

statewatch

monitoring the state and civil liberties in the UK and Europe

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“Chronicle of Death Foretold”

- cause and consequence in the death of Semira Adamu

The death of Semira Adamu, a 20 year old Nigerian woman killed whilst being deported from Belgium, has made headline news throughout Europe, especially following the resignation of Home Affairs minister Louis Tobback. Inquiries have since revealed that Semira's death occurred as a consequence of practices which have become part of a daily routine of deportations from Belgium.

Vande Lanotte's law

The countdown to Semira's death began over two years ago with the introduction in 1996 of a new asylum bill (see *Statewatch*, vol 6, no. 2, 3, 4 & 5). This new legislation (known as Vande Lanotte's law after then home office minister Johan Vande Lanotte) increased the responsibility of transport companies, making them liable for fines plus the costs of any *sans-papiers* brought into Belgium by them. It also allowed the indefinite incarceration of asylum seekers as well as the implementation of both the Schengen and Dublin conventions regarding safe third countries.

The implementation of the new law led to the creation of several new asylum centres including the infamous “127bis” in Steenokkerzeel close to Zaventem airport. Although the Belgian government has since described the regime at Steenokkerzeel as “relaxed”, campaigners at the time described the asylum centre as a “concentration camp” surrounded by two fences topped by razor wire. At that time one of the distinctive features of Steenokkerzeel was the arbitrary use of isolation cells to hold “unruly” asylum seekers for an indefinite period.

The new law also saw the introduction of quotas, (9,000 in 1996, 12,000 in 1997, 15,000 in 1998). In order to meet these quotas new practices were introduced to speed up deportations, such as the removal of the children of deportees straight from school. In October 1997, after resistance from deportees had led to the cancellation of deportations, a new *Rijkswacht* (Gendarmerie) directive in the form of a 14-page manual was

issued to officers responsible for deportations allowing cushions to be put over the faces of deportees both to gag them and to prevent them from biting anyone.

The death of Semira Adamu

This coincided roughly with the time that Semira Adamu entered the picture. Semira came from a relatively wealthy family from Lagos in southern Nigeria. She originally left Nigeria to escape an arranged marriage to a much older, polygamous man. Her eventual destination was Berlin, however the plane she was on made a stop-over at Zaventem, where Semira fell foul of the “safe third country” rule. She was then taken to Transit centre 127bis, where she was questioned for the first time on March 26 and refused entry. She appealed against this decision and after a second interview also went against her a decision was made to forcibly deport her. Semira was terrified by the thought of returning to Nigeria, where she faced not only marrying somebody against her will but also physical punishment by her family.

The authorities made five increasingly violent attempts to deport her. After the fifth attempt, which was cancelled after the pilot refused to fly with her, her lawyer stated that she had been warned that all possible methods would be used to deport her and that any violence used against her “would be her own fault”. Her lawyer added that Semira feared for her life.

By this time Semira had already become a cause celebre and campaigners, increasingly concerned about Belgium's asylum laws, had taken up her case. At the same time more and more reports were published about the increasing violence involved with forced deportations. A pilot working for the national airline company, Sabena, appeared anonymously on a television programme describing violent scenes he had witnessed during forced deportations. Semira's case had already led to demonstrations outside Steenokkerzeel.

Finally, on September 20, two days before her death, Semira

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appeared on television as part of a documentary about rejected asylum seekers. In it she gave a graphic description of the fourth attempt to deport her:

I was woken at 6.30 a.m. and given twenty minutes to prepare for departure... When we arrived at the airport my hands and feet were bound and I was thrown into an isolation cell for over three hours. At 11.15 they forced me onto the plane. I began to scream and cry as I was surrounded by six gendarmes and two men from Sabena. The airline men pushed me around and one held a cushion to my face. He almost suffocated me. These men were supposed to accompany me all the way to Lome. Passengers intervened at this point, saying that they would get off the plane if the men did not let me go.

The events leading up to Semira's death were captured on video. This time she was surrounded by 11 gendarmes as well as the standard two airline company men. As ordinary passengers were boarding the plane she was forced to bend down, put her face on a cushion on the knee of one of the gendarmes and was held in that position for about twenty minutes. At the end she lost consciousness. She was immediately taken to St Luc Hospital in Brussels. Doctors were unable to revive her and she died at 9.32pm.

Tobback resigns

The announcement of Semira's death led to spontaneous demonstrations across Belgium. In Steenokkerzeel inmates went on immediate hunger strike while hundreds of people surrounded the transit camp. This led to Tobback closing the centre down and freeing the remaining inmates. It was effectively his last decision as deputy prime minister and home office minister. The following day after Semira died Tobback appeared at a press conference; according to reporters he appeared shaken by the incident. He defended the gendarmes involved, stating that they had handled everything "by the book". He took full responsibility for Semira's death, and stated even then that "... if it were up to me then I would have already resigned. This has been the worst day of my political life". Yet he appeared to try to focus blame on campaigners who according to him "encouraged deportees to resist". By Friday he decided that he would have to go, following two revelations. First, it emerged that one of the gendarmes responsible for Semira's deportation had been suspended for a month in January 1997 following allegations in the *Het Volk* newspaper that he had mistreated a deportee. Second, the video of the incident was shown to a shocked nation, revealing that the gendarmes had been cracking jokes whilst holding the cushion over Semira's face.

Luc Tempels, chief of security at Zaventem, also resigned his position. He too claimed full responsibility for Semira's death: "As commander of the security detachment at the national airport I believe that I am officially responsible for the death of Semira Adamu" he admitted. Two gendarmes have since been charged with involuntary manslaughter and the Gendarmerie have refused to carry out any more deportations. Thus the demand of the Belgian greens (*Ecolo-Agalev*) for a six month moratorium on deportations appears to have been met. *Ecolo-Agalev* stated that:

this was no unfortunate mistake of a gendarme, but a sad escalation of an inhuman asylum policy for which successive Home Affairs ministers were responsible.

The Belgian greens were not alone in their condemnation of the events surrounding Semira's death. The Christian trade union conference (ACW) called a day's strike in Zaventem airport, pointing out that they had been warning for months that forced deportations "could have fatal consequences". Other campaigners demanded an immediate enquiry into the state of Belgium's asylum laws.

Deep crisis

However, according to Linda Delva of the Limburg Platform for Refugees, the case reveals a deeper crisis within Belgium, and by,

implication, European asylum law. As Linda points out in an interview with *Elektronisch Nieuws*, the rejection of Semira's asylum claim took place in accordance with the 1951 Geneva Convention relating to the status of refugees. This again raises the question of the extent to which the Convention is capable or incapable of recognising gender-specific or gender-related forms of persecution and human rights abuse: "... the Geneva Convention doesn't give any specific rights to women, or for that matter to refugees from civil wars." Linda argues that "there are many people who simply cannot return to their country of origin, even if they don't meet the criteria laid down by the Geneva Convention".

Others have pointed towards the role of the Gendarmerie in the affair. The Gendarmerie has been surrounded by controversy since the early 1980's, when accusations surfaced linking them to the Nijvel gang, a criminal organisation responsible for a string of crimes in Brabant. More recently it was revealed that elements of the Belgian far-right had managed systematically to infiltrate the Gendarmerie, with as many as 60 gendarmes being involved with the fascist *Front de la Jeunesse*. Finally, in November last year the shooting of a Moroccan youth by a gendarme was followed by a weekend of riots (see *Statewatch* Vol. 6 no 1 through Vol 7 no 5).

The Dutroux case, in which a paedophile killer was left at large for years, leading to the deaths of thirteen children, has also left its mark on the Gendarmerie. Slogans used by demonstrators outside Steenokkerzeel pointed out that when Dutroux managed to escape earlier this year he was guarded by only two gendarmes, as compared with the 11 surrounding Semira on board the Sabena aircraft.

An EU-wide problem

This is not the first time a deportee has died whilst being expelled from "Fortress Europe". A Zairian man died in 1986, also as a result of a cushion being placed over his head, whilst being deported from Belgium. There was no enquiry at the time. Nor was there an enquiry into the death of a Tamil asylum seeker following his forcible deportation from France in 1991. This case has only recently been investigated (see report in this issue). In the UK Joy Gardner's death, resulting from her face being covered with masking tape whilst police attempted to deport her is another notorious example. Three police officers were later acquitted of her manslaughter, whilst police procedures were reformed to exclude the use of mouth restraints (see *Statewatch* Vol 3 no 4, Vol 4 no 3 and Vol 6 no 1).

Although the death of Semira Adamu has led to profound shock in a country almost inured to political scandal, the Belgian prime minister Jean-Luc Dehaene has committed himself to maintaining the repressive immigration and asylum legislation introduced by successive governments:

We have no intention of reviewing our options for granting political asylum....those who are legally entitled to remain in the country must be integrated within Belgian society, those who have no legal right to be in the country cannot stay. After all we also have obligations vis a vis other European countries who face the same problems.

Since 1993 UNITED has monitored the results of the policies building "Fortress Europe". Their latest list includes 1,114 deaths which can be put down to border militarisations, asylum laws, detention policies, deportations and carrier sanctions, to the implementation of the Schengen Agreement and to the consequences of the Dublin Convention. UNITED commented:

Her death is not a singular incident. The deaths of refugees are the symptoms of policies that no longer see the humanity of those fleeing their homeland, but prefer to see them as numbers, or worse, as a natural disaster, a "flood".

Association pour le droit des étrangers, Brussels; Solidair 30.9.98; Elektronisch Nieuws; Het Volk, 26.9.98; De Morgen, 24.9.98; Le Soir, 23-6.9.98; Magasile, 7.10.98; Liberation, 24.9.98; NRC Handelsblad

IMMIGRATION

FRANCE

Ex-Interior minister "ignorant" of deportee's death

Shortly after the resignation of the Belgian Interior Minister, because of the death of Semira Adamu, the former French Interior minister, Philippe Marchand, gave an interview to *Le Monde* about the death of a Tamil asylum-seeker following an attempted deportation in 1991.

Arumum Sivasampu Esan died of heart failure in a Paris hospital after losing consciousness as he struggled to resist deportation. He had arrived in France in August 1991, seeking asylum. His claim was immediately rejected. The first attempt to deport him was aborted when the captain of the plane ordered his disembarkation after a prolonged struggle between Esan and immigration officials.

A week later a second attempt at deportation was made. Esan was handcuffed with his hands behind his back and his ankles were cuffed together. Initially, his mouth was covered with a velcro gag. When he appeared to have calmed down, this was removed. Esan then began again to struggle and shout, so the officials tied him very tightly to his seat, binding him with a blanket around the thorax. After struggling hard against this, Esan suddenly lost consciousness. Doctors in the Robert-Ballanger hospital were unable to revive him and he died of heart failure.

These events took place only weeks after the cabinet of Prime Minister Edith Cresson had stated that all deportations were to be carried out with dignity and the Prime Minister herself had reiterated her commitment to the 1951 Geneva Convention.

No formal inquiry into Esan's death was ordered and, according to Marchand, there was no formal report to the Interior Ministry, as the cause of death was identified as a straight-forward cardiac arrest resulting from existing weakness in the heart. Judicial investigations only began following the instigation of a civil action by Gilles Piquois, for Esan's widow. So far there have been no indictments of the officials responsible and there was no reconstruction of the events until April this year.

The reconstruction has given rise to a revision of medical opinion on the case. Experts now believe that compression on the brain due to the way in which Esan was bound whilst in a state of extreme agitation may have been the determining factor in the cause of death.

In the light of these findings, the Interior Ministry has announced its intention to set out rules on deportations in writing. Currently regulations exist, but not in writing. This ambiguity appears to have resulted in widespread flouting of the regulations. Officers are told, for example, that they may bind wrists and ankles, but must not touch the mouth. The deportee must be able to move during take-off and landing, and no tranquilisers are to be administered. Marchand admitted that he had been made unofficially aware that tranquilisers, known as the PAF-cocktail, (*Police de l'air et des Frontieres*) were frequently used.

As recently as 11 September, a Tamil woman was mistreated during the enforcement of a deportation order. The Tamil paper *Virakesari* reports that her mouth was covered with a large sticking plaster and that she was dragged by the hair when she tried to resist boarding.

Le Monde 2.10.98; *Guardian* 11.7.91

EU

Major changes in refugee policy

A recent policy document from the Austrian government, currently holding the EU presidency, calls for African countries to fingerprint potential emigrants to enable them to be identified if they turn up undocumented in Europe. The idea, carried to its logical conclusion, would be a global database keeping tabs on all "undesirables". Another idea from the Austrians is to supplement, amend or replace the existing arrangements for refugees, which involves the grant of individual legal rights, with a "political offer" of assistance which would make it much easier to return refugees to their countries of origin following ceasefires. The document insists that the Geneva Convention is outdated and inappropriate for today's forms of persecution, which are not repression by authoritarian governments but inter-ethnic strife by non-governmental forces. That is certainly true in Bosnia and Rwanda, but unfortunately, the two forms of persecution - that organised by governments and that carried out by local populations - often go hand in hand. The paper is oriented towards return of refugees to havens either in the country of persecution or in neighbouring states, as happens in Africa, where Sudan, Somalia and Ethiopia (precariously) house each other's refugees.

Migration control in Europe is seen in terms of concentric circles: EU and EEA member states have rigorous external controls and define each other as "safe" for the purpose of returning refugees in transit. The second ring of states are applicant states round the periphery of the EU, which can be prevailed upon to tighten their own controls as a condition of entry. The third circle are those transit countries such as Turkey (whose own production of refugees the report ignores) and Russia, for whom favourable trade conditions can be made to depend on controls on third country nationals entering and cooperation in repatriation. For the fourth circle, the countries of emigration such as China and African countries, development aid can be tied to cooperation on readmission and policies to prevent emigration.

The document also calls for greater streamlining of migration responsibilities within the EU, with a commissioner for migration to deal with both first- and third-pillar initiatives. It suggests an immigration Convention to harmonise immigration rules for employment and family reunion, an asylum Convention to deal with inter-ethnic displacement, non-state persecution, internal flight alternatives and safe havens in third states, group assessments and quotas, and a possible Convention on mass return after temporary protection.

If the asylum provisions were implemented, it would probably spell an end to the large-scale grant of legal rights of settlement to refugees, which would be replaced by collective assessment and temporary protection in camps in or near the country of emigration. Individuals arriving in Europe would be returned to these camps. The refugee problem would finally be exported out of western Europe, to be dealt with in someone else's backyard.

Migration Strategy Paper, Note from Presidency to K4 Committee, ASIM 170, Brussels, 1 July 1998.

UK

White paper on immigration and asylum

Fairer, firmer, faster - with these three now familiar catchwords the government's long-awaited review of immigration and asylum law was published in July 1998. The white paper, on

which comments are invited by the end of October, proposes changes in asylum procedures, reception and detention, increased powers for immigration officers and internal controls, and a streamlined system including reduced appeal rights. The main proposals are:

Asylum

An increased number of airline liaison officers will work in countries of origin stopping undocumented passengers from boarding planes. Many will be refugees who will thereby be prevented from reaching safety.

No more welfare benefits for asylum-seekers. They will be expected to turn to relatives or their communities. Destitute and isolated asylum-seekers will be helped with housing and subsistence on a cashless, no-choice basis, probably involving housing association or other public-sector accommodation outside London and vouchers for basic needs. This will be withdrawn when their claim and appeal has been rejected.

The asylum determination procedure will be streamlined. There will be an interview (at which there will be no right to legal assistance), following which the asylum-seeker will have five days to submit supporting evidence. The "white list" of safe countries of origin will be abolished but the fast-track procedure for claims deemed "manifestly unfounded" (used, for example, when the asylum-seeker presents a false passport or has no travel documents at all) will be retained.

The backlog of undecided asylum claims will be removed by granting leave to remain to all those waiting for a decision since July 1993 or earlier (with exceptions for bad behaviour), and discretionary grants of leave to some waiting since 1995.

Detention will be the norm once an asylum appeal is dismissed. There will be more detention places. Written reasons will be given for detention and there will be more bail hearings.

A central database of fingerprints of asylum-seekers and illegal immigrants, greater use of readmission agreements and voluntary return programmes will ensure more removals of rejected asylum-seekers.

Immigration

A financial bond scheme for visitors to guarantee their departure will be piloted. Family visitors will have a right of appeal against refusal of a visa, but they will have to pay for it. Deportation will be replaced by administrative removal, with no suspensive right of appeal. Avenues of appeal will be reduced for all categories of immigrants and asylum-seekers so that there is just one appeal before removal from the country.

Internal controls

Immigration officers will have more powers of arrest, entry, search and seizure, currently carried out by police. Marriage registrars will have more powers to detect and report "bogus marriages". Criminal sanctions for deception of immigration officers will be strengthened. Employer sanctions contained in the 1996 Asylum and Immigration Act will be used to crack down on illegal working.

Implications

The proposals are bound to reduce the percentage of successful asylum claims and result in genuine refugees being unable to prove their claim and being speedily returned to danger or death. The government has ignored the argument that fair and thorough assessment of asylum claims will reduce the number of appeals. Lack of representation at asylum interview means asylum-seekers will simply not put forward the whole story, because there is no-one to advise them what is relevant. The five-day deadline for submission of evidence is a sick joke, with waiting lists of two months to see doctors at the Medical Foundation

(needed to obtain corroborative medical evidence of torture).

The pay-as-you-enter and pay-as-you-appeal systems combine with the asylum workhouse system to produce a polarised system where rights depend on riches. Poor, rightless asylum-seekers will be shunted off to sink estates hundreds of miles from legal representatives, vulnerable to racist attack, social isolation and despair. The increased powers of immigration officers and increased internal controls will result in greater harassment of black people by police and immigration officers, and there are bound to be more deaths and serious injuries as frightened immigrants try to escape the knock on the door by immigration officers. The increased powers are in the context of vastly increased multi-agency cooperation which has seen, for example, over 250 local authorities register with the home office under the 1996 Act to receive immigration information on applicants for housing.

GERMANY/CZECH REPUBLIC

7 dead and 21 injured at border

A van with 28 refugees from Kosovo crashed into a tree on 30 July following an alleged chase by the German border police (BGS) killing seven of the refugees. The border police later reported that they had information that refugees were coming. BGS officers noticed an overloaded van in the early morning hours and tried to stop it. According to the BGS, the driver failed to stop, eventually lost control over the van on a curve and collided with a tree. The BGS claims that the van was pursued for only 100m and that the accident happened only 100m after they attempted to stop it. However, the accident happened 26km behind the German-Czech border whereas the BGS control line (*Auffanglinie*) is only 10km from the German borders. So far, the BGS has failed to explain what happened during the 16km until the accident.

The injured refugees, all Kosovo Albanians, have been interviewed by BGS officers in the hospitals about the circumstances of their flight but they have not been informed of their right to claim asylum. Relatives, friends and lawyers of the refugees have been denied access to the injured. BGS officers later refused to accept asylum applications in the hospital with the argument that they were only here to observe the refugees. The first refugee, Afran Gashiri, was deported two days after the accident. This constitutes a breach of the German-Czech readmission agreements which allows for deportations within 72 hours after entry into Germany.

The nation-wide campaign "No one is illegal" demands the right to stay in Germany for the refugees, an end to the obstructions of the lawyers' work, support for the families of the injured and dead refugees and an independent inquiry into the pursuit measures of the BGS.

BUKO press release, 31.7.98; Kein Mensch ist illegal, press release, 3.8.98; see <http://www.humanrights.de> (English and German).

NETHERLANDS

Asylum target of government

Asylum policy is to be tightened up under new policies drawn up by the incoming government. The new cabinet originally announced that it was no longer prepared to subsidise new asylum seekers, who would now have to fend for themselves whilst being placed on a waiting list. Junior Justice minister Cohen blamed the change in policy on the increase in asylum seekers. Opposition from the coalition Labour Party (PvdA) and Democracy '66 (D'66, similar to the British Liberal Party) has resulted in these policies being modified.

According to Cohen the policy needed to be tightened

following an increase in the projected numbers arriving in the Netherlands from 48,000 in 1998 to 67,000 the following year. However, when the government presented the proposals to the coalition parties only the right-wing *Volkspartij voor Vrijheid en Democratie* supported them. Following this opposition the government has now retreated to a position of providing basic support in tent camps provided by the army. The waiting lists however will remain.

The government's new policy has come under fire from campaigners. Wil van Der Schans, of the civil liberties organisation *Jansen en Janssens*, points out that the government's excuse for the policy change was more than somewhat lame. "The government knew that there was likely to be an increase in the numbers needing asylum yet failed to increase the housing capacity to fit the need."

