies: a "Article 36 Committee" continuing to deal with third pillar issues and a "coordination body" for matters to which Community competence is extended (immigration and asylum issues).

Agence Europe, 11 & 12.2.99.

EU

German Presidency work programme

The German Presidency work programme covering justice and home affairs in the EU is devoted to the continuation of work underway (the majority of proposals) and new initiatives.

In the field of asylum and refugee policy it is intended "to discuss the matter of to what extent.. the Dublin Convention should be amended when it is transformed into a legal act covered by the first pillar" (the Dublin Convention was adopted as an intergovernmental "third pillar" measure and ratified by national parliaments). It is also proposed that a "judicial network in the asylum sector for the members of [national] courts/review bodies" could be set up. For migration, admission and repatriation see the feature on pages 22-23.

On "illegal immigration" the programme says:

Rapid and effective concerted measures against illegal immigration can be taken in other States only if prompt information is provided at the first sign of illegal migration movements which are liable to spread. A substantial part of migration flows reach EU territory via South-Eastern and Eastern Europe. The Central and East European States should therefore be involved in the early-system..

The programme states that the pre-accession pacts with the countries of central and eastern Europe and Cyprus need to be enforced as "the internal security situation in most of the applicant countries at present falls short of the in EU member states". It goes on to say that "the countries involved in the forthcoming wave of accessions are new democracies which have had to rebuild their security organs from scratch".

The work programme notes that the "secure channels of communication" for the liaison offices set up to combat terrorism under the "Trevi cooperation" urgently needs modernising.

Finally, the work programme says that changing the Schengen Information System (SIS) into the "European Information System" needs to be explored and in this context:

negotiations must be conducted with the United Kingdom and Ireland on their participation in the current SIS. The Convention implementing the Schengen Agreement may have to be amended as a consequence.

In the same context, the matter of access by Europol to SIS investigation data is to be examined..

Programme of work under the German Presidency of the EU Council, Incoming Presidency to K4 Committee, 14414/98, Limité, CK4 54, 21.12.98.

Europe - new material

Recent developments in European Convention law, Philip Leach.

Legal Action January 1998, pp11-15. Latest in the biannual series that summarises cases relevant to the UK at the European Commission and Court of Human Rights.

They call it suicide - we call it murder. *Black Flag* Issue 215, 1998, pp8-9. This article reports on three anarchists (Edoardo Massari, Marie Soledad Rosas and Silvio Pelissero) who were arrested by Italian police last March and charged on questionable evidence with "subversive association for the purpose of constituting an armed gang". Two of the three are now dead after allegedly hanging themselves while the third - Pelissero - is on hunger strike.

Parliamentary debates

European Council, Vienna, 11-12 December *Lords* 14.12.98. cols. 1127-1140

European Parliamentary Elections Bill *Lords* 15.12.98. cols. 1307-1340

Parliamentary Scrutiny of the Third Pillar: ECC Report *Lords* 12.1.99. cols. 111-134

UK role in Europe *Lords* 13.1.99. cols. 369-413

KEEP in TOUCH

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UK

Disaster limitation on Merseyside: the police authority, the Chief Constable and the legacy of Hillsborough

When Norman Bettison was appointed Merseyside's new Chief Constable in October it set in motion one of the decade's most acrimonious controversies over the politics of policing. Although an Assistant Chief Constable with the West Yorkshire Police, most of his career had been with the South Yorkshire Police, the force heavily condemned by Lord Justice Taylor's Home Office inquiry for their part in the 1989 Hillsborough Disaster. Many of the 96 who died in the tragedy, for which the force admitted liability in negligence, were from Merseyside.

At the time Bettison was a Chief Inspector, promoted soon after the disaster to Superintendent. Although not on duty at the fateful match it transpired that he was significantly involved in the events which followed. Yet members of the Police Authority Appointments Committee claimed no knowledge of Bettison's association with Hillsborough or his role in the aftermath. What became known as the "Bettison Affair" raised two serious issues: first, concerning the competence of Police Authorities in appointing Chief Constables; second, about Bettison's role after Hillsborough.

The Autonomy of Chief Constables

The relationship between British police forces and local government has a controversial and ambiguous history dating back to the development of local policing in the mid-nineteenth century. In theory, police forces operate outside central government direction, politically accountable to local government police authorities. The 1994 Police and Magistrates Act changed the composition of police authorities from one third appointed magistrates and two thirds elected councillors to 8 local councillors, 5 "local" appointed members and 3 magistrates. The Metropolitan Police Authority, responsible for Britain's largest force, is appointed by the Home Secretary.

Nearly forty years ago the 1964 Police Act gave police authorities one of local government's briefest remits: to maintain an adequate and efficient police force. The 1994 Act obliges police authorities, in consultation with their Chief Constables, to produce an annual policing plan incorporating crime control targets, force objectives and projected expenditure. Central government's role is confined to establishing national objectives, publishing performance tables and issuing codes of practice. Maintenance of standards and external moderation is left to an enhanced, centralised constabulary inspectorate.

