

To mark the new school year...

An open letter to the Belgian justice minister De Clerck

Dear Minister,

I cannot start the new school year in my role as a teacher of Dutch in the prison of Saint-Gilles. I am writing to you, using the media as my intermediary, because you do not want to address this issue and meet with me, despite being asked to do so, on two separate occasions over the past year, by a Belgian Court.

You and I met once.

It was in May 2009 when you organised, alongside your colleague minister Didier Reynders, a special day in Bozar, Brussels, for all those who work in prisons - complete with dinner - under the title 'Prison Make'. The idea was to make known to us the details of your Masterplan for the construction of new prisons. You informed the audience of your plan to construct twelve new prisons, close down six old prisons, creating 2,208 additional cells. The total cost: 300 million Euros.

I launched an appeal against participation in that day and for the organisation of a day on a different approach to crime and delinquency. When our paths crossed at the entrance of Bozar, I said to you: 'A quarter of the population of Brussels lives below the poverty line. The people of Brussels do not need new prisons, but schools, hospitals and jobs.' You quickly responded by saying to me: 'The government is working on this. But the question of employment is not in my competency. It is my responsibility to find a solution to prison overcrowding and the archaic state of our prisons.' When I proposed to you: 'I can immediately provide you with a list of 500 prisoners who, according to the prison directors, could be released immediately' you smiled and responded by saying ' Ah yes. That interests me. Send me this list....' We did not have the opportunity to continue that discussion, captured only on a small video on Youtube.

After our discussion I asked myself what remained of the positions that you held in 1996. At that time, you published a text entitled 'The politics of prison sentencing' in which you were critical of policies based on imprisonment. You pleaded then for an alternative to incarceration, attacking the ineffectiveness of prisons for dealing with the issue of recidivism.

Looking back now, and with the benefit of hindsight, I find that I said nothing to you on the subject of the day of 'Prison Make' that you could not have read a year later in the report of the Council of Europe's Committee for the Prevention of Torture (CPT) on the situation of the prisons in Belgium¹. 'The Committee for the Prevention of Torture underlines that an increase in the prison capacity cannot in itself resolve the problem of prison overcrowding. In a number of countries - Belgium included - one notices that the increase of the prison population follows the increase of the prison capacity.'

Three months after our meeting, Mr. Meurisse, the Federal Director of Prisons, banned me from entering all the prisons in Belgium. For 'reasons of security'. I was not given the opportunity to acquaint myself with the 'reasons' because the matter was referred to as one of 'national security, the national defence and public order'. Nothing less. My lawyers have not been given access to the 'administrative file' that the state keeps on all workers in public service. It would

1 Rapport au gouvernement de la Belgique relatif à la visite effectuée en Belgique par le Comité européen pour la prévention de la torture et des peines ou traitements inhumains ou dégradants (CPT) du 28 septembre au 7 octobre 2009, Strasbourg 23 juillet 2010

be something to laugh about if it were not for the fact that I can no longer carry out my duties as a teacher in prisons and no longer have any opportunity to visit detainees.

You have chosen to cover the issue of this professional work ban before members of the multi-party justice commission of parliament. On 6 October, in response to a question from the Green MP Zoe Genot, you declared that 'The decision to forbid access was a considered one, based on an in-depth review of all the information. Such a measure is exceptional and would only be taken on the basis of substantial evidence. The decision to exclude for reasons of security is made on the basis of an assessment of the overall record of the individual and the security concerns are sufficient, in itself, to justify exclusion.'

Can you not see that such a statement is worthy of a police state? As Rik van Cauwelaert wrote in the Flemish magazine Knack²: 'The professional work-ban against Luk Vervaeke, taken as it was on the basis of secret evidence, amounts to little more than a settling of accounts; through such a ban the State steals the work of a man who has in recent years made no secret of the inhuman conditions he witnessed in prisons... Only rogue states hide behind the national interest in order to silence those who think differently.'

If you really carried out an 'in-depth review of my file', then you learned that my professional record as a teacher in prisons was beyond reproach. What your decision rested on was a State Security report, which we finally managed to get hold of, but only thanks to a leak. In short, the report states that: 'Luk Vervaeke is a member of CLEA (The Committee for Free Expression and Association, le Comité pour Liberté d'Expression et d'Association) and co-founder of the party Egalité. He is anti-Israeli and pro-Palestinian. He is opposed to the anti-terrorist legislation and defends those he sees as the victims of the legislation.'

More specifically, the State Security accused me of having defended the 'terrorist' Bahar Kimyongur and of opposing the conditions of detention of the 'terrorist' Nizar Trabelsi, as well as his proposed extradition to the US. But if you insist on an 'in-depth evaluation' of my case, you should also bear witness that the so-called 'terrorist', Kimyongur, has since been exonerated by the courts of all the charges laid against him.

In addition, it would not have escaped you that on pages 42 and 44 of its report, the CPT takes to task Hans Meurisse, the Director of Prisons, for locking up those convicted on terrorism charges in special isolation sections that are absolutely not designed for this purpose. 'Over the last eighteen months, special units have been created (at the prisons of Bruges and Lantin) for the treatment of detainees who present signs of extreme aggression. Today we have to notice that this objective has been completely abandoned. Of eight such detainees held within the special section at Bruges, only three have responded to the criteria and, similarly at Lantin, of nine held in the unit, only three have responded.' It seems, therefore, that the majority of prisoners interned within these special units, are prisoners who are mentally ill and prisoners who present 'an elevated security risk' (including those condemned for terrorism) who are not responding to the criteria of the special sections. This is a state of affairs that I criticised for several months. The CPT called on you to 'put an immediate end to the placements in these special units for these two categories'. My question: has the CPT the authority to say what it wants, because there is nothing you can do to stop them and are you silencing the prison workers in Belgium who hold the same opinions and make the same criticisms?

It feels as though the prisons of Belgium are seen as part of a military estate: no one is allowed to see within, questions must not be asked, and criticism disallowed. The policy of incarceration approved by Mr Meurisse is not a policy; it is an obsessional management of risk: the risk of escape, the risk of recidivism. It is my belief that as long as the authorities continue to frame prison policy on the basis of obsessional risk management, they will only foment the insecurity they claim to combat.

If the prison authorities, as well as you yourself, truly want to bring about greater security, then you should give me back my job and let me continue with my work as a teacher in prisons. Recommendation 1741 of the Council of Europe, which deals with the rehabilitation of prisoners, stipulates that 'The right to an education is a fundamental human right. Therefore, it is beholden on the prison authorities to take measures appropriate to the education of prisoners.'

So there is not only the question of security, but also one of education. And as far as security is concerned, the greatest security comes through investing in the creation of opportunities for people who have been deprived of opportunities in the past.

To get a glimpse of just what a farce education in prisons is in Belgium today one needs only to look at the results of a small research project. The study found that 75 per cent of the prison population comes from a family where the father is a worker, unemployed or unknown. Forty-five per cent of prisoners do not have the basic primary school diploma and 30 per cent have absolutely no qualifications at all. This is the situation that confronts the assistants and teachers in prisons.

The French community in Belgium has 55 full-time workers to assist 5,000 prisoners. If all the teachers and assistants manage to reach ten per cent of prisoners in this country, this would be something. There is a massive demand for training and teaching which simply cannot be realised because there are not enough teachers, nor are there enough classrooms.

I conclude this letter by asking you once again to meet with me and grant me an interview. Failing that, I will have no other choice but to take my case to the Belgian Council of State and the European Court of Human Rights.

Yours respectfully,
Luk Vervaet