Jansen en Janssens, 15.10.98.

Immigration - in brief

■ **Netherlands: Council to house asylum seekers in private sector:** Rotterdam city council is planning to house up to 300 asylum seekers in privately rented accommodation. It is the first time asylum seekers will be housed in this fashion. The plan has been devised by the *Centraal Opvangorgaan Asielzoekers* (Centre for the Accommodation of Asylum Seekers) which is suffering from a shortage of suitable housing. The eventual aim of the government is, however, to encourage asylum seekers to rely on "self-help", encouraging them to find their own accommodation through family or friends - this should halve the cost of housing asylum seekers. The plan has come under sustained criticism from both local councils as well as lawyers and support groups. *NRC Handelsblad Weekeditie* 29.9.98.

■ **Spain: Increase in detentions in the Strait:** There has been an increase in the number of arrests by the Guardia Civil of people trying to cross the Strait of Gibraltar by boat. In the first 6 months of 1998 the total reached 2,807, as against 3,148 detained in 1997. The number of craft intercepted was 339 in 1996, 399 in 1997, and 289 in the first half of 1998. At least 38 people drowned off Morocco on July 6 when their boat capsized. The Civil Guard estimates that at least 200 migrants could have drowned on the Spanish side of the Strait in the first seven months of 1998, while ATIME, the Moroccan Immigrant Workers' Association, maintains that around 800 have drowned in Moroccan waters in the same period.

■ **Norway: denial of refugee status:** The Norwegian Minister of Justice, Aud Inger Aure said in a letter to Grethe Fossum from the Labour Party that no Kosovo-albanian refugees will be returned to Kosovo at present. However, the refugees, some of them living in Norway for more than two years, will not be given asylum in Norway. Norway's policy in this area is exactly what the UNHCR warned Norway against, that is to let the approximately 1,000 Kosovo Albanian refugees into Norway, without knowing the result of their applications for asylum. *Dagsavisen*, 7.10.98.

Immigration - new material

Review: They Make You Sick. Essays on Immigration Controls and Health, Steve Cohen and Debra Hayes. *Greater Manchester Immigration Aid Unit* 48pp, £5.00. The eight short essays in this publication are introduced by an overview of "The Unhealthy History of Immigration Control" which draws attention to the historical context of contemporary arguments for controlling immigration on public health grounds; arguments which were and remain premised on unscientific and generally racist grounds. The stigmatisation of the immigrant as unhealthy, degenerate and more recently, as a threat to public healthcare

resources is an important theme of this collection of essays.

Steve Cohen argues that Bevan never intended to exclude any foreigners from his vision of healthcare free at the point of delivery. However, provisions were made under the 1949 National Health Service Act for charges to be imposed on those using the NHS who were not ordinarily resident in the UK. This early concession to reactionary political opinion and the anti-immigrant lobbies finally led to the issuing, in 1982, of the NHS (Charges to Overseas Visitors) Act, which in turn led to settled black and Asian people being asked for their passports prior to hospital treatment. This raises another important theme of the report; the problem of the implicating of healthcare professionals and hospital managers in immigration controls - a practice which is informal and unregulated, yet has become central to the control of immigration on health grounds. As Cohen emphasises throughout the report, doctors should never be involved in the administration of immigration controls.

Other essays in the collection cover issues such as the mental health consequences of immigration control, (particularly as pertaining to those detained under the provisions of immigration legislation); policies regarding HIV/AIDS and immigration control; the problematic notion of "compassionate grounds" for stays of deportation; the incompatibility of medical ethics and immigration control and restriction of access to healthcare due to immigration status in other countries. Thus a number of important issues are raised which are drawn together by an unstinting criticism of the racist notions underpinning control of immigration on health grounds; notions which result in unjust and inhuman treatment of immigrants and in perpetuating the stigmatisation and victimisation of all black and Asian people in this country. Available from: GMIAU 400 Cheetham Hill Road, Manchester M8 9LE.

Review: Asylum-Seekers and Immigration Act Prisoners - The Practice of Detention, Rachel Ellis. *Prison Reform Trust* 1998, 26pp £4.95. A comprehensive and informative report on the practice of administrative detention of persons subject to proceedings under the Immigration Act 1971. The report contrasts the experiences of detention of (mainly) asylum-seekers held in designated immigration detention centres, (in this case, Campsfield, Harmondsworth and Tinsley House) with those held in Prison Service establishments (Rochester and Haslar). Comparing a wide range of aspects of detention, (from staffing and complaints procedures to medical facilities, communications and the availability of gender appropriate activities and regimes), the report concludes with a concise list of recommendations. These recommendations are aimed not only at improving the current situation for Immigration Act detainees, but, equally importantly, at emphasizing the need for the Home Office urgently to review the practice of detaining asylum-seekers in Prison Service custody. Available from: PRT, 15 Northburgh Street, London EC1V 0AH.

Recent developments in immigration law, Jawaid Luqmani, Chris Randall & Stephanie Harrison. *Legal Action* July 1998, pp13-17. Quarterly round-up of developments in legislation, practice and case law.

Campsfield revelations. *CARF* 45 (August-September) 1998, pp10-11. This article examines the unsuccessful attempt to criminalise protests by detained asylum seekers which was sanctioned by Labour Immigration minister, Mike O'Brien.

Newsletter. *National Coalition of Anti-Deportation Campaigns* Issue 11 (July-September) 1998. The latest newsletter contains a round-up of cases and features on The Home Office Exceptional Leave Policy, an NCADC lobby of Parliament, Campsfield Detention Centre and pieces on refugees and migrants in Germany and Ireland.

Between a rock and a hard place: the travelling community in Ireland, Siobhan Molloy. *Fortnight* No. 373 (September) 1998, pp17-24. This piece incorporates a number of articles covering economy (Robbie McVeigh); education and social inclusion (Tony Gallagher & Anne Baird) and women travellers (Sarah Morton).

Don't Deport our Love, Tina Jackson *Big Issue*. 3.8.98. p26. Looks at the campaign to stop a gay couple from Bedford being separated through the deportation of Abdelghani Ait Mahmood, and to raise awareness of the problems confronting homosexual couples who applied for residency prior to changes in the law which are moving towards ending the

discrimination against gay couples in UK immigration legislation. Details of the campaign from: Abdou Must Stay Campaign, c/o The Clarence Hotel, 13 St John Street, Bedford MK42 0AH.

Laughed out of Court, Teresa Hayter. *Red Pepper* September 1998. pp.14-17. This article gives details of the events leading up to the riot at Campsfield House immigration detention centre in August 1997. It covers the build-up to the trial; its collapse after persistent lying by the Group 4 prison guards; the reactions of Mike O'Brien and Jack Straw to the collapse of the trial, (notably, their continued backing of Group 4 and of the principle of incarceration by the private sector) and the conditions of the 9 detainees following the collapse of the trial.

Parliamentary debates

Immigration (Domestic Violence) *Commons* 24.6.98. cols. 1023-1030

Asylum Bill *Commons* 10.7.98. cols. 1410-1418

Immigration and Asylum White Paper *Lords* 27.7.98. cols. 1244-1261

Special Immigration Appeals Commission *Lords* 29.7.98. cols. 1586-1589

EUROPE

SWITZERLAND

Activists targeted

In September 700 people demonstrated outside a meeting of the Geneva Business Dialogue (GBD), organised by the International Chamber of Commerce (ICC), in Switzerland. The Geneva Business Dialogue was a meeting of 450 business leaders from around the world intent on furthering globalisation and the MAI (Multilateral Agreement on Investment). Around the main meeting a series of private lunch meetings for those attending the GBD were held with UNCTAD (on the theme: "can trade transform less developed countries?"), the World Trade Organisation (WTO), the World Meteorological Organisation ("trading in emissions: a solution for climate change?"), and the International Labour Organisation (ILO). The demonstration was organised by "People's Global Action" (PGA), a loose international network of movements opposed to the "imposition of neoliberal economic policies".

Corporate Europe Observatory (CEO) managed to put out a detailed report on what the GBD discussed. The organiser of the Geneva Business Dialogue, and the Chair of the ICC, Mr Helmut Maucher of Nestl apparently had harsh words for the demonstrators, and for those opposed to the effects of globalisation. They reported that Mr Maucher complained about: "exaggerations and irrational arguments in environmental politics, due to single issue groups that know nothing and have no responsibilities". On the colourful and musical demonstrators Mr Maucher said to journalists: "How are they financed and who do they stand for? We will insist on answers, and that they follow the normal democratic process and stick to the rules".

CEO commented that his emphasis on "the difference between "responsible NGOs" and "activist pressure groups" echoes the ICC statement to the G8 Summit in Birmingham, UK in May. This said it:

would be useful for the UN and other intergovernmental bodies to establish rules to clarify the legitimacy and accountability of many new non-governmental organisations engaged in the public policy dialogue which proclaim themselves to represent particular interests or significant sections of civil society ("Business and the Global Economy", ICC statement to G8 Summit, 15-17 May 1998)

The CEO reports that the Geneva Business Declaration says that:

the emergence of activist pressure groups risks weakening the effectiveness of public rules, legitimate institutions and democratic

processes. These organisations should place emphasis on legitimising themselves.. Where this does not take place, rules establishing their rights and responsibilities should be considered.

Business is accustomed to working with trade unions, consumer organisations and other representative groups that are responsible, credible, transparent and accountable and consequently command respect. What we question is the proliferation of activist groups that do not accept these self-disciplinary criteria.

Crackdown on anti-globalisation activists

In May People's Global Action (PGA) organised a demonstration of around 8,000 people in Geneva on the 50th anniversary of the founding of World Trade Organisation (WTO). A number of people were arrested, detained and questioned. Some of these were stopped and questioned again at the German border with Switzerland. On 25 August the PGA announced that it would demonstrate outside the planned Geneva Business Dialogue meeting in September. Two days later forty police raided a seminar on "Globalisation and Resistance" in Geneva. The fifty participants were woken in a dawn raid, ordered from their tents, searched, detained and subjected to lengthy "Interpol" identity checks. One of those detained, a British woman, was detained for three days and only released after signing a form agreeing not to go back to Geneva for five years. A week later the Swiss police raided the Geneva-based PGA press office, questioned six people, seized eight computers and all PGA-related documents. A similar raid, also with computers seized, was carried out in Aachen, Germany at the offices of "PlayFair Europe!" - theirs had been the contact name on the seminar leaflets.

Corporate Europe Observatory, Netherlands; Katherine Ainger, UK.

EU-SCHENGEN

Greenpeace campaigner refused entry to Schengen

Stephanie Mills from New Zealand, a Greenpeace activist, was refused entry into the Schengen "area" on 25 June because France had entered her name in the Schengen Information System as an "undesirable alien".

Stephanie Mills had visited Greenpeace's office in London and was on her way to the group's Amsterdam headquarters. When she arrived at Schiphol airport in the Netherlands officials checked her passport to find that she was "tagged", as an undesired alien in the Schengen Information System (SIS). France had entered the "alert" years ago when she was active in Greenpeace's anti-nuclear test Mururoa campaign in 1995. Dutch officials showed some embarrassment, but had no choice but to refuse her entry onto Schengen territory.

Greenpeace immediately put a team of lawyers to work to try and persuade the French Ministry of the Interior to take Stephanie Mills off the Schengen list. The procedure has been going on for several months and Greenpeace does not want to comment on the affair "to avoid influencing the case in a negative way".

The SIS computer holds at least 14 million entries according to the last available figures from April 1998 (see *Statewatch*, vol 8 nos 3/4). When a Schengen member state enters an "alert" a file is "tagged" and a person can be refused entry on the grounds that they constitute a threat to its public order or national security. All Schengen states are then obliged to cooperate and only the registering state can remove the file. Other Schengen member states can make an exception and issue an entry permit limiting access to its own territory, but this is a highly unusual step. Greenpeace has had similar experiences in the past where its workers were refused entry to Schengen on a French request, but the organization successfully had the ban lifted in some cases. The Dutch specialist on immigration law Prof Kees Groenendijk, of

Nijmegen University, commented on the Mills case that it is obvious that people can be refused access to the Schengen area on political grounds. The European Court of Justice has no powers over public order matters which remain the exclusive prerogative of EU national governments.

Vrij Nederland, 29.8.98.

EU

DNA database fuelled by advances in technology?

A three month pilot scheme to add the DNA profiles of all drug offenders to the National DNA Database begins in the West Midlands in October. In July, at the "Police Expo 98", the Forensic Science Service (FSS, which has responsibility for the national database) recommended mandatory sampling for drug offenders. The national database began operating in April 1995 and holds over 290,000 profiles from suspects charged, reported, cautioned or convicted of a recordable offence; it also holds 33,000 profiles from crime scenes. Several months ago the President of the Police Superintendents Association called for a database containing the profiles of the entire population, while at their annual conference in September the FSS announced "breakthroughs" in DNA technology and genetic profiling. Proposals for the exchange of DNA data between EU Member States are well under way (see *Statewatch European Monitor*, vol 1 no 1). The FSS has increasingly touted itself as a "world renowned research and development facility" and the FBI has announced plans to replicate the system architecture of the British DNA database in the new US archive.

FSS, press releases 12.2.98, 14.7.98; Independent, 9.9.98; Guardian, 16.9.98; Times, 13.10.98.

SPAIN

State terrorists sentenced

In July the Spanish Supreme Court sentenced former Socialist Party (*Partido Socialista Obrero Espanol*, PSOE) Minister of the Interior, Jose Barrionuevo, and his deputy, Rafael Vera, to ten years imprisonment for organising and financing the *Grupos Antiterroristas de Liberacion* (GAL) abduction of a Basque businessman fifteen years ago. The former civil governor of Vizcaya, Julian Sancristobal, was sentenced to ten years for kidnapping and misappropriating funds. Nine other officials and policemen, including the three most senior police officers in Bilbao, were sentenced to between 2 and 9 years.

Basque businessman, Segundo Marey, was kidnapped in Hendaya on 4 December 1983, and held for ten days before being dumped across the French border, in the first action claimed by the GAL. The Interior ministry orchestrated and funded death squad was set up to target Basques and suspected ETA sympathisers. Its shambolic operations left a trail of abductions, torture, bombings and assassinations between 1983-87 that resulted in 28 deaths; at least a third of those murdered were later shown to have no connection to ETA.

At the trial lower-level officials and policemen incriminated their former chiefs, basing their defence on the grounds that they were obeying orders. They explained that the GAL campaign of terror was designed to exert pressure on the French government to act against ETA members residing in their country. It is the first trial to demonstrate the links between the death squad and the highest echelons of Spanish government despite cabinet-level attempts to cover-up secret papers. It has been widely reported that Barrionuevo is merely a political scapegoat for former Socialist Party prime-minister, Felipe Gonzalez, who avoided

prosecution last year. It is also the first to jail a former minister since the Franco dictatorship although the verdict split the 11-judge court along party lines.

Barrionuevo, who also had his status as a parliamentary deputy removed by the court, and Vera will appeal to the highest chamber, the Constitutional Court. Whatever the outcome there, it appears unlikely that the men will be jailed with the PSOE threatening to reveal details of covert operations carried out by previous governments to put pressure on conservative prime minister, Jose Maria Aznar.

Other trials are to follow in relation to GAL attacks and over the embezzlement of vast amounts of public money from secret funds, with both Barrionuevo and Vera facing further charges. The significance of the recent verdicts lie in the fact that they confirm the involvement of the Socialist Party government in running the GAL. The party and Felipe Gonzalez closed ranks to support the two principal accused, right up to the moment of their imprisonment, and alleged that the judicial process was politically motivated. They are now demanding an official pardon for the two.

El Pais 30.7.98.

BASQUE COUNTRY

ETA declares truce

On 17 September a unilateral, indefinite and unconditional truce was declared by ETA. This change in the course of the last armed conflict within the European Union radically alters the political situation in the Spanish State. The obvious precedent for the decision lay in the Irish peace process. Despite the significant differences between the two conflicts, the main players in the Basque political process were decisively influenced by the historic relationship between the Irish republican movement and Basque nationalism, the similarly restricted scope for progress through armed conflict, and the visible progress made in the Irish case through negotiation and agreement.

One contributing factor was that the various nationalist forces had come together at the initiative of *Herri Batasuna* (the party linked with ETA) in what was called the Ireland Forum. The participants included two parties in the Basque regional government, the PNV and EA, along with two radical movements, *Zutik* and *Batzarre*. Discussions in the Forum gave rise to heads of agreement contained in a Declaration signed at Estella on 12 September. The Declaration was also signed by the *Izquierda Unida* (United Left) and another 17 trade union and community organisations. The essence of the Declaration was a call for unconditional and inclusive dialogue and negotiation among all interested parties, dealing with all the issues underlying the conflict, and recognising the right of the Basque people to have the final say on any proposed agreement, with all concerned agreeing to respect the people's verdict.

Alongside the development of the Forum, an internal debate in ETA brought about the ceasefire, which in turn implied that it entrusted to the democratic forces the right and the responsibility to arrive at a solution for the issues outstanding in the conflict. The ceasefire announcement stated no time limit and no conditions, but said that progress towards an eventual agreement was necessary to underpin the ceasefire.

The importance of ETA's change of direction, along with the determination shown by the parties to the Estella Declaration, who enjoy the support of a majority of the Basque electorate, means that there is a real possibility that the ceasefire could become permanent. The potential obstacle lies in the attitude of the Spanish government and the Socialist Party, which have so far been reluctant to move from their fixed positions. A measured response, born out of experience, was the advice given by Sinn Fein's Gerry Adams, a key player in the Irish peace process: "I would urge all of those involved, and particularly the Spanish

government, to learn the lessons of our experience. Don't create obstacles, don't delay." The weight of public opinion, and the expectations aroused by the recent turn of events, may oblige the *Partido Popular* (PP) and Socialist Party to be more flexible, particularly in view of the impact of the ceasefire on the impending elections on 25 October to the Basque parliament.

Europe - in brief:

■ **Spain: Guardia Civil joins Europol:** Following the EU justice and interior ministers' decision, at their meeting in Brussels on May 28, to give Europol responsibilities in combating terrorism, the Spanish government has decided that a Guardia Civil officer should join the Europol strategic planning group along with the police commissioner already appointed. Hitherto, responsibility for external relations in policing matters had been regarded, under the State Security Agencies and Forces Act, as a matter for the National Police. The Basque government had also requested a direct presence in Europol, given that the Ertaintza (the autonomous region's police force) has anti-terrorist responsibilities, but the Spanish interior ministry rejected the request.

■ **Spain/France: Hot pursuit puts Schengen under strain:** A French court has summonsed five officers of the Ertaintza (the Basque police) to give evidence about their arrest of two French youths in France after a spectacular chase. On 15 April 1996 six Ertaintza members patrolling in the border area crossed it to arrest the two, who had been driving while drunk and had broken through several roadblocks before crossing into France. The autonomous region's police force maintained that the Schengen accords permitted border crossings in hot pursuit of suspects, and that the incursion had been within the 10 kilometre limit envisaged by Schengen. The difficulty arises from the fact that the treaty governing Spain's adherence to the accords specifies only the National Police and the Guardia Civil as the forces permitted to take advantage of the relevant provisions. This is merely the latest in a series of disagreements between the Basque and Spanish governments around security issues.

■ **Latvia: liberalisation of citizenship laws:** Latvians have voted in a referendum for the liberalisation of citizenship laws. This result will simplify the naturalisation of Latvia's Russian speaking population. When Latvia gained its independence in 1991, it refused automatic citizenship to 650,000 Russian speakers. The EU and the USA have warned the Latvian government that a No vote could damage the country's ambition to join western institutions. *Financial Times*, 5.10.98; see *Statewatch*, vol 6 no 3.

Europe - new material

Austria and the European Union Presidency: Background and Perspectives, ed. by K.R.Luther, I.Oglivie, Keele University/RIIA/Austrian Embassy, 1998, pp164. Chapters on public attitudes to European integration, federalism, the enlargement debate, the Austrian Presidency, and the social and economic dimension of the EU.

Europas neue Grenzen (Europe's New Borders), *Buergerrechte & Polizei*, No. 1, 1998. Articles on the functioning of the Schengen Agreement, arguing that internal border controls continue; on the future development of Schengen; on control and surveillance mechanisms at Schengen's external borders; on German-Polish police cooperation and on Switzerland's relationship to Schengen member states. The volume concludes with an overview on police legislation in the German *Laender* and an article on the "Action Security Network" in German cities, inspired by similar models and the 'zero tolerance strategy' in US American cities.