While appearing to strengthen the political accountability of the police, these changes barely touch the power and influence of chief constables and the central, defining role of ACPO (Association of Chief Police Officers). The 1962 Royal Commission on the Police, precursor to the 1964 Act, noted that chief constables were "accountable to no-one" for their policies, priorities and resource allocation. "The problem of controlling the police", concluded the Commission "can be restated as the problem of controlling chief constables".

In 1968 Lord Denning sealed the political autonomy of chief constables when he ruled that neither the Home Secretary nor police authorities could direct them in enforcing the law: "The responsibility for law enforcement lies on him (chief constable). He is answerable to the law and the law alone." Effectively, Denning underwrote the constitutional and legal operational autonomy of chief constables. Throughout the inner-city uprisings, the coal dispute and other public order conflicts of the 1980s chief constables overtly consolidated their operational independence, occasionally declining to pay even lip-service to police authorities.

Unlike other senior executive local government officers, Chief Constables become immensely powerful in setting operational policies, establishing professional, even personal, priorities and developing strategic practices. Directing their senior management teams, in constant consultation with ACPO, they use their immense discretion to set the policing agenda for their force areas. Police authorities have little say in these crucial matters. Yet, curiously, it is a panel of the local police authority which appoints each Chief Constable.

Merseyside Appoints a New Chief Constable

On Tuesday 13 October the nine strong Appointments Committee of the Merseyside Police Authority appointed a new Chief Constable, Norman Bettison. Within hours his Hillsborough connection was made public, the controversy fuelled by publication of a statement made five months earlier by Maria Eagle, MP for Liverpool Garston, in a parliamentary debate. She claimed that prior to the Taylor Inquiry the South Yorkshire Police "behaved abominably", orchestrating "what can only be described as a black propaganda campaign" which aimed "to deflect the blame for what had happened on to anyone other than themselves". Central to that campaign, she alleged,

was a liaison unit that “appeared” to have consisted of six senior officers, including the Chief Constable. One of those she named, under parliamentary privilege, was Superintendent Norman Bettison.

As the story broke, dominating the local broadcast and print media, fact was lost to myth; accusations and recriminations dominated the headlines. Members of the Appointments Committee publicly disagreed over whether they had been fully briefed over Bettison's Hillsborough connection. Within days of the appointment Councillor Dave Martin, also Leader of Sefton Metropolitan Borough Council, stated he had been unaware of Bettison's involvement with Hillsborough. Councillor Frank Prendergast, the Labour leader on Liverpool City Council, echoed Martin's opinion.

On 16 October David Henshaw, Clerk to the Merseyside Police Authority and Chief Executive of Knowsley Metropolitan Borough Council, issued a statement contradicting Martin and Prendergast. It confirmed that the Appointments Committee had been supplied with a full set of papers on each candidate at a short-listing meeting in September. These “indicated Mr Bettison's experience, both in South Yorkshire and West Yorkshire Forces” including “a specific reference to his involvement in the team set up within South Yorkshire police force following the disaster”.

Henshaw also stated that the Appointments Committee retained the papers for three weeks until the interview date; they “had information in front of them during the whole of the process from short-listing to final appointment which indicated Mr Bettison's involvement in the team set up after the Hillsborough disaster”. Carol Gustafson, the Police Authority chair, went further, stating that members “were aware of Mr Bettison's operational responsibilities in connection with Hillsborough through the application form”.

There followed a bitter, five hour emergency meeting of the Appointments Committee. David Henshaw, the Clerk, was heavily criticised. Lady Doreen Jones considered the matter had been “extremely badly handled”, putting “members in a bad light with both the press and public”. She railed, “I think that really you (Henshaw) are protecting yourself in this. I take exception to the panel being referred to on radio as “a bunch of twits”.”

Despite the internal rifts, the public outcry and intense pressure from the Hillsborough Family Support Group, the meeting of the full Police Authority on 2 November confirmed the appointment by an 11 to 3 majority. The nine hour meeting was addressed by a number of outsiders, including Hillsborough families' representatives. Soon after, Councillors Martin and Prendergast resigned from the Police Authority. On 16 November, Norman Bettison, in a blaze of local media publicity, took up office as Merseyside's Chief Constable.

What of the issues raised by the disaffected councillors? Dan Crampton, the Chief Inspector of Constabulary, did provide a note on Norman Bettison at the short-listing stage. It comprised of twelve, mostly inconsequential, bullet points. The fourth noted his “varied career from Chief Inspector” and his membership “of a small inquiry team reporting to the Chief Constable on the Hillsborough incident”. That was it. Not another reference to his Hillsborough-related duties.

Further, Bettison's application made no mention of Hillsborough. He listed four periods of duty, three at South Yorkshire and, most recently, as a West Yorkshire Assistant Chief Constable. His career history began in October 1989, following promotion within South Yorkshire to Superintendent. This was six months after the disaster.

In outlining and discussing previous relevant experience Bettison claimed “proven ability to bring order out of chaos”, noting his significant roles after the “Leeds bombing” and in the “Yorkshire side of the investigation... linked to the Aintree incident”. Illustrating his “leadership skills”, he referred to

taking command “throughout the Bradford riots in 1995”. Norman Bettison's application contained not a single reference to Hillsborough. Clearly, Carol Gustafson, the Police Authority chair, had been mistaken.

Bettison's Account

So what was Norman Bettison's role after Hillsborough? The day after his appointment he released a press statement outlining his duties at the time of the disaster. He had attended the Liverpool - Nottingham Forest Semi-Final as a spectator. He watched the tragedy unfold from the South Stand, close to the Leppings Lane Terrace. At 3.25pm, while the pens were still being evacuated, he went to the local police station and put himself on duty. He had no involvement at the ground. “A few days later”, he stated, “I was assigned with other officers to a unit which was set up under a Chief Superintendent and two Superintendents... tasked with looking at what happened on the day of the disaster, making recommendations about policing of the remaining football matches at Hillsborough... and reviewing policing arrangements for football at Hillsborough...”

This unit “also liaised with and passed information to West Midlands police who were undertaking the formal and independent police investigation into the disaster”. In fact, the West Midlands Police investigators serviced Lord Justice Taylor's Home Office inquiry, the criminal investigation and the Coroner's inquiry. Once the “immediate work of the unit was complete” Bettison was “given a specific role to monitor the public inquiry and brief the Chief Constable on progress”.

So Bettison was a member of a unit set up in the immediate aftermath of the disaster. But Maria Eagle, in her House of Commons speech, wrongly identified the unit. She confused a list of six senior officers, including the Chief Constable, to whom details of the inquest proceedings were circulated a year later. Bettison appears on that list, by then a Superintendent. Throughout his initial post-Hillsborough duties he remained a Chief Inspector. His appearance on the later distribution list reflects his reassignment by the Chief Constable to monitor the Taylor Inquiry and, eventually, the inquests.

This confusion added further speculation around his appointment as Chief Constable. On 2 November he made a second, more fully developed, statement to the Police Authority. He reiterated that he had “never sought to hide my involvement in Hillsborough”. But he emphasised that it had been only “a peripheral link” as a “relatively junior officer”. South Yorkshire Police had assisted the West Midlands Police investigators “with documentation”; his unit providing “a sort of mail room”. The unit also was expected “to try and make sense of what happened on the day”.

Bettison was at pains to stress that his work “contributed to only a small part of the jigsaw”; an example being the review and comparison of police operational orders for previous Hillsborough semi-finals. On completion, the unit's work was passed to the West Midlands investigators. He denied engagement in any “black propaganda campaign” or “historical revisionism”. Such allegations were “utter nonsense... simply not true”. References to Hillsborough were absent from his application because “in the two or three months immediately following the Hillsborough disaster” his work “would not have been significant in addressing competencies for Chief Constable”.

Unanswered Questions

To fully understand the controversy over Norman Bettison's appointment it is necessary to revisit the events within South Yorkshire Police following the disaster. From the outset, senior officers knew that their management of the crowd, operational decisions and handling of the bereaved were under scrutiny. Chief Superintendent Duckenfield, the Match Commander, from

the Police Control Box sanctioned the opening of an exit gate immediately before the kick-off. Although the intention was to relieve intense congestion outside the ground at the turnstiles, it released over 2,000 fans into the ground, unattended. Once through the open gate they walked down a 1 in 6 gradient tunnel opposite, into the back of two already full pens. Those at the front were trapped by cage-like fencing.

As the compression worsened "like a vice", air was squeezed from the lungs of men, women and children. A crush barrier collapsed bringing down scores of fans, piled at the front of one of the pens. The failure of the police to act quickly lost vital minutes as the screams of terror gave way to unconsciousness. Up in the Police Control Box, Duckenfield, having ordered the opening of the gate, told FA officials that Liverpool fans had forced the gate, causing an "inrush" into the pens. Nine years later Lord Justice Stuart-Smith condemned Duckenfield for his "disgraceful lie".

Four months after the disaster Lord Justice Taylor, in his Interim Report, considered that opening the gate without sealing off the tunnel and diverting the crowd to the half-empty side pens constituted "a blunder of the first magnitude". It is not difficult to appreciate just how apprehensive were senior officers as they prepared for the Taylor Inquiry and the other investigations. They were confronted by the implications of that blunder, compounded by Duckenfield's lie.

In his 1998 Scrutiny Report, Lord Justice Stuart-Smith noted that "in the days following Hillsborough the South Yorkshire police perceived themselves to be on the defensive". It was "also the perception of their legal advisers" resulting in "an understandable desire not to give anything away". In an interview with former Chief Superintendent Denton, who liaised between the force, their solicitors and the West Midlands investigators, the former officer confirmed to the Judge that the South Yorkshire police "had their backs to the wall"; it being "absolutely natural... to concern themselves with defending themselves".

What this involved was an unprecedented process of systematic "review" and "alteration" of police statements. Instructed not to use pocket-books, officers were told to write out their "recollections" of the day on plain paper but not in the form of a Criminal Justice Act statement. They were advised that it was an "information-gathering operation" solely for the "information of legal advisers" and "any statements taken for this purpose would be privileged".

Within a week of the disaster the West Midlands investigators knew of South Yorkshire's collection of "self-serving statements". Just two weeks later the Taylor Inquiry's Counsel requested approximately 120 of the statements. By this time Denton was heading an internal team responsible for reviewing the recollections as they were gathered. He sent a first batch to Peter Metcalf, a senior partner at Hammond Suddards, the force solicitors, under a cover-note: "no doubt you will advise on the propriety of supplying these documents to the West Midlands Police".