Ueberwachungstechnologien I (Surveillance Technologies I), *Buergerrechte & Polizei*, no 2, 1998. This issue focuses on modern surveillance technologies - from CCTV to DNA-databases. It includes articles on surveillance techniques at the EU's external border, legal changes in the interception of telecommunications, surveillance of prisoners, increased police powers and the implications this "system of internal security" has for civil liberties.

An update on human rights activities within the Council of Europe. March-July 1998, *Human Rights Information Bulletin* no43. Council of Europe, September 1998.

Recent developments in European Convention law, Philip Leach. *Legal Action* July 1998, pp18-22. Bi-annual summary of cases at the European Commission and Court of Human Rights which are relevant to Britain and Northern Ireland.

The European philosophies of policing: Historical background and future relevance for English policing, JA Houghton. *Police Journal* Vol. LXXI, no. 2 (April-June) 1998, pp139-147. This article notes that most "of the other countries which make up the European Union have embraced the Roman/Napoleonic model of law enforcement." The author argues that "integration of policing processes" would be easier if the UK were to continue centralising with a national police force or "a small national police unit" such as the NCIS.

Spain's mad race against Basque independence, Teresa Toda. *An Phoblacht* 23.7.98. p13. This article examines the enforced shutdown, by 300 armed Spanish policemen, of the Basque newspaper *Egin* after the Spanish government accused it of being a "fourth front" for ETA. You would think, considering the recent GAL convictions of senior government figures, the Spanish authorities were hardly in a position to criticise others for "terrorism".

State before freedom: media repression in Turkey, Hugh Poulton. *Article 19/Kurdish Human Rights Project* July 1998, pp105. This report surveys freedom of expression in Turkey and concludes that "with 67 journalists in jail, several political parties banned, religious and cultural minorities severely repressed, and a legal framework and government determination to support such measures, Turkey cannot seriously expect to be considered for EU membership in the near future."

Europa soll am deutschen Sicherheitswahn genesen [Europe should be cured from German security paranoia]. *AMI*, no 6/1998 pp 14-18. Germany's push for stronger border controls in the Schengen area.

Parliamentary debates

European Communities (Amendment) Bill *Lords* 11.6.98. cols. 1160-1177

European Council (Cardiff) *Commons* 17.6.98. cols. 367-385

European Parliamentary Elections Bill *Lords* 24.6.98. cols. 247-326

European Parliamentary Elections Bill *Lords* 25.6.98. cols. 351-379

Council of Europe *Lords* 30.6.98. cols. 594-611

Edgar Fernandez *Commons* 15.7.98. cols. 545-552

LAW

UK

Legal support for Monsanto

Bio-technology giant Monsanto has been granted a sweeping injunction against five women campaigning against genetically modified foods, and their press officer. The action followed a protest in July in which a symbolic number of Monsanto's modified plants were uprooted at a test site in Oxfordshire. The High Court injunction orders the six not to trespass on Monsanto's land or premises or interfere with their plants or crops in any way; or conspire with others to do so. Furthermore, the six will be

liable for any damage caused by other "members" of the "GenetiX Snowball" campaign. However, the campaign has no membership as such - the idea being that participants incite others to fulfil their "non-violent civil responsibility" and engage in the protest (thus the snowball gathers momentum). In effect, the injunction means that the six could be liable for damage done to Monsanto's sites without them even knowing the people involved.

As the world's second largest producer of agricultural chemicals, a history of using aggressive litigation against their critics comes as little surprise. Katherine Tulip (one of the GenetiX five) called the injunction a "classic SLAPP" - a Strategic Lawsuit Against Public Participation.

The all too regular acquiescence of the British legal system to multinational companies next led the printers of *The Ecologist* magazine, Penwell's of Liskeard, to destroy the entire print run of a special edition entitled "The Monsanto Files". According to co-editor Zac Goldsmith, Penwell's have printed the often outspoken magazine for 29 years and had never "expressed the slightest qualms about what we were doing". Monsanto denied that they had threatened them with the UK's draconian libel law: "It's news to me. We had nothing to do with it" said UK spokesman Daniel Verakis.

A quick glance at the edition in question makes Monsanto's claim rather difficult to believe; the articles in *The Ecologist* amount to a fairly comprehensive critique of a company *Greenpeace* has described as a "corporation of poisons, genes and swindle". (In 1996, these words saw Monsanto bring a legal action against a German man who posted the quote among details of a *Greenpeace* demonstration on a small electronic mailing list. Before their claims were thrown out by the court, Monsanto had obtained a preliminary ruling under which written or verbal repetition of the sentence by the defendant would carry a 500,000 DM fine (£330,000) or six months in prison).

The "Monsanto Files" allege a catalogue of pollution, contamination and attempts by Monsanto to dispute liability. The issue describes some of the poisons they have developed and produced (for example the "defoliate" Agent Orange). It reveals the "cosy relations" that the company enjoys with politicians and regulators (such as the UK Environment Agency and the US Food & Drug Administration) and Monsanto's use of the media. It contains allegations of damaging information and cites allegations by Canadian government officials of an attempted \$2 million bribe to overturn a ban on milk hormone - Monsanto say the offer of "research funds" was misunderstood. It also contains discussion of resistance to biotechnology.

As for being libellous, the editors suggest that Monsanto might in fact welcome these observations, for as they have said: "Food biotechnology is a matter of opinions. Monsanto believes you should hear them all". Happily, a printer has now been found and The "Monsanto Files" is available from Central Books, 99 Wallis Road, London E9 5LN (£3.50).

SchNEWS, 18.9.98 & 2.10.98; *The Ecologist*, vol 28 no 5, (September/October) 1998.

Law - in brief

■ **UK: Green Anarchist convictions quashed:** Three editors of the *Green Anarchist* magazine, who were jailed for three years for conspiring to incite persons unknown to commit criminal damage through their writings on direct action protests, had their convictions quashed at the High Court in July. The three men, Steve Wood, Sax Wood and Noel Molland - also known as the GAndALF Three - were convicted at Portsmouth Crown Court in Hampshire last November in what the journal *Index on Censorship* described as "an outrageous intrusion on press freedom". The High Court found that at the original trial Judge Selwood, an ex-army Major who described *Green Anarchist* as "the most contemptuous document I have ever seen in my entire

career", had misdirected the jury and imposed excessive sentences. The case, which some sources estimate to have cost taxpayers nearly £4 million, will proceed against two other men on November 2. And, in an exceptional development in an extraordinary case, the prosecution has argued that as the GAndALF Three case was annulled, technically they were not found "not guilty" and, therefore, should appear as co-conspirators on November 2 (see *Statewatch* Vol. 7, no 4 & 5, 6). *Big Issue* 27.7.98; *Squall* 16 (Summer) 1998; *SchNEWS* 24.7.98.

■ **European Court: Police trespass violates right to privacy:** The European Court of Human Rights has ordered the UK Government to pay £15,000 in damages to Sally McCleod after police officers escorted her former husband to her house to collect his belongings. Under a divorce court order Ms McCleod still had three days to hand over her husband's property when he went to her home with two police officers, supposedly there to prevent a breach of the peace. Ms McCleod was not at home and they were let in by her mother. The court ruled that the officers were trespassing as there was no risk of disorder. *Guardian*, 24.9.98.

■ **UK: Met next for McLibel Two:** The legal expertise amassed by Helen Steel and David Morris during Britain's longest libel trial is to be put to further use in proceedings launched against the Metropolitan police. It emerged during the McLibel trial, described as the "biggest corporate PR disaster in history", that Special Branch officers had supplied information about the two to McDonalds (see *Statewatch*, vol 6 no 3 & vol 7 no 3). The writ claims damages for breach of privacy and misfeasance in public office. McLibel campaign website: <http://www.mcspotlight.org>

■ **UK: Police settle claim of malicious falsehood:** Photo journalist Alan Lodge has accepted "substantial" civil damages from Avon and Somerset police after an internal document falsely accused him of being a drug dealer. The document was part of an intelligence gathering operation targeting travellers and also warned officers that he photographed and tape-recorded police operations. Mr Lodge launched his action more than six years ago - Avon and Somerset constabulary refuse to accept liability but have also agreed to pay his costs. In 1991, at a free festival, he had been prevented photographing the activities of the police under threat of arrest and intimidation; his subsequent complaint was upheld and he received an apology. Mr Lodge expressed his concern at the regular removal, arrest and assault of photographers, as well as the use of various legal "devices", where "the police feel that they may be portrayed in a less than flattering light". Several recent articles bear out Mr. Lodge's concern, see "The news they don't want you to watch", *Big Issue*, 21.9.98 and "You have the right to remain silent", *INDEX on Censorship*, no 5 1998.

Law - new material

Public order review, Jo Cooper. *Legal Action* August 1998, pp17-20. This bi-annual article reviews "trends and significant developments in public order and arrest cases".

Crime and Disorder: an overview of the Bill's community-based orders and penalties, Leonard Jason-Lloyd. *Police Journal* Vol. LXXI, no 2 (April-June) 1998, pp117-123. Overview of some of the provisions of the Crime and Disorder Bill which takes into account a number of Home Office consultation papers.

Partners in law; System flaws; Restoring order; Words of warning and Dispatching justice, Peter Newman. *Police Review* 7, 14, 21, 28.8.98 and 4.9.98. These are the first five parts of a series on the Crime and Disorder Act. Part 1 "looks at how its proposals for partnership building will impact on the [police] service"; Part 2 considers the youth justice system; Part 3 "assesses the raft of orders designed to promote community safety, tackle youth crime and rehabilitate offenders"; Part 4

is on "the new system of issuing warnings and reprimands to youth offenders" and Part 5 "looks at how provisions aim to introduce fast-track prosecution of young offenders."

Speaking up for justice: report of the Interdepartmental Working Group on the treatment of vulnerable or intimidated witnesses in the criminal justice system, Interdepartmental Working Group. *Home Office* (June) 1998, pp268. Contains 78 recommendations.

Law lords, Clare Dyer. *Guardian* 5.8.98., p5. This article looks at the unaccountable "secret soundings" (or more accurately "secret chats among...senior judges") which result in the Lord Chancellor's recommendations to the Prime Minister for the names to be put forward to become a law lord, the UK's highest legal body. Dyer argues that "It's high time things changed."

A tough act to follow, Joe Tildesley. *Police* Vol. XXX, no. 9 (September) 1998, pp12-15. Outlines some Police Federation concerns surrounding the Crime and Disorder Act focusing on local child curfews, truancy, young offenders and finance.

Culture clash, Neil Addison. *Police Review* 2.10.98., pp14-16. This article looks at how the new racially-aggravated offenses provided in the Crime and Disorder Act are likely to be prosecuted.

All the right moves, Peter Neyroud. *Policing Today* Vol. 4, issue 3 (September) 1998, pp35-37. This piece examines how the Human Rights Bill will affect the police service and introduce "fundamental changes" to the British legal system".

Determining mode of trial in either-way cases: a consultation paper. Home Office (July) 1998, pp6.

Parliamentary debates

Human Rights Bill *Commons* 17.6.98. cols. 391-434

Witnesses in Criminal Trials *Lords* 22.6.98. cols. 87-110

Crime and Disorder Bill *Commons* 22.6.98. cols. 709-811

Crime and Disorder Bill *Commons* 23.6.98. cols. 842-951

Human Rights Bill *Commons* 24.6.98. cols. 1054-1143

Digital Images as Evidence: Science and Technology Committee Reports *Lords* 25.6.98. cols. 390-405

Human Rights Bill *Commons* 2.7.98. cols. 534-575

Criminal Justice *Commons* 21.7.98. cols. 913-928

Crime and Disorder Bill *Lords* 22.7.98. cols. 918-976

Crime and Disorder Bill *Lords* 22.7.98. cols. 992-1030

MILITARY

Military - in brief

■ **"Eole 98" tests EUROFOR command structure:** EUROFOR, the multinational ground force formed by French, Italian, Portuguese and Spanish units, deployed its headquarters element in an exercise last month. Exercise "Languedoc" practised the deployment by air and sea of the EUROFOR headquarters component, while brigade level headquarters of the four countries deployed by road. In the second week, EUROFOR took part in a Combined Joint Task Force NATO field exercise, called 'Eole 98'. The EUROFOR commanding general became Joint Force Land Component Commander, the maritime component was led by EUROMARFOR (European maritime force) while the air component was led by the French air force command in Aix-en-Provence. The exercise direction staff itself was based in Nimes. *Jane's Defence Weekly*, 8.7.98, see also *Raids*, no 148, September 1998 pp 20-27.

■ **"Euro-Aerospace" heads for take-off:** British Aerospace

and Daimler-Benz Aerospace (Dasa) announced a formal partnership in September, despite the recent French government decision to privatize Aerospatiale. Jurgen Schrempp, Chairman of Daimler, had said before that he regards the industrial future of Germany to lie in closer links with the UK and USA rather than in a Franco-German relationship. The new German chancellor, Gerhard Schroeder, also called for a closer relationship with London to "balance" the Paris-Bonn axis which has been the cornerstone of German policy since the war. With Germany's capital city moving from Bonn to Berlin next year, a senior Dasa executive said he believed the company should exploit a Berlin-London-New York relationship in future. Predicting a dramatic shift in German policy priorities, he said that a Dasa-British Aerospace tie-up is symptomatic of that move. *Jane's Defence Weekly*, 5.8.98.

■ **UK will go it alone on vital Skynet satellite:** The UK Ministry of Defence (MOD) has rejected a plan to develop a key military communications satellite with France and Germany, electing instead to pursue the programme on a national basis. The Skynet 5 requirement will now almost certainly be met by a private finance initiative. Procuring a Skynet 5 network outright would cost the MoD approximately £1 billion. By leasing capacity from a service provider the MoD is expected to make substantial savings. The attraction for the private partner (British Aerospace Defence Systems or Matra Marconi Space) is the prospect of spare capacity on Skynet 5 being leased to third parties, including other UK government departments and allied armed forces. The system is expected to go on line in about 2005. *Jane's Defence Weekly*, 19.8.98.

■ **\$8.2 billion deal is signed for 148 Eurofighters:** Eurofighter and Eurojet signed contracts last week worth \$8.2 Billion with the NATO Eurofighter Management Agency (NETMA) for 148 Euro-fighters and their EJ 200 engines. The initial batch comprises 55 aircraft for the UK, 44 for Germany, 29 for Italy and 20 for Spain. Initial deliveries are set for 2002. The eventual program will comprise 620 aircraft. *Jane's Defence Weekly*, 23.9.98.

Military - new material

GROM: the advent of Polish thunder, Samuel Katz. *Jane's Intelligence Review*, no 8, 1998 pp 12-17. Report on the counter-terrorist and hostage rescue special operations unit of the Polish army that was last year in action in Slovenia for the arrest of Serb general Dokmanovic who is accused of war crimes.

Freelance forces: exploiters of old or new-age peacebrokers? Kevin O'Brien. *Jane's Intelligence Review*, no 8. 1998 pp 42-46. Article on private security firms such as Executive Outcomes and Sandline.

MPRI: Washington's freelance advisors, Yves Goulet. *Jane's Intelligence Review*, no 7, 1998 pp 38-41. On the US private military assistance firm that is active in Croatia and many other areas.

Warfare in the global city - The demands of modern military operations in urban terrain, Mark Hewish and Rupert Pengelly. *Jane's International Defense Review*, no 6, 1998 pp 32-43.

Der EU-Verhaltenskodex für Rüstungsexporte [EU code of conduct on arms trade], Sybille Bauer. *AMI*, no 7, 1997 pp 27-34.

Europäischer Rüstungsmarkt: Franco-franzoesische Loesungen? [European military market: French-French solutions?] *AMI*, no 8, 1998 pp 16-24.

Les parachutistes allemands [The German paratroopers], Yves Debay. *Raids*, no 147, August 1998 pp 8-48. Special issue.

Le GIPN de Lyon, Eric Micheletti. *Raids*, no 148, September 1998 pp 8-19. Article on one of the anti-terrorist squads of the French national police.

Arms and the men, Richard Norton-Taylor. *Guardian* 10.7.98. p17. Account of the UK Strategic Defence Review.

Parliamentary debates

NATO Lords 19.6.98. cols. 1828-1850

Parachute Regiment Commons 24.6.98. cols. 1013-1022

Defence Review (Press Briefings) Commons 3.7.98. cols. 653-662

Strategic Defence Review Lords 8.7.98. cols. 1261-1277

Strategic Defence Review Commons 8.7.98. cols. 1073-1096

Landmines Bill Commons 10.7.98. cols. 1347-1410

Landmines Bill Lords 17.7.98. cols. 498-542

NATO enlargement Commons 17.7.98. cols. 681-702

NATO enlargement Commons 17.7.98. cols. 716-754

Landmines Bill Lords 24.7.98. cols. 1150-1184

The Legg Inquiry Lords 27.7.98. cols. 1227-1243

NATO enlargement Lords 31.7.98. cols. 1753-1809

June. The award is intended to “uphold the merits of a person, group of persons, institution or non-governmental organisation which has been active in promoting or protecting human rights in accordance with the principles of individual freedom, political liberty and the rule of law.” CAJ director, Martin O'Brien, said of the award: “CAJ is very pleased to receive this prize which comes at such a crucial time for the protection of human rights in Northern Ireland. While the Agreement has strong language and a number of mechanisms specifically designed to protect human rights the task ahead is to translate this into reality.”

■ **France: Unemployed protest against “Catalan Tony Blair”:** On September 19, 800 protesters took to the streets of Perpignan, (Pyrenees-Orientales), to demonstrate their anger at apparent plans to introduce a system akin to the Job Seekers Allowance (JSA) in the department. The president of the departmental council and Socialist deputy, Christian Bourquin, allegedly discussed the matter with the Minister for Employment and Solidarity, Martine Aubry. Regional newspapers have quoted him as saying that those receiving unemployment benefit (RMI) must make a contribution to the society which is helping them. Marc Blondel, general secretary of the trade union *Force Ouvriere*, supporting those who gathered to protest, stated that he saw no reason to posit any kind of obligation on the part of the unemployed, who are already in a situation that they do not wish to be in. Bourquin, branded by protesters as the new Catalan Tony Blair, has carefully avoided speaking of “*travail obligatoire*” (compulsory work), which in France recalls the conscription of workers for German industry by the Vichy administration, known as the *Service du Travail Obligatoire*. He has, however, insisted that France is not a “lay-about” society. It is possible that a JSA-type scheme could be tested in the Pyrenees-Orientales, where the percentage of those on unemployment benefit is twice the national average, before being introduced at departmental level across the country. *Liberation* 21.9.98; *Le Monde* 22.9.98.

■ **UK: Anti-racist group launches new rights card:** A community initiative led by Lewisham Anti-Racist Action Group has responded to high levels of police stop and searches in the area through the production of 14,000 cards informing people of their rights before, during and after a search and in the event of an arrest. The area, in south-east London, has a higher rate of stop and search than the city average, with the black community disproportionately harassed in this way (*Statewatch* research showed that black people in London were more than four times more likely to be stopped and searched than their white counterparts during 1996/97, see vol 8, no 3 & 4). The “Stop, Search, Arrest: Know Your Rights Card” is available free by sending a SAE to LARAG, c/o Lewisham NUT, Room 7, Town Hall, Catford, London SE6 4RU.

■ **UK: Police & CPS accused of victimisation:** Phil Kilvington, editor of cannabis magazine *Weed World*, was acquitted of growing and supplying the drug after a 14 month police investigation that he described as a “living nightmare”. His home in Warwickshire was raided in July of last year after a “friend” in neighbouring Northamptonshire was caught with nearly 2,000 plants. Despite only finding a few grams of cannabis on Mr Kilvington, drugs squad officers seized £16,500 in savings and investigated his wife's accounts, forced him to stay at home each night and banned him from leaving the country. The prosecution conceded there was no evidence against him after their only witness was deemed too unreliable. *Big Issue* 21.9.98.

CIVIL LIBERTIES

Civil Liberties - in brief

■ **UK: Multi-agency stops a “gross invasion of privacy”:** *Liberty* is investigating the possibility of mounting a legal challenge to the deployment of investigators from the Benefits Agency (BA) and immigration authorities at “routine” police checks. “Operation Mermaid” on October 1 was the latest clampdown in which drivers stopped for roadside vehicle checks faced questions from BA and immigration officials. The scheme has been piloted by a number of forces over the last two years, with “Mermaid” involving all 52. During September, ticket inspectors on London's underground and railway systems were accompanied by Metropolitan and British Transport police, immigration officials and truancy officers in “Operation Elliot”. While in July, benefits officials joined police in stops of people going to the Glastonbury Festival. Cyclists have also been targeted, while customs officers have been involved in some of the operations. *Liberty* has described the checks as a “gross invasion of privacy” and question the legality of this use of police powers. The age-old police line is that those with nothing to hide have nothing to fear, yet discrimination in the use of similar powers such as stop and search render this a hollow claim. Problems will also be compounded by people's lack of knowledge of their rights. *Liberty*, Autumn 1998; *Big Issue*, 7.9.98; *Independent*, 13.8.98.

■ **Spain: Data Protection Agency sanctions:** The Spanish Data Protection Agency imposed fines totalling 1,296 million pesetas in 1997, arising from 202 disciplinary actions during the year, mainly concerned with credit reference and direct mail firms. These figures are up by 125% on the preceding year, and there has also been an increase in the number of registrations under the data protection law, the total reaching 237,228. One of the more notable sanctions involved the state telecoms operator, Telefonica, fined 50 million pesetas for supplying data to its subsidiary TPI; the latter was in turn fined 60 million for processing personal data without consent and making it available to third parties. This year Telefonica has again been penalised, with a 30 million peseta fine for misleading subscribers about the personal data held on them.

■ **Northern Ireland: CAJ wins human rights award:** The Belfast based Committee on the Administration of Justice (CAJ) was awarded the Council of Europe's human rights award in

Civil liberties - new material

DIY Culture: Party and Protest in Nineties Britain, George McKay

(ed). *Verso (London)*, 1998, 310pp. Informative, well researched, and in places inspiring collection of articles on a number of nineties movements - "from the environmentalist to the video activist, the raver to the road protester, the neo-pagan to the anarcho-capitalist". Highlights include Jim Carey of *Squall* magazine, John Jordan on "reclaim the streets" and Tim Maylon on the Exodus Collective. All the accounts (and Maylon's in particular) stress the fervour with which the police and criminal justice system have used "public order" instruments against protestors.

United Nations Convention against Torture and other cruel, inhuman or degrading Treatment or Punishment. Third Report under Article 19 by the United Kingdom of Great Britain and Northern Ireland (Metropolitan Territory), Home Office, Human Rights Unit, 1998, pp27.

The Full Cover Up. Special issue of *Index on Censorship* covering the long-delayed Freedom of Information Act (Nick Cohen), Brussels correspondents "circles" (Martin Walker), multinational and the media (Julian Petley) and surveillance of the airwaves (Duncan Campbell). From: Lancaster House, 33 Islington High Street, London N1 9LH. Tel: 0171 278 2313.

Data Protection Act 1998; subordinate legislation. A consultation paper. *Home Office* (August) 1998, pp6.

Parliamentary debates

London Lighthouse Commons 19.6.98. cols. 677-682

Data Protection Bill Commons 2.7.98. cols. 576-621

Freedom of Information Commons 6.7.98. cols. 797-833

Data Protection Bill Lords 10.7.98. cols. 1477-1519

European Court of Human Rights Lords 13.7.98. cols. 75-100

Sellafield and Dounreay Commons 22.7.98. cols. 1054-1077

NORTHERN IRELAND

Northern Ireland - in brief

■ **Elaine Moore bomb charges dropped:** Elaine Moore, a 21-year old Irish woman from Dublin, who was arrested in July after moving to London to work for a computer company, and accused of conspiring to cause explosions, had all the charges against her dropped in October. Ms Moore was held in the all-male Woodhall prison in Milton Keynes, Bucks, an experience that her solicitor, Gareth Peirce, described as "appalling": "On top of facing those charges she was held in isolation in an all-male prison which is used for the most dangerous and disruptive prisoners." Ms Moore was arrested at her Hampstead home after a raid by the anti-terrorist squad under the Prevention of Terrorism Act (PTA). The PTA, which has long been criticised by civil liberties groups for its indiscriminate and arbitrary powers, is to be supplemented by even more draconian and unaccountable measures that Amnesty International have condemned for "violat[ing] the government's human rights obligations under international law." *Amnesty International "A briefing on the legislative measures proposed by the United Kingdom in the aftermath of the Omagh bombing"* 28.8.98.

Northern Ireland - new material

"We who believe in freedom": reflections on the H-Block/Armagh prison struggle. *An Phoblacht* 18.6.98. pp8. This supplement documents the struggle to maintain political status by Republican prisoners in Long Kesh (The Maze) and Armagh prisons. It contains interviews with prisoners and their relatives and a chronology of the years 1976-1981 which culminated in the hunger-strike in which ten Republicans died in the most appalling and inhumane circumstances.

Just News. Committee on the Administration of Justice Vol. 13, no 6 (June) 1998. This issue contains articles on victims of state violence, the annual report of the Independent Commission for Police Complaints, the Good Friday Agreement and human rights commitments, sex equality in employment for transsexuals and a prison lay visiting scheme.

Rights, justice, equality: the foundations for the road to a just and lasting peace settlement, Gerry Adams. *An Phoblacht* 4.6.98. pp10-12. This is the text of a speech, to the American Irish Historical Society, given in New York in May 1998. It spells out the changes that the Republican Movement would like to see implemented as a result of the peace process.

UN calls for Finucane Inquiry, Michael Farrell. *ICCL News* Vol. 10, no. 2 (August) 1998, p5. Report on the call, by UN special rapporteur Dato Parem Kumaraswamy, for an independent investigation into the murder of lawyer Pat Finucane who was killed by a loyalist murder gang with the collusion of the security forces.

Telling the world the truth of orange sectarianism, Garvaghy Road Residents Coalition. *An Phoblacht* 9.7.98. pp10-12. This is an edited version of the regular bulletins put out by the GRRC who were besieged in their homes, or the "sterile zone" as the British military put it, in order to negotiate a route for a triumphalist Portadown Orange Order march. The march was eventually cancelled after three infants were murdered in a petrol bomb attack on a nationalist house.

Plastic bullets: a briefing paper. *Committee on the Administration of Justice* (June) 1998, pp22. This is an overview of the history of the use of plastic bullets in Northern Ireland since their introduction in 1973. The report observes that they are "lethal weapons" inconsistent with the international principle of minimum force. Noting that plastic bullets have never been used in Britain it observes that they "appear to have become a weapon of first resort in Northern Ireland, where 14 people have died - a "disproportionate" 7 of them children." Current guidelines for their use are "much too weak" and existing guidelines are often ignored. Finally, the report notes that: "Charges of sectarian use of the weapon have not been adequately answered." CAJ Telephone: 01232 232394, Fax: 01232 246706.

A briefing on the legislative measures proposed by the United Kingdom Government in the aftermath of the Omagh bombing. *Amnesty International* 28.8.98. (EUR 45/16/98), pp3. This briefing, prepared by AI, the Committee on the Administration of Justice, British Irish Rights Watch, Liberty and Human Rights Watch, expresses deep concern "about the threat to respect for human rights posed by the legislative measures which both the United Kingdom and Irish governments are proposing...as a result of the Omagh bombing."

Report on the operation in 1997 of the Northern Ireland (Emergency Provisions) Act 1996, JJ Rowe QC. *Northern Ireland Office* 1998, pp61.

Parliamentary debates

Official report of the Grand Committee on the Police (Northern Ireland) Bill Lords 8.6.98 cols. CWH1-32

Northern Ireland (Sentences) Bill Commons 15.6.98. cols. 19-106

Northern Ireland (Sentences) Bill Commons 17.6.98. cols. 435-481

Northern Ireland (Sentences) Bill Commons 18.6.98. cols. 541-586

Police (Northern Ireland) Bill Lords 22.6.98. cols. 11-30

Guardsmen Fisher and Wright Lords 23.6.98. cols. 216-236

Northern Ireland (Sentences) Bill Lords 29.6.98. cols. 436-493

Northern Ireland Act 1974 (Interim Period Extension) Order 1998 Lords 2.7.98. cols. 897-908

Northern Ireland (Sentences) Bill Lords 6.7.98. cols. 959-978

Northern Ireland (Sentences) Bill Lords 6.7.98. cols. 995-1025

Northern Ireland (Sentences) Bill Lords 6.7.98. cols. 1040-1083

Northern Ireland (Sentences) Bill Lords 16.7.98. cols. 384-406

Northern Ireland (Sentences) Bill Lords 16.7.98. cols. 419-438

Guardsmen Fisher and Wright Lords 20.7.98. cols. 653-672

Northern Ireland Bill Commons 20.7.98. cols. 814-883
Northern Ireland (Sentences) Bill Lords 22.7.98. cols. 888-918
Police (Northern Ireland) Bill Lords 22.7.98. cols. 976-990
Northern Ireland Bill Commons 22.7.98. cols. 1188-1229
Northern Ireland Bill Commons 23.7.98. cols. 1268-1342
Northern Ireland Bill Commons 24.7.98. cols. 1353-1371 & 1387-1406
Northern Ireland (Sentences) Act 1998 (Specified Organisations) Order 1998, Lords 30.7.98. cols. 1680-1697

POLICING

UK

Stop and search on Merseyside

Merseyside Police have responded to Statewatch's analysis of stop/search and arrest figures, which showed that black people were 7.5 times more likely to be stopped and searched than white people (see *Statewatch*, vol 8, no 3 & 4). The problem apparently lies with the statistics. A police spokeswoman told the *Liverpool Echo*:

These figures are not new. We actually supplied these figures to the Home Office so we do not have an argument with them. On average every day on Merseyside we stop 95 whites and just 5 black people. (Liverpool Echo, 28/7/98)

In response to the press coverage, the Chief Constable presented a report on stop and search to the Merseyside Police Authority. Members were informed:

The ratio of white people to racial minority groups stop and searched has risen from 76.6% : 3.4% in 1993 to 95% : 4.5% in 1997 (20% and 0.5% of the records did not specify white/racial group). In relation to whites, the percentages stop searched clearly fall well below the white population on Merseyside which is 98%. In contrast, the percentage of racial minority group stop searched is about the population percentage (1.9%).

Presenting the statistics in these ways is, of course, extremely misleading because there are over 1.4 million white people compared with fewer than 10,000 black people on Merseyside. It is, therefore, essential to relate the stop and search statistics directly to the respective size of the different populations. When this is done, the statistics show that 25 of every 1,000 white people were subject to stop/searches compared with 189 of every 1,000 black people. This differential shows clearly that there is a major problem with the way black people are treated in comparison to white people on Merseyside. The problem will not be dealt with by clever presentations of the statistics.

PCA censor victims' families

The Police Complaints Authority (PCA), supported by the Association of Police Authorities, held a conference on "Deaths in Police Custody: Reducing the Risks" on October 16. The advance press release was provocatively addressed to:

everybody concerned with deaths in police custody - police officers, doctors, police authorities, lawyers, coroners, action groups, charities and Government.

The PCAs decision to exclude the families of those killed in police custody because, as they informed them later, "they were not professional and would be too emotional", was criticised for being little more than censorship. It caused outrage among relatives and their supporters who pointed out that: "Above all

others it is these families who have the right to speak, as well as to the answers to many of the questions that will be posed."

The United Families and Friends Campaign (a coalition run by relatives and friends of Brian Douglas, Joy Gardner, Shiji Lapite, Ibrahim Sey, Aseta Simms, Wayne Douglas and Orville Blackwood and supported by Justice for Ricky Reel, Black Unity and Freedom Party, Newham Monitoring Project, Southall Monitoring Group, Inquest and Migrant Media) condemned the PCA "insensitivity":

As the families of those who have died in police custody under suspicious circumstances we are concerned not only at our exclusion and the denial of a right to speak but at the fact that the PCA itself continues to resist our demands for a more accountable system of investigating deaths in custody.

A spokesman for the families' insisted that they had a right to speak at the conference. At 9am they placed a picket on the venue in central London until Brenda Weinberg, the sister of Brian Douglas who died after being arrested in south London in 1995, was admitted. She told the conference that:

The persistent failure of the Crown Prosecution Service and the PCA or the police to bring any charges or suspension, or even dismissal, following a death in custody appears to confirm that truth and justice are entirely separate when a black person is killed.

She demanded that the PCA be abolished, and replaced by a truly independent body to examine complaints against the police, and that a public inquiry should be held into deaths in custody. The United Families and Friends Campaign can be contacted for more information at PO Box 9501, London N17 6EG, Tel: 0370 432 439.

Medical reports condemn "chemical straightjacket"

A report in the journal, *Medical Health Care*, based on a questionnaire survey of 108 National Health Service trusts, severely criticised police misuse of CS spray in August. The investigation, by a team from the Maudsley Hospital, revealed that a third of NHS hospitals said that they had treated psychiatric patients brought in by the police after the spray was used. Researchers said that they were "appalled" to learn of a dozen incidents where the spray had been used to quell disruptive patients and said the spray was: "...totally at odds with the therapeutic role of health care professionals, and inappropriate within a health care setting." A spokesman for the hospital added:

The inappropriate use of CS gas poses a serious health risk to the mentally ill and nursing staff. There should be an urgent review of its use. The police are using it to subdue people before bringing them into hospital. (p404)

In a separate development, Cliff Prior, of the National Schizophrenia Fellowship, has warned that: "CS can exacerbate the cardiac side-effects of some treatments for schizophrenia. The full interaction with psychiatric drugs is unknown but potentially very dangerous." Additionally, doctors at the National Poisons Service have claimed that there are adverse effects from police use of the spray. They noted that blistering side effects developed about three days after exposure to the chemicals in some cases.

The research suggests that police forces are making routine use of the spray, an argument endorsed by Peter Moorhouse, chairman of the Police Complaints Authority, who, in an interview with the *Independent on Sunday*, noted that it had been used more than 10,000 times by police since its introduction last October; during the past year police have received more than 250 official complaints about its use. Moorhouse said of police use of the spray:

There's a tendency for it to be used to ensure an easy arrest, and that's worrying. You can see the temptation - if I'm a middle-aged officer who is a bit worried about his abilities to handle a situation, the temptation is to pull out the CS spray and use it at an early stage so that I don't have any trouble.

Moorhouse's concerns have been amply demonstrated in previous issues of *Statewatch*, and a number of recent cases highlight the problem. In August a 4-year old girl inhaled the gas when police tried to arrest two men nearby to where she was playing; her mother intends to sue West Midlands police. An official complaint has been lodged with Kent police after a 43-year old woman was sprayed in her police cell after she let off her rape alarm in it. Another complaint has been lodged with South Wales police after a man was incapacitated as he attempted to break into his own house. In September the Police Complaints Authority announced an investigation after a 76-year old man collapsed after five officers used the spray in an attempt to help bailiffs evict him from his home.

The use of CS spray has become so commonplace that it has replaced the truncheon as the weapon of restraint among police officers. The excessive use of the spray, and the abundant complaints that accompany it, have prompted the Department of Health to refer it to an independent committee on toxicity and mutagenicity who will provide a scientific "review of the evidence available on the safety of CS."

Mental Health Care Vol. 11, no 12 (August) 1998; *Independent* 2.8.98, 23.8.98.; *Times* 7.9.98, 14.9.98; *Home Office press release* 24.9.98.

Ibrahima Sey denied justice

At the end of September the Crown Prosecution Service (CPS) announced its decision not to prosecute police officers involved in the death of Gambian asylum seeker, Ibrahima Sey, who was killed at Ilford police station in east London (see *Statewatch* Vol. 6, no 3 & 4; Vol. 7, no 4 & 5, 6). The decision, described by Helen Shaw of Inquest, as "another example of the authorities behaving with impunity in the face of a death in custody", follows an inquest verdict of unlawful killing. Ibrahima died after being forced to the ground, handcuffed and sprayed with CS spray; it was the first death to involve the use of CS spray shortly after its introduction. The Newham Monitoring Project (NMP), who have supported Ibrahima's family in their struggle for justice, commented:

Despite the unanimous verdict of the [Inquest] jury that police officers were involved in the unlawful killing of Mr Sey, the CPS has again turned a blind eye, refusing to prosecute any of the officers involved in his death, blatantly disregarding the findings of the inquest.

Ibrahima's widow, Amie, expressed her "disappointment" and "sadness" at the decision while a spokesman for the NMP added:

It is remarkable that the CPS can so blatantly ignore the findings of the Inquest and the jury's unanimous verdict of unlawful killing. The culpability of the officers in Ibrahima's death was clear in the Inquest's findings and the use of CS spray found to be suspect. Yet still, no-one is brought to justice and CS spray is continued [in use] across the country, often indiscriminately. This can only lead to one conclusion - that Black people must continue to struggle to find justice against a system that places little value on their lives.

NMP press release 1.10.98; *Inquest press release* 1.10.98

Police attempt shooting cover-up

A three week inquest into the death of 21-year old James Brady was concluded on September 24 with the jury returning an open verdict. The inquest heard that Northumbria Police had information detailing a potential robbery of a social club in Newcastle, including the names of the suspects, where they

would be leaving from, the fact that they had an imitation firearm and when the robbery was due to take place. However, rather than arresting the suspects prior to their arrival at the club, the police lay in wait and ambushed them as they entered the premises and Brady was shot dead. Brady's family have been trying to establish why the police had not intervened at an earlier stage on the basis of their intelligence.

During the inquest all the officers involved stated the absolute propriety of the conduct of the operation and proceedings continued in this way until the family's counsel Leslie Thomas (a member of the *Inquest* Lawyers Group) was made aware of a letter from solicitors acting on behalf of two officers. Following some dispute the document was disclosed as a letter dated 6 May 1988 to Northumbria's Chief Constable in relation to a civil claim for damages resulting from psychiatric injuries sustained by ex-constables Hultson and Davidson during the operation. The letter detailed allegations by the officers of negligence on the parts of tactical advisor Constable Chris Palmer and Superintendent Jean Austin, and suggested that Brady's death could and should have been avoided. Recalled to the witness stand the officers could not answer adequately why they had failed to refer to their concerns during earlier evidence. Their reasons, however, were perfectly clear from the final paragraph of the letter:

We understand that the inquest into Brady's death will not take place until September...Our clients are mindful of the embarrassment their claims might cause the force, particularly if those representing Brady's family were to learn of our allegations before the inquest. With this in mind and to avoid any reference to this action at the inquest, we require an extension for time for service of the Statement of Claim...

In a statement the family expressed their disgust at the attempted cover-up, and, vindicated by the open verdict, were seeking legal advice as to the possibility of taking the breach of their son's right to life to the European Court of Human Rights.

Investigation into police shooting of unarmed man widens

James Ashley was naked and unarmed when shot dead by police in January during a 4am raid on his flat. Five officers from Sussex Police have so far been suspended in an investigation conducted by Kent Constabulary and supervised by the Police Complaints Authority (PCA) (see *Statewatch*, vol 8, no 3 & 4). An initial inquest in May heard that investigators were being hampered by officers unable to remember crucial facts about the incident. Interim proceedings at Hastings Coroner's Court during July then heard that the inquiry had been split into two sections: one covering misfeasance and the other the shooting. Barbara Wilding, heading the inquiry, has already called the operation flawed and shambolic and the Crown Prosecution Service has received the initial case files; a final report had been expected in late August.

Sussex chief constable Paul Whitehouse had been very quick to defend the operation and told the media that Mr Ashley was a dangerous criminal. Reports conflicting with this "intelligence" soon emerged and were later corroborated by the PCA; the family alleged defamation by Mr Whitehouse; and of the initial suspensions, four officers faced allegations of providing misleading information that led to the armed raid.

Then, in late July, came an unprecedented announcement from the Sussex Police Authority that a second inquiry would take place into the conduct of the chief constable and three of his assistants (deputy chief constable Mark Jordan and assistant chief constables Nigel Yeo and Maria Wallace). The investigation is headed by Hampshire chief constable John Hoddinott and is expected to be completed by the end of the year.

Mr Ashley's family in Liverpool is also preparing to make a damages claim against the police for the loss of life and use of lethal and excessive force.

Hastings Observer 31.7.98; *Guardian* 27.8.98; *Independent* 30.8.98.