In 5 weeks over 400 recollections went to the solicitors for advice on review and alteration. Lord Justice Taylor, according to Stuart-Smith, was "clearly well aware that the original self-written statements were being vetted by the solicitors and in some cases altered... that criticisms of the police operation or conduct of their senior police officers were being excluded". But the process of review and alteration, and specific roles within it, remain ambiguous.

Denton told Stuart-Smith that "factual matters" were not changed by his team: "Mr Metcalf suggested all the changes. There were no changes suggested by the police at all". Metcalf wrote to Stuart-Smith: "I read through the statements and made comments by fax to Chief Superintendent Denton. I did not amend statements". One such fax stated, "... the mention of a

name without comment indicates that the statement has been read and that we have no suggestions for review or alteration". Against an officer's name was the comment, "... a personal and graphic account, which we would suggest is not necessarily suitable in its present form for submission as a factual statement to the West Midlands inquiry".

Pressed by Stuart-Smith, Denton conceded that the process was "very much a joint affair... things that came back from Mr Metcalf" went to the police review team "who suggested amendments and went out... and saw the individual people (officers)". Once the revisions were secured, the amended recollections were forwarded to the West Midlands investigators. What started life as "warts and all" recollections, not, according to Metcalf "intended to form Criminal Justice Act statements", became transformed into formal police statements presented to each of the investigations.

It took nine years for this highly unusual process to emerge and even now the full story has yet to be revealed. The hundreds of annotated police statements placed by the Home Secretary in the House of Commons Library demonstrate a commitment within the South Yorkshire police to altering the balance of officers' evidence. As Stuart-Smith said to Richard Wells, the former South Yorkshire Chief Constable: "there was a tendency to remove opinion and temperate language about senior officers but leave in similar material about misbehaviour of Liverpool fans". It was even more serious than that; involving clear examples of altering the factual position.

While neither illegal nor breaching Force discipline, the institutionalised process of review and alteration of police statements, to say the least, has raised eyebrows. It was a clear indication of South Yorkshire's determination to shift the balance of responsibility for the disaster away from their senior officers and onto other parties, particularly the fans. This broader, worrying picture of a force on the "defensive", yet also on the attack, was what enveloped Norman Bettison's appointment as Merseyside's Chief Constable. What part did he play in the process, not necessarily as a "definer" or "protagonist" but as a participant?

It was unhelpful to describe himself as "relatively junior". Already a Chief Inspector, he was promoted to Superintendent within six months of the disaster. Similarly, it seems incongruous that he defined his role as a "peripheral link"; a status confirmed by the Chief Inspector of Constabulary who confirmed that Bettison's role was "peripheral". What has emerged since early November certainly stretches the definition of "peripheral".

Two days after the disaster the Chief Constable held a meeting of senior officers at South Yorkshire Police HQ. It was at this meeting that the decision was taken to ask all officers for "recollections". The meeting was not attended by the force solicitors but Metcalf commented in a letter to Stuart-Smith that the "only record" of the details of the request "will be in Chief Inspector Bettison's note of the meeting..." The clear inference being that Bettison was responsible for minuting the meeting. Yet he has no recollection of this meeting.

Bettison accepts that he was one of a group of officers which formed a unit under Chief Superintendent Wain, whose signature was on the memorandum sent out to officers to request the submission of their recollections. Members of Wain's unit actively participated in the process of review and alteration, although nothing suggests that Bettison was involved directly in the process.

Once the "immediate work of the unit" was complete Bettison was then given, in his own words, "a specific role to monitor the public inquiry (Taylor) and the inquest and brief the Chief Constable on progress". Bettison attended the entire Taylor hearings, providing the Chief Constable and the Deputy Chief Constable with his "analysis of the way the Taylor Inquiry was going". Bettison claims that this "enabled the Chief

Constable to be in a position on the day that Taylor published his findings to publicly accept blame on behalf of South Yorkshire police for their failure of public control ...”

Months after Taylor reported, Bettison was telephoned by Wain who had been asked by the Deputy Chief Constable to establish a case to recover contributions from other parties following the award of damages against the police. Bettison claims that he was so busy that he appointed a detective inspector to carry out Wain's request “on a day to day basis... I didn't have any involvement in completing those tasks”. Once the detective inspector completed the job Bettison “wrote back.. to the Deputy Chief Constable pointing out that they had been done”.

In fact, the memorandum - dated 12 July 1990 - is a substantial two page briefing paper from Bettison to the Deputy, headed “Preparation of Case for Hillsborough Contribution Hearings”. The first section notes that the “mini-inquiry team, formed to assist Hammond Suddard (sic) in the preparation of the Contribution Hearing case, has completed the tasks it was set in May...” It then reports on nine key points. The second section notes a meeting between Bettison, Metcalf and the Detective Inspector on 11 July, listing five points arising from the meeting.