Policing - in brief

■ **Durham to get baton guns:** Durham constabulary are to buy baton guns which fire solid four inches long polyurethane rubber rounds. They come in addition to the recent issue of CS sprays and extendible truncheons and would represent a considerable expansion of the police arsenal. The weapons, described as "non-lethal", would be used in "pre-planned operations to deal with an armed suspect" and not in public order situations according to Durham police. It is the second force to purchase the weapons, the first was West Mercia. However, a recent report, by the Belfast-based Committee on the Administration of Justice, concluded that baton rounds (plastic bullets) are "lethal weapons" and that their use in Northern Ireland, where they have killed 14 people in public order situations, was inconsistent with the international principle of minimum force. The report warns that they "appear to have become a weapon of first resort", and that current guidelines for their use are "much too weak" and are often ignored. *Durham Constabulary*, press release 28.7.98; *Committee on the Administration of Justice*, "Plastic bullets: a briefing paper" (June) 1998.

■ **UK: Leo O'Reilly Support Group:** The Leo O'Reilly Support Group held a picket of the West Midlands police headquarters in Birmingham during July. Leo O'Reilly, a 64-year old Irishman from Coventry, died in July 1984 after falling and hitting his head at his home. Instead of being escorted to hospital police arrested him for being drunk and incapable and after 15 hours in custody he was found lying in a pool of his own vomit at Little Park police station. He was rushed to hospital, where he died. An inquest established that alcohol played no part in his death. The campaign is supported by Coventry TUC, Geoff Robinson MP and solicitor Gareth Peirce. The Leo O'Reilly Support Group can be contacted c/o Coventry TUC, Koco Building Unit 15, The Arches Industrial estate, Spon End, Coventry CV1 3JQ.

■ **UK: Face-recognition CCTV in east London:** Face recognition closed-circuit television (CCTV) cameras were unveiled, in the London borough of Newham, for the first time in October. The 144 cameras will scan the faces of passers-by and attempt to match them with convicted criminals on the Metropolitan police database. The 6-month pilot scheme costs £60,000 and uses cameras located in shopping centres, underground stations and near schools; 90 more cameras will be established on housing estates. The scheme has been roundly condemned by civil liberties groups and Liz Parratt, of Liberty, dismissed claims that innocent people have nothing to worry about as "rubbish" adding: "...our view is that the use of this technology strikes the wrong balance." *Guardian* 15.10.98; *Independent* 15.10.98.

■ **Netherlands: Audit office slams police:** The Dutch audit office has accused the police force of "serious deficiencies" in the storage and exchange of data. According to the auditors over half the information reported to the audit office is either out of date or wholly inaccurate. The audit office investigated the reports being exchanged between five regional police forces and discovered that exchange of information is "inadequate and incomplete". In addition, cases that had been closed for years were still listed as being current. They blamed this incompetence on "emotional resistance resulting from the police culture." *NRC Handelsblad Weekeditie*, 29.9.98; *Jansen en Janssens*, 15.10.98.

■ **Netherlands: Eurotop - one in 371 arrests upheld:** Only one of the 371 arrests that were carried out at the Amsterdam Summit under the now notorious article 140 (which prohibits membership of a criminal conspiracy or organisation) has been upheld by the Dutch courts. A judge ruled that in one arrest a case could be made that the individual was part of a criminal conspiracy. The outcome has been welcomed by public prosecutors, who had been embarrassed by the fact that every one of the 371 people arrested had been released without charge. "Clearly we weren't that stupid", an obviously relieved spokesman stated. Who the lone arrestee was supposed to have conspired with was not made clear by the court.

Policing - new material

A crisis in confidence, Mike Richards. *Police Review* 24.7.98. pp20-21. This article, by a former deputy assistant commissioner with the Metropolitan police, considers the decentralisation of the Flying Squad (part of the Criminal Investigation Department) 20 years ago and blames it for the "bad habits" that have "developed at the divisional level [and] have been taken into, and tainted in the process, a specialist crime fighting squad at the centre."

From the Dockyards to the Disney Store: Surveillance, Risk and Security in Liverpool City Centre, Ray Coleman & Joe Sim. *International Review of Law Computers & Technology* Volume 12, no. 1 1998, pp27-45. This paper critically examines security provision and policing in Liverpool through analysing the development of closed circuit television (CCTV) cameras in the city centre. It raises questions regarding "the operationalisation of power, the definitions of security, risk and order that underpin the camera network, [and] the new sites of regulation and surveillance that are emerging as a result of the consolidation of the cameras..."

Police use of lethal force: a different test? Phil Palmer. *Police Journal* Vol. LXXI, no. 1 (January-March) 1998, pp35-46. The aim of this article is "to examine the nature and the limits of the permissible use of lethal force" in relation to Home Office guidelines and the European Convention of Human Rights.

Managing community and race relations: an approach within police management training, Dr Robin Oakley & Superintendent Alan Radford. *Police Journal* Vol. LXXI, no. 2 (April-June) 1998, pp109-116. This piece examines a training initiative at the Police Staff College, which is designed "to help police managers ensure that the local police services meet the needs of a multi-ethnic community."

The most dangerous tribe in London, Robert Chesshyre. *New Statesman* 17.7.98., pp28-29. This article compares police graft and corruption in the 1970s with the situation now, discovering "instinctive" attempts to "justify the unjustifiable" are as strong as ever. The highlight of the piece is Chesshyre's citing of West Midlands chief constable, Edward Crew's, memorable remark that: "There are people working in this force who wouldn't be employed by Sainsbury's."

Race conscious, Phil Palmer. *Police Review* 4.9.98. pp22-23. Report on Council for Racial Equality proposed changes to the Race Relations Act and the "implications for the [police] service which go beyond the policing of ethnic minority groups."

Under surveillance: Covert policing and human rights standards. Justice, £15. Very useful report reviewing the current practice with recommendations for reform on: Surveillance by technical devices, informers and undercover policing, fair trial issues (anonymous witnesses and entrapment), and criminal intelligence information (domestic computer databases, data protection controls, and at the European level). From: Justice, 59 Carter Lane, London EC4V 5AQ.

Boyz in the 'hood and Lodging complaints, Peter Panatone. *Squall* 16 (Summer) 1998, pp30-32 and 33-36. The first of these articles examines the Home Office recommendation that all members of the criminal justice system should declare their masonic affiliations; the second looks at what happened when the Exodus Collective attempted to "challenge the clandestine power of the Freemasons in public..."

Decision time for PSRCP, Patrick Hook. *Police* August 1998, pp26-27. Article about the proposed "multi-million pound Public Safety Radio Communications Project".

On the Road to Justice Newsletter. *M25 Three Campaign* Issue 9 (August) 1998. Latest news from the M25 Three Campaign. Available from: M25 Campaign, 28 Grimsel Path, London SE5 0TB. Tel. 0171 735 2985.

Scientific support, Sarah Gibbons. *International Police Review* September/October 1998, pp70-71. Article on the UK National Training Centre for Scientific Support to Crime Investigation which was set up in 1990 "to create common standards in England and Wales."

Parliamentary debate

Crime (London) *Commons* 24.6.98. cols. 961-983

RACISM & FASCISM

Racism & fascism - in brief

■ **Wales: Racist skins escape punishment:** Three racist skinheads, part of a gang who took part in a vicious attack on two black youths, Marcus Walters and Francisco Borg, in Cardiff, south Wales, appeared at Cardiff crown court in August. The men received token sentences that mean that they will be out of prison within weeks. The racists were caught carrying out the assault on a CCTV video as police looked on. Sean Canavan was convicted of violent disorder and jailed for a year, John Sheppard was also found guilty of violent disorder and jailed for 6 months. A third man, Raymond Lovell, was sentenced to 120 hours community service and fined £150 costs (see *Statewatch* Vol 8, no. 3 & 4).

■ **France: Bleu-Blanc-Rouge meets Black-Blanc-Beur:** The *Front National's* (FN) yearly demonstration of xenophobic patriotism, the *fete de Bleu-Blanc-Rouge*, was this year obliged to share the streets of Paris not only with revellers participating in the city's techno parade, but also with a counter-demonstration by several thousand members of around 60 anti-racist, trade-union and left-wing political organisations. On September 19 and 20, in a celebration of the ethnic, racial and cultural diversity of contemporary France, the counter-demonstration was named *Black-Blanc-Beur*. It was organised by the *Comite de Vigilance contre l'extreme droite* and culminated on Sunday night in a concert at *la Cigale*. Whilst racist skinheads and other FN members vented their hatred of Jews, Arabs and all those whom they consider a threat to so-called "French values", (discipline, the Church, the family and "white, western roots"), the anti-racists denounced the FN's xenophobic, homophobic and sexist ideology, chanting, "We are all the children of immigrants". *Le Monde*, 19.9.98, 22.9.98.

■ **France: Toulon By-election:** The racist *Front National* (FN) lost its only seat in the French Chamber of Deputies on September 27. The election in Toulon followed the annulment of the previous two elections due to campaign irregularities. In June 1997, Jean-Marie Le Chevallier was elected and became the sole FN MP. His election was subsequently annulled because he had breached regulations governing campaign funding. In May 1998, the Socialist candidate Odette Casanova narrowly beat Mr Le Chevallier's wife, Cendrine, polling 50.06% of the vote to Mrs Le Chevallier's 49.93%. This election was also declared invalid because of an appearance by Ms Casanova on a television broadcast just prior to the election. In September both Ms Casanova and Mrs Le Chevallier stood again, with Marc Bayle standing as the explicitly anti-FN RPR candidate. Mrs Le

Chevallier had a narrow victory in the first round, polling 39.69% of the vote. Ms. Casanova gained 36.65% and Mr Bayle, 20.99%. In the second round RPR voters appear to have rallied to Ms Casanova, despite a refusal on the part of local and central RPR party officials to endorse the anti-FN stance of their candidate. She finally won the seat by more than 700 votes, gaining 53%, a 3% increase on her final percentage in May. *Le Monde* 19.9.98, 22.9.98; *Times* 28.9.98; *Guardian* 28.9.98.

Racism & Fascism - new material

Lawrence inquiry: Keeping up the pressure. *CARF* 45 (August-September) 1998, pp2-5. Interview with the Lawrence family solicitor, Imran Khan, and Suresh Grover, coordinator of the family campaign, after the close of the first phase of the Macpherson inquiry into the racist murder of black student Stephen Lawrence.

Tackling race hate crime needs better training. Police Federation. *Police* August 1998, pp6-9. This is the Police Federation's evidence to the Lawrence Inquiry. It argues that while "the police service has made progress with regard to responding to racial incidents in the past few years" there should be "a review of training provision to improve multi-cultural awareness" and a review of training "to deal with the aftermath of racial incidents".

Skinhead violence targeting Roma in Yugoslavia, Serguei Chabanov. *Roma Rights* Spring 1998, pp25-34. Comprehensive account of racist attacks on the Roma and the inadequate reaction to them by the police and judiciary.

The London Monitor. *The Monitoring Group* Issue 1 (Spring) 1998, pp4. This is the first timely issue of the quarterly newsletter of the (Southall) Monitoring Group, which grew out of protests against the National Front during the 1970s. It contains thoughtful pieces on the racial harassment of the Paul family, an interview with Suresh Grover and Imran Khan of the Stephen Lawrence campaign, an update on the Ricky Reel campaign and a piece on Hit Racism for Six, the campaign against racism in cricket. Available from TMG, 14 Featherstone Road, Southall, Middlesex UB2 5AA.

The battle for Chapel Market. *Fighting Talk* Issue 19 (April) 1998. This article records the clashes between National Front fascists and militant anti-fascists for control of Chapel Street market, Islington, north London, between 1976-1981. After five years of struggle the NF were finally run-out of the market after a decisive clash in August 1982, although they continued to drink in the area until their pub was closed down in 1984.

Gypsies: life on the edge. *Index on Censorship* Vol. 27, no 4 (July/August) 1998. This issue features a number of pieces on the Roma emphasising "a new generation of Rom intellectuals and activists in Europe [who] are forming organisations, demanding recognition and cultural autonomy, setting up broadcasts on radio and TV, establishing museums of Gypsy life."

Proposals for legislative measures to combat racism and to promote equal rights in the European Union, Isabelle Chopin & Jan Niessen (eds). *Commission for Racial Equality* 1998, pp52. Contains chapters on: "The Treaty of Amsterdam and its clauses on immigration, asylum and anti-discrimination"; "The need for a community directive on racial and religious discrimination"; "Third country nationals: the need for a community directive" and "Voting rights for Third Country Nationals".

Eliminating racism from football: a report submitted by the Football Task Force submitted to the minister for Sport on Monday 30 March 1998. Football Task Force 1998, pp53, £10.

Out of the shadows: an action research report into families, racism and exclusion in Northern Ireland, Deepa Mann-Kler. *Barnardo's et al*, 1997, pp95.

Report on the provision of a facilitation for focus groups of ethnic minority staff in the Home Office (non-prisons). Final version. *Home Office & MaST Consultancy Services* (March) 1998, pp28.

In the ghetto, Linda Grant. *Guardian Weekend* 25.7.98., pp17-22. Article on the plight of the Roma in the Czech Republic - "stripped of citizenship, thrown out of work by the new capitalist bosses, unable to get jobs in a society deeply prejudiced against people with dark skin, denied benefits, made the principal target of racist attacks by skinheads and the parties of the far right, and victims of a conspiracy of silence about their own history."

Safe haven, Gerry Gable. *Guardian* 4.8.98., pp6-7. As successive governments have imposed increasingly impossible criteria for the admittance of refugees and asylum seekers the Italian terrorists, Roberto Fiore and Massimo Morsello, who belonged to the fascist Armed Revolutionary Nuclei (NAR) who were responsible for the murder of 85 people in the 1980 Bologna bombing, have been allowed to have an undisturbed sojourn in the UK.

London Update No. 6 (Autumn) 1998, pp4. Latest edition of the Institute of Race Relations journal which monitors racism in London; this issue contains an important contribution on the Stephen Lawrence inquiry. Available from IRR, 2-6 Leake Street, London WC1X 9HS.

"Incompetent or just racist?", Simon Holdaway. *Runnymede Trust Bulletin* No. 313 (August) 1998, pp1-6. Useful chronology of the events surrounding the murder of Stephen Lawrence.

Growing up in London's deep south: how an ordinary young man turned to fascism...and back, Matthew Collins. *Searchlight* 279 (September) 1998, pp11-14. This piece comprises extracts from a planned book by former member of the National Front and British National Party. It covers events during the early 1990s and includes accounts of a BNP/NF attack on a public meeting in Welling library and the ill-fated National Black Caucus march to Bermondsey.

PRISONS

SCOTLAND

Deaths in prisons

Between March and July 1998 four male remand prisoners committed suicide in Barlinnie, Scotland's largest prison. All the suicide victims were in their twenties and were awaiting trial on charges of theft, bail misdemeanours and breach of the peace. John Scott, Chair of the Scottish Centre for Human Rights, pointed out that the men were "not convicted of any crime. And 60 to 70 per cent of those on remand get non-custodial sentences anyway. Serious action has to be taken".

In a report published in September 1997 the Chief Inspector of Prisons condemned conditions in the remand wing as "nothing short of a national disgrace". He noted that the prison was 51% over capacity at the time of his visit and that there had been in excess of 75,000 receptions since the last inspection in 1993. Untried and remand prisoners were being moved into Barlinnie in "batches of 150-200 after local courts empty on a Monday". The report also indicated that "over the previous 42 months there had been 15 deaths in custody."

At the beginning of July it was reported that there had been another suicide in Cornton Vale, Scotland's only women's prison. This was the eighth in the prison since 1995, most of which had also occurred in the remand block. Two of the women were seventeen years old.

The deaths have taken place in the context of the continuing expansion in the prison population in Scotland. The average daily population now stands at 6,000. This equates to one of the highest rates of imprisonment in western Europe. The rise in the rate of imprisonment for women has been particularly acute. Between 1992 and 1996 the proportion jailed went up by half, from 2.7 per cent to 4.1 per cent. At the same time the number convicted of any crime fell by a quarter, from 28,050 to 21,300.

In May 1998 the population reached a twenty year high. The increase was largely among women jailed for short periods for petty crimes. Less than 1 per cent of the female population were inside for crimes of violence. Most were being punished for what the Chief Inspector of Prisons called "petty nuisance".

Many of those imprisoned in Cornton Vale had also suffered serious abuse. Nancy Loukes' research found that 50 per cent had been sexually abused either as children or in adulthood while 80 per cent had been abused either sexually, physically or emotionally.

The South Glaswegian 9.7.98; *Report on HM Prison Barlinnie 1997 pp 95-97*; *Independent on Sunday* 5.7.98; *The Scotsman* 11.5.98; *Independent* 14.5.98.

UK

Stroke woman held in chains

A 49-year old woman prisoner, with multiple sclerosis, was shackled while in hospital after having a stroke. Linda Wright, who is serving a 12-year sentence in Holloway prison for drug smuggling, was taken to Whittington hospital where she was held in metre long shackles which were attached to her paralysed arm. The stroke had left her paralysed down one side of her body and her multiple sclerosis also made it difficult for her to move. Her solicitor, Simon Creighton, has claimed that her treatment amounted to assault and negligence: "It would be impossible to describe Linda as likely to escape," he added. Nonetheless, a Prison Service spokesman claimed that "there were good reasons to restrain her". Paul Cavadino of the National Association of the Care and Resettlement of Offenders has demanded that: "The rules should be changed so escorted women are handcuffed only when there are strong grounds for regarding the individual as a serious escape risk." Ms Wright is threatening to sue the Prison Service and the prisons Minister, Joyce Quin, has said that she will launch an inquiry.

In another incident a 48-year old male prisoner, Del Shannon, who had both legs amputated because of illness, was forced to climb stairs at Elmley jail using his hands because the prison lacked disabled facilities for inmates. As a result Shannon is now in danger of losing the use of his hands. He has begun a legal action against his treatment. In June the Prison Service paid £20,000 to a woman who was shackled while pregnant (see *Statewatch* Vol. 8, no. 3) and £25,000 compensation to a mother whose son was chained to his deathbed.

Times 8.7.98. *Guardian* 10.7.98; *Independent* 11.7.98;

Group 4 to run STC

Within weeks of a Belgian police investigation into allegations of corruption against Group 4 security guards over a £50 million European Commission contract, the Home Office has announced that a consortium led by Group 4 has been awarded a contract to design, build, manage and finance the controversial new secure training centre (STC) at Onley, Northamptonshire.

The new STC, which is scheduled to open in May 1999, will be the second of five centres; the first, at Medway, Kent, saw a "riot" shortly after it opened in April (see *Statewatch* Vol. 8 no 3 & 4). STCs were vehemently opposed by Tony Blair and the Labour Party while in opposition, and have been strenuously criticised by penal reform groups for their lack of staff training and accountability.

In Belgium the Commission's internal anti-fraud unit, *Unite de la Lutte Anti-Fraude* (UCLAF), has published a report alleging that Group 4 employed up to 20 "ghost" workers on their payroll, many of them friends or relatives of Commission officials. The investigation, which threatens "to become a major

scandal for the Commission”, centres around a 1992 contract to supply 600 security guards; the company was replaced by a Belgian firm last year. The UCLAF report has been passed to the public prosecutor in Brussels.

Britain's first high-tech private prison, Parc prison in south Wales, which had two suicides and eight disturbances in its first six months, has been fined £105,000 for failure to meet minimum standards. A fine of £54,700 was imposed on Securicor for failings at the prison in February and a further £51,900 for incidents in May. The House of Commons Public Accounts Committee was critical of operational failings at the prison after being told that too few staff were employed when it opened last November and that custody officers lacked experience.

Independent 5.7.98; Home Office press release 8.7.98; Guardian 29.7.98.

Lawyer “victimised” by prison officers

Jane Hickman, a partner in the Hickman and Rose legal firm, who published a dossier of assaults on prisoners by staff at Wormwood Scrubs prison in west London, has claimed that she is being victimised by prison officers. Her firm is representing 20 prisoners who allege racism, intimidation and systematic brutality by prison officers at the prison. In July Hickman was arrested at Wandsworth prison, south London, while delivering clothes to a prisoner. Officers found a piece of cannabis in the pocket of a pair of jeans after she requested the officers search the bag; she was accused of trying to smuggle the drug into the prison and released on bail charged with possession of drugs with intent to supply. The incident was merely the latest which has seen Ms Hickman being verbally abused and refused access to her clients. Ms Hickman said: “I am suffering harassment and disruption to my work. The bad feeling against me is because of the Wormwood Scrubs investigation and the fact that my name is on top of the firm's headed paper.” In a further development her firm have claimed that some of the prisoners allegedly assaulted at Wormwood Scrubs are now being harassed after being moved to other prisons. The situation prompted one of their solicitors to call for them to be moved to private prisons because “they do not feel safe in any place where the Prison Officers' Association is the staff representative body.” (see *Statewatch* Vol. 8, no 2, 3/4)

Assaults on prisoners by staff at HMP Wormwood Scrubs - an interim report. Hickman & Rose (March) 1998; Independent 10.7.98.

DENMARK

Solitary confinement

The extensive use of isolation of prisoners in custody in Denmark has been strongly criticized over the last 15-20 years by Danish human rights groups and by international organisations: Amnesty International in 1983, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 1990 and 1996 and the United Nations Human Rights Committee Against Torture (CAT) in 1997. All appeal to the Danish authorities and parliament to stop such inhumane and degrading treatment and prevent the obvious health risks associated with solitary confinement.

Of the 6,821 people placed in custody in 1997, 16.1% were held in isolation. Statistics from the same year showed that of 1,096 completed periods of solitary confinement, 186 people were isolated for more than eight weeks and 19 prisoners had been in isolation for longer than six months. The years of criticism seem to have had little influence on the use of this punishment. Although the last 15 years have seen a 50% decline in the total numbers isolated, this reflects a decline only in the shortest isolation periods (from 1-29 days). The number of longer and more damaging isolations has increased. The average

length of all solitary confinements has risen from 26.9 to 34.5 days, and the length of longer isolations (more than 29 days) has also increased, averaging 71 days for 1996.

Over the years the Ministry of Justice and related officials have greeted criticism with arrogance and mistrust. Nevertheless a 1990 research programme initiated by the Ministry, and published in 1994 and 1997, demonstrated that isolated persons “showed a greater probability of developing mental disturbances and a greater likelihood of transferral to prison hospital due to mental health reasons than the non-isolated... [and that] prison custody in isolation compared to non-isolation caused stress and risk of disturbance of the mental health”. Of those isolated for more than two months 43% had psychiatric symptoms and 28% severe mental illness. Legislation states that persons can not be held continuously in isolation for more than eight weeks unless they are charged with a crime that can lead to imprisonment for 6 years or more; there is no maximum length for the use of solitary confinement in these cases.

A parliamentary legal committee recently proposed some changes, although they stop well short of recommending the abolition of the use of solitary confinement. However, the proposal is broadly intended to reduce the numbers and length in isolation. It demands that the court states concrete reasons for the need for isolation and takes into account the age, the mental and physical state of the person, the significance of the crime and the expected sentence. The proposal also includes steps toward time limits. If the person is charged for an offence that carries a sentence of less than 4 years in prison, solitary confinement can not exceed more than 4 weeks, and in the case of a sentence between 4-6 years, a maximum of not more than 8 continuous weeks is suggested. A charge that can lead to a sentence of 6 years or more carries a maximum of 4 months in isolation. However, the committee members have failed to agree whether this should be an absolute maximum, with the majority sadly proposing dispensation where circumstances relating to the police investigation demand ongoing isolation. In these cases there will be no maximum. Another provision is the bias given to days spent in solitary confinement - 1 extra day will be deducted from a sentence for every three days spent in isolation.

All in all the proposal is very disappointing. In autumn 1998 it comes before the Danish parliament. If the members there endorse the proposals of the majority in the committee only future legal practice will show if any change has taken place at all.

Prisons - new material

HMP Manchester. Service level agreement: A guide for prison staff. *Information and Practice* (HM Prison Service) 1998, pp8. This guide explains the service level agreement under which HMP Manchester operates.

Prison Privatisation International No. 21 & 22 (June & July) 1998. Issue 21 contains a feature on the Labour government's U-turn on private prisons once in power, comments on HMP Parc and Group 4's involvement in a pilot voice recognition system. Issue 22 contains a piece on Campsfield Detention Centre and a debate on the future of private prisons.

Private prisons, Alan Travis. *Guardian* 26.8.98., p15. Noting that there “are more prisoners behind bars than ever [and that] more and more of them are incarcerated by private security firms, thanks to a significant realignment of the public-private sector boundary”, this piece asks why the Labour government has so enthusiastically adopted the Conservative business ethic.

Prison report. Issue 44 (Summer) 1998. This issue contains articles on prescription medicines, key performance indicators, HIV infection in prison; Boards of Governors, older women in prison, probation and a privatisation factfile.

ITALY/FRANCE

P2 “Venerable Master” rearrested

The former head of the “Propaganda Due” (P2) masonic lodge, Licio Gelli, who was sentenced to a 12-year prison sentence for his involvement in the fraudulent bankruptcy of Italy's largest bank, the Banco Ambrosiano, was arrested in the French resort of Cannes in September. Gelli's prison sentence was upheld in April and he had been on the run for five months before he was caught in possession of false papers.

During the 1970s Gelli established himself as the “Venerable Master” of the P2 masonic lodge which counted among its members senior figures from all branches of the military and secret services, parliamentarians, civil servants, prominent members of the judiciary and key players in finance and industry. At the height of its power the lodge formed a “state within a state” or “parallel power”, influencing appointments and advancing the careers, influence and wealth of its right-wing members.

The extent of the influence of P2 was revealed in 1981 when magistrates ordered a search of Gelli's home that yielded a membership list with 962 names, including four cabinet ministers, three under-secretaries and 38 parliamentarians; the politicians were recruited from every political party except the Radical and Communist parties. Senior police officers, including 52 from the *carabinieri* paramilitary police, and members of the armed forces were also named.

Most importantly the heads of the domestic intelligence service (SISDE) and military intelligence (SISMI) were uncovered as affiliates. The right-wing credentials of Gelli, and other key players, such as the head of military intelligence General Vito Miceli who was arrested in 1974 on charges of subversion and conspiracy, played an important role in bankrolling, through the debt-ridden Banco Ambrosiano, fascist terror campaigns during the “years of lead”. Following Gelli's arrest, and a subsequent prison suicide attempt, police discovered more than 300lb of gold ingots at his villa which are estimated to be worth about £1 million.

In June an Italian judge ordered the exhumation of the former chairman of the Banco Ambrosiano, Roberto Calvi, who was known as “God's banker” because of his corrupt money laundering links with the Vatican Bank. Calvi, also a member of the P2 lodge, was found hanging from Blackfriars Bridge in London in 1982 following the collapse of the bank. His suspicious death - Calvi's pockets were stuffed with bricks - has already been the subject of three inquests. The latest is intended to clarify whether he was murdered. Calvi's killing has been linked to P2, important Italian financial interests and former prime minister Giulio Andreotti; testimony from a former Mafiosi has indicated that he was murdered after mishandling money entrusted to him by the Cosa Nostra. However, the dendritic relationship of the various facets of the Italian state, legal and illegal, make it unlikely that there will be any final answers to the many outstanding questions.

Times 12 & 14.9.98; Philip Willan “Puppet Masters” (Constable, London) 1991

SPAIN

CESID in political surveillance

The Spanish secret service, CESID, has again been embroiled in scandal when it was found to have been spying on the headquarters of a Basque political party, *Herri Batasuna* (HB), without judicial authorisation. The floor above the HB offices in

Vitoria had been rented out by a secret agent of CESID who then installed surveillance devices throughout the building, monitoring all the telephones and computer systems. The spying dated back to 1992 and had never been legally authorised. The discovery of the operation has brought to light part of the structure and personnel of CESID in the Basque Country.

The scandal arising from the implication of the government in illegal activity has been mitigated by the existence of a tacit understanding with the official opposition that anything goes in the struggle to contain radical nationalism. Defence Minister Eduardo Serra, responsible for the secret service, made a parliamentary statement on the affair that practically amounted to supporting the activity, even though a colonel and a navy captain had been suspended over the affair and a judicial investigation is continuing.

DENMARK

PET “illegal” surveillance

Suspicious that the Danish security service (PET) were involved in the illegal surveillance and registration of, mainly leftist, dissidents have been confirmed by the discovery of documents in the PET archive. These reveal that in 1968 the head of the service instructed his officers to continue its surveillance even though its cessation had been ordered by the prime minister. It was another 6 years before the practice was halted in 1974.

A former PET chief, Jorn Bro, has claimed that no rules were broken despite the fact that people in leading positions in the communist and socialist parties continued to be surveilled. We acted correctly and within the rules of the law he insisted. He asserted that leading figures in the Communist Party (DKP) and the Radical Socialist Party (VS) were not covered by the ban because PET's function was to service the government in the best possible way.

Bro's interpretation received support from former top judge, Frank Poulssen, who was one of the architects of the government's instruction. The Justice Minister at the time, Knud Thorup, agreed that PET was allowed to file members of leftist parties after 1968.

The disclosure of the illegal surveillance prompted the current Danish Justice Minister, Frank Jansen, to present new proposals for legislation to parliament. Under the new proposals a committee, consisting of a judge, a lawyer and a legal academic (jurist), would be formed to conduct a thorough investigation of the PET. However, even before the new proposal was presented it received criticism. While the minister would like sensitive parts of the investigation to be held “in camera” critics insist that it should be public.

SWEDEN/FINLAND

Cooperation against communists

The Swedish former Social Democratic Minister for Foreign Affairs Sten Andersson has confirmed on Finnish television that the Social Democrats in Sweden and Finland co-operated in the surveillance and registration of communists. “To not co-operate, would have been a breach of duty”, Andersson claimed. “We know that with the immigration of workers from Finland to Sweden there came quite a few communists, who had been educated at the Sirola-Institute”. The Sirola-Institute was a school for communist party members, who had - according to Andersson - specific missions in Sweden. The significance of these revelations is how the cooperation between the Swedish Intelligence (IB) and the Finnish Operation P was financed. In Finland Operation P did not receive any money from the state or the social-democratic party, but was hidden as “entertainment expenses” in the accounts of the some of the largest private

companies.

Security - new material

The hills have ears, Ally Fogg. *Squall* 16 (Summer) 1998, pp20-21. This piece looks at the "rapidly expanding and unaccountable" US National Security Agency run RAF Menworth Hill located near Harrogate, north Yorkshire. It notes "plans for the continued expansion of Menworth Hill until at least 2005".

Heirs of the KGB: Russia's Intelligence and Security Services, Mark Galeotti. *Jane's Intelligence Review Special Report*, no 19, July 1998.

Spy station F83, Nicholas Rufford. *Sunday Times* 31.5.98., p11. This

piece looks at "the worlds most powerful eavesdropping station", RAF Menworth Hill in Yorkshire. It considers the expansion of the site and German, Italian and French complaints at American involvement: "What is Great Britain, as a member of the European Union, doing participating in a programme which since the end of the cold war has concentrated on spying on her European partners on behalf of the United States?"

Spies, lies and my feud with MI6, Richard Tomlinson. *Guardian Saturday review* 15.8.98., pp1-2. Former MI6 agent, Tomlinson, his six months in Belmarsh prison for offences against the Official Secrets Act: "I.. resent the fact that MI6 officers lied to justify my dismissal, then used the Official Secrets Act to cover their dishonesty."

Undercover. Der BND und die deutschen Journalisten (BND and German journalists), Erich Schmidt-Eenboom, Cologne, Kiepenheuer & Witsch, 1998, pp431, ISBN 3-462-02715-8.

Europol prepares for "global" exchange of data

The next step in the EU's plans for Europol to exchange data with non-EU states is a proposed "Draft Model agreement on cooperation with Third States" (see *Statewatch*, vol 7 no 6 & vol 8 no 2). This could lead to Europol acquiring a "global role" in the exchange of police intelligence and information. Europol become operational, replacing the Europol Drugs Unit set up in June 1993, on 1 October 1998.

This "Draft Model agreement" on the exchange of data between Europol and non-EU states has been drawn up by Europol itself and sent to the Europol working group - one of the many working groups under the K4 Committee. It is an indication of how far removed EU government Ministers have become from policy formation that police officers seconded from their national police forces are drafting important initiatives. Most of the "secondary" measures governing Europol's operations have been drawn up in the Europol working group comprised of interior ministry officials, national police representatives and a Europol representative.

Another example of the "delegated" authority to Europol's "self-regulating" powers is the fact that this "Model agreement" is to be supplemented by a whole series of "Memorandum of Understandings" agreed between Europol and the "Central Service" (the equivalent of an EU National Criminal Intelligence Service) of *each* non-EU state within whom data is to be exchanged and with other organisations within the non-EU member states. The "Memorandum of Understandings" will cover: i) "contacts between representatives of their respective organisations" (Article 4.2); ii) "other organisations" (Article 4.2); iii) a "separate memorandum of understanding" will be made between Europol and the "Central Service" to cover "technical arrangements" and "secure communications"; iv) "assessment of specified types of data and specified sources".

The only reference to any higher authority in reaching these "Memorandum of Understandings" is that the Europol Management Board, comprised of interior ministry officials, "shall be informed of such general agreements" (Article 9.6). In time these "Memorandum of Understandings" could number hundreds depending on the extent of "Understandings" with "other organisations" in non-EU member states. In time too Europol may be exchanging data with dozens of countries and hundreds of "organisations" across the globe.

The scope of data to be exchanged appears at first sight to be limited and is set out in Article 3.1, "Areas of criminality to which the Agreement applies", which lists: "a) unlawful drug trafficking"; b) "trafficking in nuclear and radioactive substances"; c) "illegal immigrant smuggling"; d) "trade in human beings"; e) "motor vehicle crime". It will also extend to money-laundering and the contentious "Related criminal

offences" category in the Europol Convention.

However, in Article 3.3 the list of criminal offences to be covered is the full list in the Europol Convention - 18 sets of offences plus money-laundering and related offences. This list has already grown since the Europol Convention was signed in July 1995 and the Council of Justice and Home Affairs Ministers is empowered, under the Convention, to add to this list without any reference to the European or national parliaments.

Exchanging "information"

The "Memorandum of Understanding" will cover "structured and unstructured forms" of information (hard fact) and intelligence (from surveillance or supposition). The information supplied *to*, and held by, Europol will be subject to the limits of the "national legislation" of the non-EU state providing it. It cannot, of course, be assumed that the "national legislation" of such a state will include proper limits on the gathering of data let alone civil liberties. The only limit on the data to be held by Europol is that it should not have been gathered in "obvious violation of human rights". Article 7.8 says that:

Europol will not accept any liability, nor any claim for compensation of damages, in respect of personal data which, in accordance with this Article, remain under the responsibility of (Third State X) and subject to its national legislation..

The same concept of immunity from any liability is in the "optional" Article 14 on "Europol Liaison Officers in (Third State X)". When the Protocol on Privileges and Immunities, which is attached to the Europol Convention, is finally ratified by all EU national parliaments it can be expected that this article will be included. Article 14.6 states that within the territory of the "Third State X" Europol liaison officers "will enjoy the same privileges and immunities as those accorded by (Third State X) to diplomatic agents of comparable rank of diplomatic missions.." (see *Europol: Confidentiality Regulations*, Select Committee on the European Communities, House of Lords, Sub-Committee "E", HL no 9, 17.6.97).

Assessing the quality of data

The "Model agreement" uses the term "information" in Articles 9 & 10. In the context this has to be taken to mean both "information" (hard facts) and "intelligence" (based on surveillance and/or supposition).

Article 9.1 sets out the assessment criteria for the "source" of the information into four categories. The first is where there is "no doubt of the authenticity, trustworthiness and competence of the source", the second where the source "has in most instances proved to be reliable". However in the third and fourth categories

it is highly questionable whether such information should be passed to non-EU member states, let alone given any status by Europol itself. These two categories are defined as follows:

c) *Source from whom information received has in most cases proved to be unreliable;*

d) *The reliability of the source cannot be assessed.*

Article 9.2 additionally defines the criteria of "reliability of the information". The first two criteria are "where the accuracy is not in doubt" and where the information "is known to the source but not known personally to the official passing it on" (the latter could refer to information sent from an EU national Criminal Intelligence Service to Europol). Again the third and fourth categories offer grounds for concern. The third is where the information "is not known to the source but corroborated by other information already recorded" (Article 9.2.c). The last criteria is simply "Information which is not known personally to the source and cannot be corroborated" (Article 9.2.d).

Article 9.3 says that "Third State X" is to use the very same criteria "as far as possible".

When Europol receives data from "Third State X" with no assessment it will "attempt" to assess the reliability of the source and information itself. Where this is not possible it will be graded in the fourth category in each case (Article 9.5). But even this has a let-out clause - Europol and "Third State X" are allowed to agree, via a "Memorandum of Understanding", in "general terms" to assess "specified types of data and specified sources."

Article 10 lays down that the "Central Service" of "Third State X" will inform Europol if "the information supplied is not

accurate or no longer up to date". Again there is a let-out. Europol will not delete inaccurate or out of date information if it has "further need" of it for its "analysis" files or if it has "further interest" in this information because Europol has more "extensive" intelligence than that supplied by "Third State X".

Given the criteria set out it does not take much imagination to foresee a bizarre chain of events which links uncorroborated information which is inaccurate, and maybe out of date, being held by Europol and then passed to "Third State Z" when scrambled with other "intelligence" data.

Taken together these "Model agreements", and a plethora of "Memorandum of Understandings", backed by overseas liaison officers will establish Europol as a major force. The FBI is expanding its overseas "offices" from 25 (1996) to 46 by the year 2000 (see *Statewatch* vol 6 no 5). The EUROPOL-FBI (EU-US) axis is poised to dominate the global law enforcement community in the coming decade.

Draft Model agreement on cooperation with Third States, EDU/Europol to Europol Working Party, ref: 7856/98, Limité, EUROPOL 51, 28.4.98.

Correction: In our story "Europol to exchange unregulated data", (vol 8 no 2 p25, it was stated that information obtained from a "third state" obtained in "obvious violation of human rights will be marked by Europol". This text was taken from EUROPOL 28, 13.11.97. The text adopted at the Council of Justice and Home Affairs Ministers on 19 March 1998 was EUROPOL 38, 9.3.98 which states that information obtained by a "third state in obvious violation of human rights shall not be stored" by Europol.

“If you believe in God, Iridium is God manifesting himself through us”

One of the outstanding, and contentious, questions still being discussed by the Council of Justice and Home Affairs Ministers are the Articles in the draft Convention on Mutual Legal Assistance in Criminal Matters covering the interception of telecommunications. The Articles have to cover the interception of traditional networks (land and sea lines and microwave towers), GSM networks and future international satellite-based networks. Control of the new satellite-based networks is in the hands of just three US based multinational companies - Iridium, Globalstar and ICO Global Communications. A fourth consortium, Odyssey, folded before it launched any satellites.

The main stakeholder in Iridium is Motorola the US electronics giant which has put together a consortium of private companies and investors from around the world. On 18 May this year five satellites carried in a Delta II rocket were launched from Vandenberg Air Force base in the US. These five completed Iridium's global network of 66 satellites criss-crossing the globe to provide anyone, anywhere, anytime to communicate by phone or pager. Iridium's adverts for its services started appearing in the UK press in October. Its two rivals are way behind - Globalstar will not be complete until 1999 and ICO until the year 2000.

The launch of Iridium has taken 13 years and cost \$5 billion. Its chief technical officer, Raymond Leopold, describing all the agreements with telecom authorities, software developments and satellite launches said: "If you believe in God, Iridium is God manifesting himself through us".

Iridium, Globalstar and ICO will each only have one "ground station" in the EU. Iridium's is in central Italy (the other

two will be in either France, UK, Germany or Finland). All telecommunications beamed from the 66 global satellite network coming into the EU will go through Iridium's Italian ground station and will then be routed to "service providers" in each EU member state.

A report discussed by the Council of Justice and Home Affairs Ministers on 24 September says that the existing draft Articles assumed that the interception of satellite-based telecommunications would require provisions to cover the country in which the "ground station" was based. These would have to cover an agreement to assist a "requesting" member state and data protection according to the national laws of the "requested" member state where the "ground station" is based.

Then along comes Iridium. The report says:

information provided recently by the Iridium satellite telecommunications network.. shows that another option is available technically. Iridium has a ground station in Italy and will have at least one service provider in each member state responsible for the contact to local clients. It is technically possible to provide that interception may be carried out by remote control by these service providers on request.

The Council agreed to go ahead with this option, the "service provider solution". One member state still maintains a general reservation taking the view that the interception of telecommunications should not be included in the Convention. Some delegations were "concerned" that the legal implications of this "solution" needed to be examined, however, there was "general agreement" that the "service provider" solution was "from a technical point of view, a convenient option". The

"service provider" option would allow law enforcement agencies to receive "the signals intercepted directly [from] a service provider on their own territory in their own language".