Within these points is the comment: “Peter Metcalf is re-reading the Inquiry (Taylor) transcripts in relation to evidence provided by police officers... (he) anticipates a short list of officers who are to be asked to ‘clarify’ a part of their evidence. For example, one or two officers talk of having a responsibility to monitor the pens. What do they mean by monitoring? Surely nothing more than keeping a weather-eye out. If this evidence goes unchallenged (unclarified) then another party might adduce that the police accepted a responsibility to count people into the pens.” Finally, Metcalf “was informed that the inquiry team would revert to normal duties pending further requests” but would “continue to be at their (lawyers) disposal”.

Finally, Bettison's name appears on a distribution list relating to the monitoring of the inquests. This group, including the Chief Constable, the Deputy Chief Constable and Chief Superintendent Wain, was circulated by PC Kenneth Greenway who attended the inquests and provided a daily account of progress. In a Liverpool Echo interview on 16 November 1998 Bettison stated that Greenway was “a gopher for the West Midlands Police team who had been doing the inquiry and who subsequently presented the evidence to the coroner's court”.

Bettison continued: “I can only assume because he felt that he ought to justify the role he was performing he did reports on what was happening at the inquests and circulated them to people that he thought might be interested. For the most part, I used to receive those reports, read them because of course I was interested, and throw them in the bin.” What Bettison suggests is that Greenway took it upon himself to create a distribution list, that it was somehow arbitrary and that it had no recognised constitution or mandate. Yet in Bettison's press statement, a month before the Echo interview, he stated that part of his “specific role” was to “monitor... the inquest and brief the Chief

Constable on progress”. He made no mention of this in his lengthier statement to the Police Authority in early November.

In a statement made before the Police Authority he said: “It is, however, completely unfair and unjust to focus any residual anger and frustration onto me. I come to Merseyside with a clear conscience and my head held high. I have never tried to hide my links with the Hillsborough tragedy. Attempts to link me with allegations of inappropriate behaviour have been, in my view, irresponsible.”

On his first day in office Norman Bettison repeatedly referred to the benefits of “20/20 hindsight”, commenting that had he realised the potential intensity of controversy over his appointment, he might have approached his application and appointment slightly differently. At best, he was left appearing naive. It was inevitable that any officer of seniority who played even a minimal role after Hillsborough would be scrutinised and criticised.

But, as the above discussion illustrates, Bettison's role, whatever he or the Chief Inspector of Constabulary stated, hardly qualified as minimal. The minute-taker at the crucial meeting of senior South Yorkshire officers; part of Wain's unit some of whom were engaged in the review and alteration of statements; reporting on the daily progression of the Taylor Inquiry; preparing documentation on the contribution hearings; monitoring the longest inquests in British legal history. These were significant tasks spread over a considerable period of time.

For all the media attention Bettison's appointment has received, the key questions concerning his precise role and involvement as part of the units which were put in place to defend the interests of South Yorkshire Police remain unanswered. While Maria Eagle's House of Commons allegations could not be sustained as they stood, nagging doubts remain over the function and responsibilities of Denton, Wain and their fellow officers. Full disclosure of all relevant documents now has to be a priority.

Much that has emerged has done so despite the legal process rather than because of it. None of the documents discussed above would be in the public domain had not the Home Secretary decided to place the South Yorkshire police statements and some of the Stuart-Smith Scrutiny interviews in the House of Commons Library. But that only happened because a former officer was prepared to blow the whistle on a most unusual statement-taking procedure. As these revelations seeped out it was inevitable that Bettison's involvement would be questioned. And several key documents, not least Norman Bettison's alleged note of the defining meeting, have yet to enter the public domain.

References: LJ Taylor The Hillsborough Stadium Disaster: 15 April 1989. Interim Report HMSO Cm 765, 1989; LJ Stuart-Smith Scrutiny of Evidence Relating to the Hillsborough Football Stadium Disaster HMSO Cm 3878, 1998; Statements by Norman Bettison dated 14 October; 2 November, 1998; Other primary research: Scraton, Phil Hillsborough: The Truth Mainstream 1999 (forthcoming).

Sweden: The personnel control system 1969-1996

On 22 December 1998 the Registration Board published their report into the Swedish personnel control system 1969-1996. Its contents include the secret government instructions to the Security police on surveillance and registration of “subversives”. These show that ALL left groups outside parliament were placed under surveillance. This occurred despite the Government, in October 1969, banning the registration of people solely on the grounds of their political opinions; this became a part of the Swedish constitution (*Regeringsformen*) on 1 January 1977. The contradiction between the law and the covert instructions was

known by successive governments - or at least the different justice ministers - since 1969, no matter whether they were social democrat or conservative. It was also known to the supervising authorities and committees.