This may seem straightforward as the interception of telecommunications within a member state can simply be done through the national "service providers". But where a communication (phone, fax, e-mail) involves another member state then Iridium's Italian ground station could play a crucial role. It will provide "remote access" from the Italian ground station to the member state requesting the interception of a "target" communication to the service provider in the intercepting member state. The proposal agreed by the Council of Justice and Home Affairs suggests that in these cases there is no need for Iridium's Italian ground station to be subject to

judicial review or to data protection provisions.

One of the outstanding issues for the "service provider" solution is: "how can it be ensured that all operators of satellite telecommunications will be ready to provide the technical assistance necessary for the operation of the provision on interception." Agreement on this should not be hard, there will only be two other multinational companies concerned who will be as keen as Iridium to ensure a captive, and interceptable, customer base.

Draft convention on Mutual Legal Assistance in Criminal Matters between Member States of the European Union - Interception of telecommunications, Presidency to COREPER/Council, 11173/98, Limité, JUSTPEN 87, 15.9.98; Press release: Justice and Home Affairs Council, 24.9.98; Independent, 18.5.98; Times, 21.8.98.

Taylorgate: Police spend £4.6 million to defend civil action

More details of the Taylor-Stalker affair emerged last month - some twelve years after Stalker was removed from the shoot-to-kill enquiry in Northern Ireland (see *Statewatch*, vol 5, no 3). The Greater Manchester Police (GMP) finally made public that the cost of the civil actions brought by Taylor and three others had been at least £10.6 million. Taylor, a Manchester businessman and a friend of the former Deputy Chief Constable John Stalker, and three other defendants - Derek Britton, Terence Bowley and Vincent McCann - had been charged with defrauding the Co-operative Bank. The case against them all collapsed in 1990 after police officers were found to be in contempt of court and it was revealed that numerous documents were missing. The four then mounted claims for malicious prosecution. Settlements were subsequently agreed but all were made subject to a confidentiality agreement.

The details of the costs only came to light as a direct result of an investigation by the Home Affairs Committee. While examining police disciplinary and complaints procedures, it had been told that the number of civil actions brought against the police had been increasing but, because of confidentiality agreements, the cost of such actions often remained secret. The Committee wished to examine this issue further and decided to look closer at the Taylor case, where the amount reported by the media at the time of his settlement, was nearly £1 million, with a higher figure for costs.

In June, Mr Wilmot, the Chief Constable of the Greater Manchester Police, and Councillor Murphy, Chair of the Police Authority gave evidence to the Committee. In a confusing examination, they argued that they were unable to reveal the details of the case, because of the confidentiality agreement between the parties. It was pointed out by the Chief Constable that an insurance policy covered the GMP's liability in such actions. But as the civil action proceeded, there was a difference of opinion as to the extent of the cover. It was not open-ended and after a certain level was reached, the Police Authority were informed that it would have to cover the rest of the costs from its own budget.

After more questioning, Mr Murphy told the Committee that the maximum sum which the insurers were prepared to cover was £6 million. One member of the Committee asked whether this was the total cost of the whole case. Mr Murphy replied that it was all the plaintiffs. In other words, this figure covered only the costs and damages to Taylor, Britton, Bowley and McCann. Surprisingly, at this point, no-one on the Committee asked how much the defendants costs had totalled. The Chief Constable earlier in the hearing had already told the Committee in very

vague terms that the GMP had employed a firm of solicitors and "some QCs working for 2 or 3 years to defend the action" and that the trial was costing £30,000 per day.

A few days after the hearings had finished Mr Wilmot wrote to the Committee. He said: "In adding together the global sum for damages and for costs of all the parties, i.e. Taylor, Britton, Bowley and McCann and Greater Manchester Police, my legal advisers calculate the figure to be £10,593,573.90." He also enclosed a table listing the costs of "Public Liability Claims" for the financial years 1993-94 to 1997-98. The cost for the year in which the civil actions were settled, 1995-96, came to £5.7 million nearly three times the amount in any of the other years.

As £6 million of the total covered the plaintiffs' costs and damages, the defence costs must therefore have come to at least £4.6 million. This is an incredible sum of money and raises a number of important issues of public concern. To begin with, were all the members of the Police Authority aware of these costs? It emerged during the examination of the witnesses that the negotiations between the insurers and the GMPA were handled by a sub-group. The sub-group was made up of the leaders of each of the individual groups - the Vice Chair of the authority, the leader of the magistrates, the leader of the Conservatives and the leader of the Liberal Group. The leader of the Labour Group is conspicuously absent from this list.

Second, how was it possible to keep this figure secret in the annual accounts? The defence of this one civil action represented 1.3 per cent of the total expenditure of £355 million for 1995-96. The role of the Police Authority is to ensure accountability on behalf of the public, yet an examination of the annual accounts gives no clue where this huge sum is recorded. An obvious heading is "Miscellaneous Expenses" under "Supplies, Services and Expenses", but the total expenditure under this heading came to only £4.7 million and Mr Wilmot reported to the Committee that the total bill for public liability claims came to £5.7 million. The Authority should now inform the public where this large sum was hidden.

The third and perhaps most important issue of public concern is why did it cost £4.6 million to defend a charge of malicious prosecution for an alleged fraud totalling a mere £240,000? Admittedly, a key part of Taylor's case was that he was investigated in order to get rid of Stalker. The police, however, have always strenuously denied that the two were linked - a point which Mr Wilmot reiterated first in a letter to the Committee and again during the hearing. He said that the advice to him from the GMP's legal team was that there was no connection between the two cases, other than the personalities.

He went on to say that all the way through, the police had vigorously defended that there was any connection at all.

But if this was the case it should have been relatively simple to find the original Intelligence Reports on Taylor to prove that there had been a *bona fide* investigation. Why did it require a team of lawyers working for "2 or 3 years" to defend the decision to mount an investigation and subsequent prosecution? It suggests that there must have been something amiss with the original intelligence. This only adds to the speculation that there was indeed a conspiracy to remove Stalker from the Northern Ireland enquiry by setting up his friend, Taylor.

The fourth and related issue of public concern is how did the GMPA allow this level of expenditure? Did it review the case on a regular basis and ask searching questions about the nature of the defence, or did it simply accept what it was told by the legal team that there was a case to answer. The Authority must have been fully aware that the police themselves had already spent millions between February 1985 and January 1990 investigating and prosecuting Taylor, only to witness the collapse of his trial.

Mr Murphy told the Home Affairs Committee that the Police Authority "felt that in the public interest it should go all the way." But he did not spell out why. The level of expenditure was certainly not in the public interest. Moreover, what public interest was being served by insisting that decisions made up to 10 years previously, which had led to no fraud conviction but the

ruin of a man and his family, were still worth defending. The only explanation is that the Taylor case was inextricably linked to the Stalker affair and this made it imperative to defend the case at whatever the costs. This raises the question whether the decision was solely a matter for the GMPA or whether a decision was taken at a higher level and perhaps even some of the costs were paid direct from central funds.

Finally, it must be queried whether the public have been informed of the full cost of the Taylor case. The figure of £10.6 million, as Mr Wilmot pointed out, did not include all the hidden costs of his officers in the defence of the action. Perhaps at some point he would cost this element as a matter of public interest. But have some other costs also been excluded? At one point Councillor Murphy informed the Committee that legal costs of £250,000 a month were stacking up. It is unclear whether this was solely the defence's legal costs or all the legal costs. But if it is assumed to be the latter, as the case took nearly four years to reach trial, this would have amounted to £12 million. Damages to all the plaintiffs and other professional fees, would have increased this, possibly to as high as £15 million. Even allowing for some fluctuation in the monthly costs, this still suggests a figure of well in excess of £10.6 million.

More questions need to be asked about this case before the public can be reassured that they have at last been told the truth about the costs of the most expensive civil action ever against the police.

CEUTA & MELILLA

Pain in Spain

Few Europeans are even aware that the European Union has a land border with Morocco. Yet it does. The consequence of two left-over crumbs of Empire - the Spanish enclaves of Ceuta and Melilla - joining the EU with the rest of Spain in 1986. Now they are both increasingly acting as poles of attraction for economic refugees from sub-Saharan Africa, primarily from Sierra Leone, Liberia and Congo, and asylum-seekers from Algeria seeking a route to mainland Europe that avoids the perils of the deadly maritime passage across the treacherous Straits of Gibraltar that kills thousands every year. Over two thousand bodies were washed up on southern Spanish beaches in the last eighteen months.

Ceuta is basically a garrison town directly across the Straits from Gibraltar with a population of some eighty thousand people. Melilla is larger in area, but with a population twenty thousand less than its counterpart, but tinged with the same military traditions, and only a hundred kilometres from the Algerian border.

The economies of both live a lie. They are duty-free zones with unemployment running at above 25% and with tens of thousands of Moroccans entering every day to buy "white-goods", alcohol and tobacco to either smuggle back into Morocco, or to take back through the borders where a little cash turns the full glare of the temporarily blind customs officials upon the donors. Thirty-five percent of Ceuta's trade ends up in Morocco, while in the case of Melilla its over 75%. The response reflects this difference. Ceuta has a new shiny border going from coast to coast. Two chainlink fences separated by a tarmac roadway that has buried beneath its electronic detection systems. In contrast in Melilla the border is best described as informal. At one point it consists of a roll of barbed wire over the top of someone's garage.

[...]and borders don't work, no matter what level of sophistication they demonstrate. While Spain to Morocco leaks spirits, tobacco and video recorders, Morocco to Spain will

continue to leak soft drugs, economic refugees and asylum seekers. Many of the Algerians enter by borrowing passports from the tens of thousands of Moroccans from the region who cross the border everyday [...] The goods stop flowing out just as quickly as the people stop coming in and the local economy starts to hurt bad. The Moroccans are of no help. At best they say it's none of their business, while at worst they deliberately exacerbate the situation, as part of their disjointed campaign for the 'return' of the two towns to Moroccan sovereignty.

So the refugees and asylum seekers continue their flow. In Ceuta they end up forlorn in a mess of ex-army tents, ragged self-constructed huts and an old sports hall generously described as the Calamorano Centre. In Melilla there is a purpose built camp, La Granja, next to the Airport, occupied by the sub-Saharan Africans with the Algerians squatting in the desolation of the abandoned outbuildings of a Technical College long since closed. In the two camps the black Africans separate into English and French speaking blocks. In both towns they compete with the local unemployed for what limited casual work is available, supplemented by money raised from other activities on the edge of the law or just beyond it.

The result is growing local resentment made worse by a traditional colonialist mentality and a geography of isolation from the mother country, cornered, as the residents are, between the hostile inhabitants of the Rif to the South and the walls of the cruel sea to the North. It was from Melilla that Franco launched the rebellion that took three years of fighting before Spanish democracy was put on hold for forty years. Today Melilla's seafront proudly displays the only extant public statue of the man who gave the world the first war crime from the air, the terror bombing of Guernica. Worse many of Franco's first soldiers were North African. After the Spanish Civil War they remained in Spanish North Africa and Spain itself on 'statistical' papers, part of the flotsam and jetsam of civil war. The Spanish Socialist government was enlightened enough to normalise their situation,

creating the bulk of the three to four hundred thousand Spanish muslims, but the local socialists were too slow to incorporate their views, aspirations and leaders. The result was a separate muslim party, the "Coalition for Melilla". This whole cocktail is stirred furiously by sections of the local press.

How do the Spanish Authorities cope? Badly. While detailed information is almost impossible to obtain, it is clear they take the easy route and off-load their problems on the rest of the EU. The Sub-Saharan Africans are shipped - at a rate of a couple a thousand a year - to Almeria, where they are given some agricultural training before being issued with a temporary twelve months resident permit and sent off to work on a farm.

From here they promptly disappear, drawn northwards: to higher standards of living; to where there is a match between their languages and that of the host country; to where it is easier to be lost in the crowd.

In contrast, the Algerians, amongst whom it is difficult to imagine there are no genuine asylum seekers, are repatriated, because of ferocious French resistance to the granting of any asylum applications because of fears of Islamic fundamentalists importing the Algeria's civil war to France. Five to six hundred a year are shipped back from Alicante to Oran. These include those who have fled conscription, where in the Army the only choice

is kill or be killed, former policemen, those who don't want to join terrorist groups and those threatened by them.

The solution is not working. The numbers from Sub-Saharan Africa are increasing. Families are starting to arrive. There are nearly fifty children in the Camp and nearby 'pensiones' in Melilla. The latest wave are prostitutes heading for Italy. While for the Algerians the consequences of repatriation can be deadly. On their return they are routinely interrogated, on occasions tortured. When I was in Melilla they were on hunger strike because, it was claimed, one of their number who had been sent back had been assassinated in his village.

What is to be done? First it has to be seen as a European problem, rather than merely a Spanish one. Collectively the EU must pressure Morocco to play its part. Secondly, and more importantly, the EU must insist that there is an open and transparent system established to ensure that those with a genuine fear of persecution who seek our protection are not neatly delivered into the arms of their oppressors. These issues are not easy ones to deal with in the current climate of xenophobia sweeping Europe, nevertheless ignoring them and hoping they will go away is no kind of solution.

Article by Glyn Ford MEP (extracts)

EU-SCHENGEN

Schengen's last year?

Under the Amsterdam Treaty the Schengen *acquis* is to be incorporated into the *acquis communautaire* (through the revised Treaty establishing the European Communities, TEC) and the *justice and home affairs acquis* (through the revised Treaty on European Union, TEU). Thus the Schengen Agreement of 1990 which was put into effect in March 1995 will be integrated into the EU when the Amsterdam Treaty comes into effect - this is expected by the summer of 1999 which will coincide with the newly-elected European Parliament (June, 1999) and the appointment of a new Commission (December 1999). In addition, the Schengen Secretariat of seventy-one staff is to be integrated into Directorate General H (justice and home affairs) of the General Secretariat of the Council.

However, the (Schengen) Protocol in the Amsterdam Treaty allows the Schengen states (13 out of the 15 EU member states, plus Norway and Iceland) to continue to introduce new "Schengen" measures if agreement cannot be reached with all 15 EU states (that is, including the UK and Ireland). The Presidency of the Schengen Executive Committee will be held by Germany for a full year (July 1998-June 1999) and during the first six months of 1999 Germany will also hold the Presidency of the EU. The "German Presidency of Schengen: Work Programme" makes clear the continuity of Schengen:

In effect it [incorporation] brings to an end the autonomous existence of Schengen in terms of intergovernmental cooperation: the cooperation of the Schengen states will now take place under the European banner... The Schengen projects which cannot be concluded before entry into force of the Amsterdam Treaty will be pursued under the auspices of the EU.

Whether the entry into force of the Amsterdam Treaty will see the "end of Schengen" or a new "Schengen-EU Fortress Europe" era is not clear.

German Presidency work programme

The Germany Presidency Schengen work programme covers the following: 1) extensions in police cooperation including the quicker, pro-active, exchange of information "prior" to a request,

"cross-border monitoring", and the extension of "hot pursuit" to cross-border air flights.

2) "Security of external borders" includes a Schengen pilot project on "clandestine immigration/routes" (October 1998) and the creation of "joint border control and surveillance teams".

3) "Harmonisation of visa policy": the aim is to do away with the "grey" list of 23 countries whose nationals are required to have visas by some Schengen states but not by others. By the end of 1998 all third country nationals "wishing to enter the Schengen space" will have to "submit to the obligation to obtain a visa or will have to obtain an exemption".

4) "Standardised models of residents permits for foreigners": the Schengen states intend to introduce "standardised" residence permits on 31 December 1998 while the EU's plans envisage their introduction by 17 December 2002. This would become an effective "EU" policy if 13 out of 15 member states then introduce this measure.

5) "Removal": a harmonised "certificate of departure" is to be introduced for people who having been "ordered to leave the territory of a Schengen state".

6) "External relations": as Switzerland is now "surrounded exclusively by Schengen states" and that therefore "an intensification of cooperation" would be "beneficial".

7) Schengen Information System (SIS): the SIS, based in Strasbourg has a "Year 2000" problem. The planned "fix" is not due to come into full effect until "March 1999". Work in "SIS I+", which will extend the SIS to the Nordic states (Sweden, Denmark, Finland, Norway and Iceland), is at a very early stage of development. "SIS II", which will incorporate the central and eastern European countries is "currently in the planning stage". Other developments cover the inclusion of "Europol indicators" on the SIS and the completion of the SIRENE Network Phase II.

German Presidency of Schengen: Work Programme, Schengen Central Group, 6.7.98, SCH/C (98) 79.

Stephen Lawrence, Lakhvinder Reel and Michael Menson - isolated Met chief "not in denial" over institutional racism

The second phase of the inquiry into the police investigation of the racist murder of Stephen Lawrence opened at the end of September, after hearing closing arguments from legal representatives. These included a "toned-down" summation by Sonia Woodley, for senior detectives involved in the investigation, in which she attacked Stephen's parents for "playing the race card". Inquiry chairman, Sir William Macpherson, made his first remarks when he rejected the claim that Metropolitan police racism was limited to "a few rotten apples" and denounced the culture of institutional racism within the force.

The inquiry then heard submissions from national organisations, including Sir Paul Condon on behalf of the Metropolitan police, who repeatedly asserted that he "was not in denial" while rejecting invitations from the inquiry team to acknowledge that institutional racism permeates his force. His belated personal apology to the Lawrence family was dismissed by them as "patronising". During October and November the inquiry will hold a series of meetings across the country before handing their final report to the Home Secretary (see *Statewatch* Vol. 8, no 3 & 4).

Police lose the plot

The weight of criticism levelled at the Metropolitan police during the first four months of the inquiry stimulated a panic response from the service in an attempt to deflect the inevitable condemnation. At the end of July two black officers were appointed to top posts in what senior officers described as "a major cultural change" but can more accurately be seen as a cynical damage limitation exercise. In early August Deputy Assistant Commissioner John Grieve began work as the Metropolitan police director of race and violent crime with an anachronistic brief that included the "reform [of] police racial awareness training". A spokeswoman for the Met outlined their defence when she admitted that while;

there might have been a perception of racism or unintentional racism.. the Met does not accept that institutional racism played a part. (Observer, 9.8.98)

Amid this flurry of activity the Association of Chief Police Officers (ACPO) set up its own Task Force on Racism in response to the inquiry. It is headed by their president-elect, chief constable John Newing, who was the first to break ranks with his Metropolitan police colleagues by telling the *Observer* newspaper that "institutional racism played a part in the Met's failures to carry out a proper investigation into the murder of Stephen Lawrence." Paul Wilson, chair of the Black Police Association, praised Newing's candour remarking: "It's quite refreshing. The concept of institutional racism has hit the Met's leadership for six. I don't understand why the Met denies institutional racism played a part in the Lawrence case."

The Macpherson inquiry part two:

An indication of the inquiry's thinking came from the chairman, Sir William Macpherson, on the opening day of the second part of the inquiry, when he rejected Lord Scarman's findings on the 1981 uprisings, that police racism was limited to "a few bad apples". Macpherson asserted that institutional racism was

endemic within the Met creating an "obvious crisis of confidence between the black community and the police":

What we are looking at here is a collective failure of police working together. It is a collective failure that has to be addressed not one individual here or there that has to be hauled over the coals - and a general discrimination.

He added: "it might be good for the Home Office and everybody else involved to take on board the perceptions of the black community and assume they are right."

The Home Office submission to the inquiry ran in tandem with that of the Met persisting with the "few rotten apples" theory and promising more of the same token gestures that have failed black communities since their introduction at the behest of Scarman. Claiming that "much has been achieved since Scarman", it promised extensive community- and/or race-relations courses and said that it would welcome the inquiry's view on whether these exercises "should be extended to all police officers" particularly those training for the CID. Since their submission the Home Office have proposed targets for the recruitment of black police officers, an idea explicitly rejected by the Lawrence's whose experiences have led them to conclude that black people have no role to play in the service.

The eventual appearance of sir Paul Condon, commissioner of the Metropolitan police, demonstrated that "sorry" isn't the hardest word to say; in Condon's case the word institutional - as in institutional racism - seemed to stick in his throat. While he reluctantly accepted there was racism, both unconscious and deliberate, discrimination and stereotyping of black people in the force he would not admit to institutional racism, referring to "mischief", "insensitivity" and "clumsiness". He maintained that the term "would do more harm than good" and claimed that to acknowledge the concept would imply that "all" police officers are racist. He was repeatedly confronted on this issue and at one point Richard Stone, advisor to the inquiry, pleaded with Condon:

Just say Yes, I accept institutionalised racism exists.