The most astonishing example of this clandestine activity was an investigation, carried out in 1989 and 1990 by the Justice Chancellor, who was given the specific task of checking if the Security police had opened files on Swedish citizens because of their political opinions. In his report (submitted in January 1990) he said that he had checked both the secret instructions and

Organisations surveilled and registered by the Swedish security police	POLITICAL VIEW L = Left; R = Right; A = Anarchist	DATE FROM	DATE TO
1. Kommunistiska Förbundet Marxist Leninisterna KFML och KFML (r) KFML avf Suborganisation: De förenade FNL grupperna (the FNL groups) as far as they functioned as organisations for recruiting members to KFML. Transferred to no. 22	L	1.1.71	27.4.73
2. Marxist Leninistiska Kampförbundet (MLK)	L	1.1.71	1.7.84
3. Svenska Clartéförbundet no 21	L	1.1.71	Transferred to
4. Studerande för ett Demokratiskt samhälle (SDS) [a student organisation]	L	1.1.70	27.4.73
5. PAX VCO i Lund (pacifists)	L	1.1.71	27.4.73
Note. Organisations 1-5 were regarded as revolutionary parties			
6. Svenska Anarkistförbundet	A	1.1.71	27.4.73
7. Kommitten för lika lön (Committee for equal pay)	A	1.1.71	27.4.73
8. Anarkistfederationen i Sverige (Anarchist Federation in Sweden)	A	1.1.71	27.4.73
9. Anarkisterna i Stockholm (Anarchists in Stockholm)	A	1.1.71	27.4.73
Note. Organisations 6-9 were regarded as anarchist			
10. 4:e internationalen	L	1.1.71	27.4.73
11. Bolsjevikgruppen	L	1.1.71	27.4.73
12. Fria Fackföreningsfolket (FFF)(Free unionists)	L	1.1.71	27.4.73
13. Förbundet kommunist	L	1.1.71	1.7.84
14. Kommunistiska Arbetsgruppen	L	1.1.71	27.4.73
15. Marxistiska Arbetsgruppen i Hägersten (A Marxist working group in a suburb of Stockholm)	L	1.1.71	27.4.73
16. Revolutionära Marxister no 23	L	1.1.71	Transferred to
Note. Organisations 10-16 were regarded as Trotskyist			
17. Nordiska Rikspartiet (an old nazi party)	R	1.1.71	1.10.98
18. Frisinnande Unionspartiet/Nordisk Ungdom	R	1.1.71	27.4.73
19. Nysvenska rörelsen (NSR)	R	1.1.71	1.10.98
Note. Organisations 17-19 were regarded as nazi or neo-nazi			
20. Motståndsgruppen (Resisters Group) Note. Organisation 20 is regarded as an anti-military conscription group		1.1.71	27.4.73
Groups 1-20 were initially placed on the list by the Security police. Groups 21-32 were put on the list by government decision.			
21. Sveriges Kommunistiska Parti (SKP) (Maoist Party) Suborganisations added 3.12.81 Svenska Clarté and Clarté-förbundet och Röd Ungdom	L	27.4.73	1.12.88
	L	1.7.85	
22. Kommunistiska Fönbundet Marxist Leninisterna	L	1.1.70	

(revolutionärerna)			
KFML(r), som ändrat namn till Kommunistiska Partiet Marxist Leninisterna (revolutionärerna), KPML(r)		27.4.73	21.12.98
Suborganisations: Sveriges kommunistiska SKU(M-L)ungdomsförbund Marxist Leninisterna/SKU (M-L)/ och Sveriges Kommunistiska Studentförbund Marxist-Leninisterna/SKS (M-L)		1.7.85	
[youth and student organisations] and from 3.12.81 to the party connected university and athletic clubs			
23. Revolutionära marxisters förbund (RMF) [see 16.]	L	27.4.73	3.12.81
RMF changed its name to KAF 1975, [see 26.]			
24. Demokratisk Allians, [see 27.]	R	27.4.73	3.12.81
25. Sveriges Kommunistiska parti Marxist-Leninisterna (SKP ml)	L	3.12.81	1.7.84
The party changed name, [see 29.]			
26. Kommunistiska Arbetarförbundet (KAF)	L	3.12.81	1.7.84
The party changed name, [see 30.]			
27. Frihetsförbundet/Demokratisk Allians, [see 24]	R	3.12.81	1.3.93
including youth and local groups			
28. Sveriges Nationella Förbund	R	3.12.81	1.10.98
29. Sveriges Kommunistiska Arbetarparti (SKA) [see 25]	L	1.7.84	1.3.93
30. Socialistiska Partiet (SP), [see 26]	L	1.7.84	1.10.98
Suborganisation: Ung [youth] socialisterna (US)			
31. Kommunistiska Partiet i Sverige (KPS)	L	1.7.84	1.3.93
32. Sverigepartiet	R	1.1.88	1.10.98

approximately 1,000 different files and could unequivocally state that no such political surveillance occurred.

Simultaneously, the same Chancellor - in a secret report to the government - acknowledged that this kind of registration was not only common but was also enforced by government instructions that told the Security police to open files on members and sympathisers of extreme left and right wing organisations.

These organisations were identified in other secret government instructions (from April 1973 and until December 21 1998), when the last secret instruction was abolished on the day before the report of the Registration Board was made public.

To be registered an individual had to be defined as being "active" in an organisation or party. Being "active" was considered to be fulfilled when s/he joined a study group, for example in Marxist theory. Since almost all of the listed parties insisted that members participated in study groups the criteria for active membership was inevitably met. If an individual was a member of an athletics organisation, actively participated in a demonstration or voted for a prescribed organisation they were also regarded as actively engaged in an organisation and would be listed.

In 1980, 3,998 Swedish citizens were registered because of membership of, or sympathy with, one of the abovementioned left or anarchist organisations: crime suspects were NOT included in these figures. At the same time 158 right wing members or sympathisers were registered in the same way. The figures for 1990 were Left/Anarchist 3,467 and for the Right 118; for 1998 Left/Anarchist 2,062 and Right 98.

Some concrete examples of registration are given below:

1. 1975 we found out that X was a member of KFML(r), nowadays called KPML(r). Thereafter nothing is known

2. In August 1974 it became known that Y was a member of KPML(r) a Gothenburg group and that he in may 1975 was asked to join a study meeting organized by the KPML(r). Thereafter we have no further information about Y

3. In September 1973 X was observed together with another person in Kalmar, putting up posters for the KFML(r) on public electricity boxes and walls etc. 1974 we found out that he was a member of KFML(r).

4. 1977 it was found out that P was a deputy substitute in the athletic organisation Roda Stjarnan IF, which is an athletic organisation with connections to KPML(r). As a deputy substitute he must most certainly be regarded as a member of KPML(r). His car has on four different occasions in 1979 been seen parked close to places where KPML(r) has had meetings.

5. At...the SKP organised summer camp E participated, by ordering food for the kitchen, at a function...at Scan West.

This kind of information was used in employment monitoring and, according to the Registration Board, almost always led to a negative result for the registered person. Sometimes, the government used it in a personnel control matter:

One of the personnel control decisions that was submitted to the Government for a decision should be specially mentioned. It was a vetting check on a cleaning (wo)man who in 1988 applied for a security classified post in the lowest security class. At the vetting it was found that...[the following information was] filed on the applicant: "1985 X was put up as number 25 on the Socialist Party voting list to the local council in Stockholm".

The Government decided in October 1988 that the information was to be handed out to the employer. X was denied work. In Sweden there are 410,000 security classified posts and commissions; 400,000 of these are in the lowest security classification.

The main purpose for the Registration Board investigation was to see if there were "any more Leander cases" (See *Statewatch*, vol 7 no 8; vol 8 no 1 & 6); they found at least 1,001 suspected cases, but failed to discover to what extent these were "Leander cases" or not.

Report of the Registration Board to the government, 16.12.98. (Personalkontroll den 1 Oktober 1969 den 30 Juni 1996. Rapport till regeringen av Registrernämnden beslutad den 16 December 1998).

Migration: first six countries targeted

The Austrian Presidency's "Strategy paper on migration and asylum policy" was disowned by other EU governments and condemned by the whole spectrum of voluntary groups and NGOs from community-based refugee support groups through to UNHCR (see *Statewatch*, vol 8 no 6). However, it has not been shelved it is simply being pursued by other means.

The strategy paper was first launched at the start of the Austrian Presidency and dated 1 July 1998 - the first day of its office. A revised draft was produced for the Informal Justice and Home Affairs Council meeting in Vienna in October and a further revision took place prior to the Justice and Home Affairs Council on 3-4 December where it was agreed that it would be "a useful contribution to the work of the cross-pillar Task Force" set up on the initiative of the Netherlands to rescue the strategy paper.

Replacing "Fortress Europe"

The Austrian Presidency's Strategy paper indicates the thinking underlying the proposed Action Plans for six targeted countries (see below). It proposes: "a model of concentric circles of migrant policy could replace that of "Fortress Europe".

The "first circle" is the EU, or as the paper puts it: "For obvious reasons, the Schengen States currently lay down the most intensive control measures". The "second circle" is the associated states (central and eastern Europe) who are to be in line with "the first circle's standards". The "third circle" is the CIS area plus Turkey and North Africa where the concentration will be on "transit checks and combating facilitator networks" and "intensified economic cooperation is [to be] linked to the fulfilment of their obligations". The "fourth circle" is "Middle East, China, black Africa" where the EU's efforts are to be to eliminate the "push factors"; that is "the extent of development aid" is to be tied to their cooperation. This is to be in the context of a "global approach" by the EU and "must incorporate world wide all the main regions of origin of immigrants".

The essence of the new Action Plans is that they are to be "cross-pillar". Instead of relying on "third pillar" pressure and arrangements "second pillar" diplomatic and political pressure is to be brought to bear together with the overt use of economic and humanitarian aid as a bargaining mechanism.

The "Strategy paper" says that:

For instance, economic aid will have to be made dependent on visa questions, greater border-crossing.. guarantees of readmission..

The Strategy Paper says there needs to be "information campaigns" with:

the clear, targeted notification of potential immigrants about immigration management measures, which, from past experience, can itself have just as much effect as the actual measures themselves.

In other words setting out the measures in place to stop people entering the EU and to remove them from the EU.

The German Presidency work programme says that it will continue the work started under the Austrian Presidency "on information campaigns in countries of origin and transit concerning the legal requirements for the admission of third country nationals into the Member States". The German Presidency is also pursuing a "coherent policy of countries of origin", where:

the question of how the cooperation of countries of origin is to be obtained, thus making it possible for expelled third-country nationals to be repatriated.

Fingerprinting the third world

The different versions of the Austrian Presidency's "Strategy paper" contains three different formulations for one of its proposals. In order for third world countries to "guarantee repatriation of the country's own nationals":

States with a particularly high potential of illegal emigrants must be induced to set up effective fingerprint files. (First version, 9809/98, 1 July 1998)

States with a particularly high potential of illegal emigrants must be induced to set up effective fingerprint files, which make it impossible to change identity by changing place of residence. (Second version, 9809/1/98, 29 September 1998, changes underlined)

States with a particularly high illegal emigrant potential must develop effective systems which make it impossible to change identity by changing place of residence. (Third version, 9809/2/98, 19 November 1998, changes underlined)

All 15 EU member states were party to these amendments but none sought to remove the proposal altogether.

Six selected "problem" countries

At the General Affairs Council on 7-8 December 1998 it was agreed to set up the High Level Working Group on Asylum and Migration "to establish a common, integrated, cross-pillar approach targeted at the situation in the most important countries of origin of asylum-seekers and migrants". The High Level Working Group is comprised of "high level officials" from each EU member state and the Commission. It is charged with submitting a first report "comprising a proposal for a list of countries of origin and transit of asylum-seekers and migrants indicating the criteria for their selection". Its final report, containing "action plans for these countries" has to be submitted to the Council in advance of the special European Council in Tampere, Finland in October 1999. No mention is made of even consulting the European Parliament let alone national parliaments.

Following its meeting on 11 January the High Level Group decided that the six countries (and neighbouring and transit countries), which include a "geographic" spread, to be covered should be: **1. Afghanistan/Pakistan; 2. Albania (Kosovo); 3. Morocco; 4. Somalia; 5. Sri Lanka; plus 6. Iraq and the neighbouring regions (existing Action Plan)**

Draft Action Plans for each of these countries (and neighbouring and transit countries) are being drawn up by informal working parties headed by an EU member state - for example, Spain for Morocco and the UK for Sri Lanka.

The German Presidency has picked up the Austrian Presidency Strategy Paper and selected 48 of the 116 points for immediate action. The Migration Working Party (Expulsion) has been given the job of tackling "the increasing number of countries of origin [which] refuse to take back their own nationals" by the EU's use of "its international political and economic muscle" or the adoption of an "international legal instrument" to allow the EU to determine a person country of origin. The job of establishing systems to fingerprint third world countries has been given to the Multidisciplinary Group on Organised Crime.

Strategy paper on migration and asylum policy, the Austrian Presidency, 9809/98 (1.7.98); 9809/1/98 (29.9.98); 9809/2/98 (19.11.98), ASIM 170; Strategy paper on migration and migration policy, the German Presidency, 5337/99, 19.1.99; Declaration of the Executive Committee on the Network of National Illegal Immigration Experts, SCH/Com-ex (98) decl 1, 23.6.98.

TABLE 1	Schengen: "List of priority sensitive countries.."[1]	High Level Group: 1st list of countries [2]	Action Plan on Iraq [3]
1. Afghanistan(Pakistan)	No	Yes	
2. Albania	Yes	Yes	
3. Algeria	Yes	No	
4. Angola	Yes		
4. Bangladesh	No	No	Yes
5. Bulgaria	Yes		
6. Cameroon	Yes		
7. China	Yes	No	
8. Congo (formerly Zaire)Yes			
9. Egypt	No	No	Yes
10. Yugoslavia (Federal Republic)	Yes		
11. Russian Federation	Yes		
12. Ghana	Yes		
13. Guinea	Yes		
14. Hungary	Yes		
15. India	Yes	No	
16. Iran	No	No	Yes
17. Iraq (existing Plan)	No	Yes	
18. Kenya	Yes		
19. Liberia	Yes		
20. Mali	Yes		
21. Morocco	Yes	Yes	
22. Nigeria	Yes	No	
23. Pakistan	Yes	No	Yes
24. Romania	Yes	No	
25. Senegal	Yes		
26. Somalia	No	Yes	
27. Sri Lanka	No	Yes	Yes
28. Thailand	Yes		
29. Turkey	Yes	No	
30. Ukraine	Yes		

NOTES:

[1] Schengen Executive Committee, Decision, 23 June 1998, SCH/Com-ex (98) 29 rev

[2] EU FIRST priority list in doc. 5264/99

[3] "Problem" countries named in Action Plan on Iraq and the neighbouring region

TABLE 2 "Problem" countries grouped by "circles" (as set out in the "Strategy paper on asylum and migration")/region and neighbouring transit countries

Second "circle" - central and eastern Europe

Named country: Albania
Neighbouring/transit countries: Greece, Italy

Third "circle" - Turkey and north Africa

Named country: Morocco
Neighbouring/transit countries: Algeria, Spain (Ceuta, Melilla)

Fourth "circle" - Middle East, China, black Africa

Named country: Iraq
Named in Action Plan: Bangladesh, Iran, Sri Lanka and Pakistan

Named countries: Afghanistan/Pakistan, Sri Lanka
Neighbouring/transit countries: Iran, India

Named country: Somalia
Neighbouring/transit country: Kenya

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Web database

Statewatch has a searchable database on the World Wide Web. The new url is:

<http://www.statewatch.org>

[the old url will be automatically linked to the new address]

Contributors

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Statewatch’s European network of contributors is drawn from 12 countries.

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