He refused, defensively repeating that he was not "in denial nor seeking to use weasel words to dilute the.. need for reform." It is not clear if Condon's reluctance had anything to do with an acrimonious meeting rumoured to have taken place with officers involved in the Lawrence case recently.

What Condon did promise was a programme of "wide ranging improvements in the fight against racially motivated crime". As predicted in the last *Statewatch* the centrepiece of Condon's proposal was "a new racial and violent crime task force" led by DAC John Grieve and extensive race relations training; less a "wide-ranging improvement" than more of the same old medicine that has failed to cure the endemic racism that the black community has been complaining of twenty-five years, as was acknowledged by Macpherson in his opening words.

Even Condon's belated "personal" apology to Stephen's parents was nothing more than a token gesture, given in the second phase of the inquiry, conveniently allowing him to avoid extensive questioning by the Lawrences' representatives in the first. Commenting on Sir Paul's performance, Mrs Lawrence said: "It's a PR job. The public have no confidence in the police and don't believe a word he is saying." Her husband added:

I'm angry. I've waited a long time to hear what sir Paul had to say. This morning I heard nothing; after seeing what he did today he's got to resign. Among the chorus of submissions insisting that the Met was institutionally racist was one from the Commission for Racial Equality (CRE) which proposed that the Scarman report had not led to significant change, observing that:

Police internal power structures and everyday canteen cultures remain white, male, macho dominant and hostile to radical overhaul.

Astutely observing the "vast gulf between policy and practice" the Commission called for "national coordinated action to eliminate race-hate violence over a specific period of time." The CRE also called for powers to investigate police racist behaviour (the 1976 Race Relations Act does not cover police in their investigating role.)

The Institute of Race Relations (IRR) submission specifically pointed out that "post-Scarman training has, in some respects, led to a de-skilling of the police rendering them incapable of a fully professional service to members of the black (and frequently also the white) community in Britain." Calling for an "integrated strategy" for combating racism and racially motivated crime, and stressing independent accountability they made a number of important recommendations including:

* *[The restoration of] Public funding for local racial attack and monitoring groups based in the black community. Such groups should have a major role to play in formulating and implementing strategies for combating racism and racially motivated crime....*

* *Police training should be re-focused on their role in applying and upholding the rule of law and the civil rights of all members of society, including affording proper protection to the black community and treating black victims, suspects and defendants with full respect for their legal rights. Less emphasis should be placed on so-called 'racial awareness training.*

* *Further erosions of the rights of suspects and defendants in the criminal justice system, including the right to jury trial, should cease. Instead a comprehensive, independent review of policing and criminal justice policies as they impact on black people should be conducted outside the Home Office....*

The death of Lakhvinder Reel

Sadly, for the Metropolitan police, the lessons of the investigation into the murder of Stephen Lawrence amount to little more than lip-service - the public relations exercise that Mrs Lawrence condemned after hearing Condon's evidence to the inquiry. The death of Lakhvinder "Ricky" Reel, a 20-year old student who was found drowned in the River Thames in west London in October 1997 after a night out with three Asian friends, shows precisely how little has been taken on board.

Police claimed that Ricky had fallen into the river while urinating and drowned, refusing to consider other possible explanations. Their conclusion was disputed by Ricky's parents who uncovered evidence that he had fled a racist attack shortly before disappearing. They say that the racist motive wasn't taken seriously and that they had to investigate the events surrounding Ricky's death themselves. While they frantically searched, distributed posters, tracked down eyewitnesses and watched security videos it was a week before a police incident room was set up (on the same day as Ricky's body was eventually found) and no reconstruction of events was staged. Ricky's mother, Sukhdev, said of the police investigation:

instead of listening to us [they] wanted us to go away. Before this I had faith in the police, now I have none.

Her solicitor, Louise Christian, pointed out the similarity between the police treatment of the Reels and the Lawrences:

At the Stephen Lawrence inquiry police said they had learned the

lessons. This shows they haven't. Another family have suffered a similar experience. We see again the police not regarding racial attacks as serious criminal offences.

Further doubts about the police investigation were raised by an independent postmortem when it indicated that Ricky probably fell into the water backwards and refused to exclude the possibility of a third party involvement. An eight month review of the police investigation, carried out by Surrey police force on behalf of the Police Complaints Authority (PCA), is expected to criticise the police handling of the investigation. Their confidential report has, according to an article in the *Observer* newspaper, found that detectives overlooked several lines of inquiry which should have been pursued. The Reel family have asked that statements and evidence be made available to them but the Authority is withholding the report as the family are considering participating in a BBC investigation into Ricky's death.

Michael Tachie-Menson

Another Metropolitan police investigation, into the suspected racist murder of a black musician, Michael Tachie-Menson, was riddled with a casual racism and incompetence that make clear the shallowness of the Mets promise that mistakes made in the Stephen Lawrence investigation would not be repeated. Mr Menson was found staggering naked with horrific burns in north London in January 1997.

Before he died he told hospital staff and relatives that he had been racially attacked by four white youths who set him alight but police officers chose to believe that he had attempted suicide. Although this information was passed several times to officers in the fortnight before Michael died they never took a statement from him. They failed to seal off the crime scene for 12 hours and it was four weeks before an inquiry was launched. In September, on the opening day of the second part of the Stephen Lawrence inquiry, an inquest found that Michael Menson had been unlawfully killed. By the end of the month the PCA had began an inquiry, headed by Cambridgeshire chief constable, Benn Gunn, into the "serious mistakes" in the police investigation.

In an understated letter to Mr Menson's family, deputy assistant commissioner John Townsend, accepted that "the police action at the scene and for the first twelve hours was not as thorough as I would have liked." Following an internal review five junior officers had "words of advice and constructive discussions with senior officers" while three senior officers retired before a disciplinary hearing could begin. Mr Tachie-Menson's family have expressed their disgust at the police failure to investigate Michael's death and Suresh Grover, of the Stephen Lawrence Family Campaign, drew attention to the parallels with Stephen Lawrence:

In each case the police didn't do anything until time was lost. They did not see that these [attacks] were racially motivated. Now in this case they're in the process of retiring those involved, just like they did before. What's really shocking is that this case has been going on during the Stephen Lawrence inquiry. It shows that on the ground nothing has been improved. Statements are not matched by deeds.

Conclusion

In a post-inquiry interview with the *Observer* Sir Paul Condon has claimed that the murderers of their son would probably have escaped justice even if their victim was white. Retracting his evidence to the inquiry, he denied that racism (or corruption, a factor that seems to have been elided from the inquiry) was responsible for the botched police investigation and vaguely proposed that mistakes came about:

for a variety of reasons, circumstances coming together that made that a difficult inquiry to investigate.

While Condon's stubborn rejection of institutional racism had already been contradicted by John Newing's admission it was to be undermined further when David Wilmott, Chief Constable of Greater Manchester, affirmed Newing's observations. During October a dozen more forces, in a series of competing Oprah Winfrey-style confessions, admitted to racism and in two instances "institutional" racism.

Contrary to Condon the "circumstances" of Stephen Lawrence's death are not in the least vague, and can be contextualised within the widely documented discriminatory policing of black communities which uses stereotyping to target and victimise. Michael Mansfield made this clear in his summation when he accused police officers of incompetence informed by "insidious racism" and "plainly illicit activities".

Allegations of police "illicit activities" by Lawrence family representatives received scant attention in the cross-examination of Condon in the second part of the inquiry. This is despite the fact that 250 Metropolitan police officers are currently under investigation in a massive internal Criminal Investigations Bureau investigation into police corruption. The links between the drug dealing father of one Stephen's killers and the police officers involved in the investigation of his death was highlighted again in September when a key player, Detective Sergeant John Davidson, was raided by officers from Scotland Yard's anti-corruption squad investigating "unconnected" drug dealing allegations. It is to be hoped that these issues will be seriously addressed in the inquiry report.

Evidence for persistent and entrenched institutional police racism was exposed throughout the hearing, both in police officers' handling of the Stephen Lawrence investigation and their evidence to the enquiry, and continues unabated - despite promises to the contrary - as the cases of Ricky Reel and

Michael Menson demonstrate. A recent *Statewatch* report (Vol 8, no 3 & 4), on police stop and search and arrest figures revealed just how extensive the problem of structural police racism is. There can be no doubt that sufficient evidence has come to light at the inquiry for officers to face disciplinary action and, in certain instances, criminal prosecution.

For his part, Sir Paul Condon has made his obliviousness of both the Lawrence family, and the broader black community, quite explicit by refusing to listen to, or even acknowledge, their justified and widely-supported complaints of institutional racism in his force. There should be little alternative for him other than to resign, but it is more likely that he will eventually retire on grounds of ill-health.

It is to be hoped that the inquiry team do not replicate the same mistakes and take on board their chairman's advice to heed the complaints of black representatives and voluntary organisations to bring an element of independent monitoring and local accountability into the policing equation.

The Justice for Ricky Reel Campaign c/o SMG Unity, PO Box 304, Southall, Middlesex UB2 5YR.

Institute of Race Relations Evidence to Part 2 of the inquiry into the matters arising from the death of Stephen Lawrence (July) 1998; Association of Chief Police Officers Written submission of the Association of Chief Police Officers of England Wales and Northern Ireland to the Inquiry into the matters arising from the death of Stephen Lawrence 1998; Metropolitan Police Service Submission to Part 1 of the Inquiry into the Matters Arising from the Death of Stephen Lawrence: Summary (September) 1998; Metropolitan Police Service Submission to Part Two of the Inquiry into the matters arising from the Death of Stephen Lawrence (October) 1998. Police Complaints Authority press release 29.9.98.; Independent 17.9.98.; Big Issue 20.7.98; Statewatch, vol 8 nos 3/4.

EU

JHA Council, September 1998

The first meeting of the Justice and Home Affairs Council (JHA Council) under the Austrian Presidency was a lacklustre affair. The agenda was drawn up on 17 July, over two months prior to the meeting. Little was agreed and the Ministers finished their business in the morning and were on their way home by early afternoon.

Two of the main items for discussion were the interception of telecommunications Articles in the draft Convention on Mutual Legal Assistance and the inclusion of "illegal immigrants" in the planned Eurodac fingerprint database.

Protocol on "illegal immigrants"

There is now open acceptance that the Dublin Convention which only came into operation last autumn - over seven years after it was signed - is going to have to be amended. In the short term the discussion on Eurodac - also to be set up under a Convention which has to be ratified by EU national parliaments - deflects attention from the Dublin Convention, "Eurodac would be of great importance in supporting the operation of the 1990 Dublin Convention" (Council press release).

At the JHA Council in May the EU governments agreed that the Eurodac fingerprint database should be extended from asylum seekers to include "illegal immigrants". However, the "illegal immigrant" clauses are to be in a Protocol attached to the Convention - a ploy intended to separate the necessary

ratification of both by national parliaments.

The majority view in the JHA Council is that "illegal immigrants" should only comprise people who are apprehended in areas close to borders (which is some cases is up to 30 kilometres). But "some delegations" want to include anyone who has crossed a border "illegally" and is caught in an EU member state.

Another issue on the draft Eurodac Convention was the length of time fingerprints should be held for. A "large majority" wanted a period of 1 year, and "one delegation favoured a three year period". The agreed compromise? A two year period.

The questions of the funding and management for the Eurodac central unit, the role of the Court of Justice to give preliminary rulings, and "the problem of the territorial scope of the Convention" (a euphemism for the long-standing dispute between the UK and Spain over the status of Gibraltar) remain outstanding.

When data protection was "discussed substantively" on 16 December 1997 in the working group "it was concluded that all but two delegations plus the Commission did not favour a specific data protection provision in the draft Convention."

Europol

Although the Europol Convention came into force on 1 October Europol cannot become operational because, under Article 45 of the Convention, nine specified measures have to be adopted. In

addition only 10 member states (five have not: Spain, France, Italy, Luxembourg and Portugal) have ratified the "Protocol on the privileges and immunities of Europol".

One of the issues still to be settled is the status of the Joint Supervisory Body (JSB), which is to be comprised of data protection officials from each member state. Its powers, as already agreed, are limited under the Convention to making "complaints" to the Director of Europol (Article 24), it has no powers of enforcement. Now a row has broken out between France and Germany over the "legal character" of the JSB. This boils down to Germany wanting the Joint Supervisory Body's meeting being open to the public unless there is some specific reason for a closed-doors session and France insisting that its deliberations should be held behind closed doors.

The issue was due to be discussed in COREPER on 21 October but was taken off the agenda because there was no chance of resolving the dispute.

Germany is arguing that the JSB is the only means available to citizens to complain about Europol's activities, "Germany feels that we have to take account of the fact that this body is acting like some kind of court and normal court proceedings are open to the public," explained a diplomat.

France is taking its usual stance against any kind of openness in the EU. "If anyone can access documents, no policeman would give information to Europol. There should be some kind of balance between the protection of data and personal rights", a French expert said.

The JHA Council adopted the 1999 Europol budget of 14,999,500 euro plus 3,904,500 euro for the Europol computer system (TECS). The budget also provides for 50 new posts bringing the total to 119. The Europol computer system is way behind and is currently "moving only towards the procurement phase".

The JHA Council also agreed that Europol's remit would

be formally extended to cover international networks of production, sale and distribution of child pornographic material.

Other issues discussed

Action plan on the influx of migrants from Iraq and the neighbouring region: The Austrian Presidency gave a report on the Action plan and the Ministers concluded, despite an admitted slow-down in migration from this region, that it "needed to pursue.. in particular the dialogue with Turkey, and to keep migration flows from that region under surveillance" (see *Statewatch*, vol 8 nos 3/4).

Meeting with the CEECs: the now obligatory meeting with Ministers from the applicant countries took place in the afternoon of 24 September. These meetings are used to reinforce the obligatory incorporation of the EU's justice and home affairs *acquis* and the Schengen *acquis* into the laws and practices of the six applicant countries:

the German delegation voiced the preoccupations of EU Member States and stressed the importance of developing common strategies in order to secure external borders and to tackle organised crime linked frequently to asylum seeking and illegal immigration (Council press release).

Ratification of "adopted" Conventions: only two Conventions - Dublin and Europol - are in force. Ten others, together with a number of attached Protocols, still have to be ratified by all 15 EU national parliaments (see *Statewatch European Monitor*, vol 1 no 1, September 1998).

Justice and Home Affairs Council, press release, 24.9.98; European Voice, 22.10.98.

EU

- **Schengen *acquis* incorporation "mess"**
- **Ten year bans..**
- **Interim Europol computer system**

The incomprehensible "mess" created by the incorporation of the Schengen *acquis* in to the Treaty of European Union (TEU) and the Treaty establishing the European Communities (TEC) after the adoption of the Amsterdam Treaty in June 1997 is even worse than predicted (see *Statewatch*, vol 7 no 3 & vol 8 nos 3/4).

Under the Amsterdam Treaty the Justice and Home Affairs Council (JHA Council) will not be effected. The K4 Committee will be renamed the "Article 36 Committee". However because of the incorporation of the Schengen *acquis* (under the Protocol in the Treaty) the meetings of the JHA Council will have at least 10 different levels of decision-making and could possibly have 12 or more. Indeed a JHA Council meeting could come to resemble "Picadilly Circus" as the UK and Ireland will not participate in some decisions (Schengen), Denmark will not participate in some decisions, UK, Ireland and Denmark will take no part in others, and Norway and Iceland will have a say on Schengen issues - but as they are not EU members meetings with them will take place "outside" EU structures (only the formal decisions necessary to effect the discussions will take place "inside" EU structures).

The different levels of decision making with examples:

| MEMBER STATES | LEGAL BASIS |
|--|--|
| <i>Example: Decision on policing</i> | |
| 1. 15 EU member states | Title VI TEU |
| <i>Example: Decision on policing</i> | |
| 2. 13 Parties to Schengen Protocol plus Norway/Iceland | Article 1 Schengen Protocol; Title VI TEU |
| <i>Example: Decision on policing</i> | |
| 3. 13 Parties to Schengen Protocol and Ireland and/or UK plus Norway/Iceland | Articles 1 and 4 Schengen Protocol; Title VI TEU |

EU Ten year bans

Following the publication of the “Veil Report” from the High Level Panel on free movement of persons in March 1997 the European Commission put forward a draft Convention on the “Rules for the admission of third country nationals to member states of the European Union” (see *Statewatch*, vol 7 no 6). The Commission proposal was considered by the Civil Liberties Committee of the European Parliament but its report was rejected by the parliament's plenary session in July 1997 and sent back for reconsideration. The “Veil Report” and the Commission's draft Convention while limited in key respects did at least acknowledge that resident foreigners in the EU have rights, and that those rights need to be consolidated and amplified. The draft Convention proposes that after five years' lawful residence foreigners should be granted formal recognition as long term residents, with the right to work, study, set up business and bring relatives. They would have some protection against expulsion and equal access to employment, training, housing, education, trade union and association rights as EU nationals. What the draft omitted was access to citizenship.

However, unknown to the European Parliament the incoming Austrian Presidency sent the Council's Migration Working Party (Admission) a series of controversial Council amendments in a report dated 15 June 1997.

The report, in a “rights and responsibilities” mode, seeks to redress the balance which “provides far-reaching benefits for those entitled and imposes extensive obligations on Member States”. The Presidency is now proposing the insertion of three new sub-clauses. The first “Transfer” (Article 35a) says that third-country nationals recognised as long-term residents:

may (despite being lawfully resident) be transferred at any time for reasons of public order and internal security to the Member State which previously recognised them as long-term residents (35a.1)

Under 35a.2 they can be “transferred” for “other reasons”.

Article 35b says that third country nationals cannot derive any rights “acquired through acts of deception” (35b.1); people who “derive rights” from long term residents will “lose all rights” (“eg: marriages of convenience”); and people involved in “acts of deception” will be subject to imprisonment for up to 3 years (or 6 months - 5 years for commercial deception).

The most draconian, double-punishment, provisions are put forward in Article 35c. A person (and family) transferred, for reasons of “public order and internal security”, to the Member State which granted them long term residence:

shall have an entry ban of (at least) ten years imposed on them by the transferring Member State

People (and families) “transferred” for “other reasons” face an entry ban of five years. People deprived of their “entitlements” through “acts of deception” (and anyone who derives rights from them) in addition to facing imprisonment:

shall have an entry ban of (at least) ten years, effective in all Member States imposed on them (35c.3, emphasis added)

The Presidency concludes that an additional Convention be drawn up “for expelling third-country nationals”

These proposals, if effected, would negate many of the positive aspects of the Commission proposal. They would create for those who offend against “public order or internal security” or for “other reasons” effective “Gulag states” where the person and their families would be confined and lose all rights of free movement within the EU - “internal exile” (like under the Colonels in Greece).

Supplementing the Convention on rules for the admission of third-country nationals to the Member States of the European Union, Presidency to Migration

Example: Changes to the Joint Supervisory Body

4. 12 Parties to the Article 1 Schengen
to Schengen Protocol Protocol; Article 1
plus Norway/Iceland Denmark Protocol; Title IV TEC

Example: Changes on asylum policy

5. 12 Parties to Schengen Articles 1 and 4 Schengen
Protocol and Ireland Protocol; Article 1 Denmark
and/or UK plus Protocol; Title IV TEC
Norway/Iceland

Example: Directive in sphere of civil matters

6. 12 EU Member States Article 1 UK-IRL Protocol;
without Denmark, UK Article 1 Denmark Protocol;
or Ireland Title IV TEC

Example: Directive in sphere of civil matters

7. 13 EU Member States Articles 1 and 3 UK-IRL Protocol;
without Denmark, and Article 1 Denmark Protocol;
either without Ireland Title IV TEC
or without the UK

Example: Directive in sphere of civil matters

8. 14 EU Member States Article 1 and 3 UK-IRL Protocol;
without Denmark Article 1 Denmark Protocol;
Title IV TEC

Example: Amendment of visa list

9. 14 EU Member States Article 1 and 3 UK-IRL Protocol;
without Ireland or Article 1 and 4 Denmark
without the UK Protocol; Title IV TEC

Example: Amendment of visa list

10. 13 EU Member States Article 1 and 3 UK-IRL Protocol;
without Ireland and Article 1 and 4 Denmark Protocol;
the UK Title IV TEC

In addition there would be further levels of decision making to cover: a) if the UK and/or Ireland join any area of the Schengen *acquis* (for example, the Schengen Information System); an “Introductory discussion on the incorporation of the Schengen *acquis* by UK and Ireland” is to be discussed on 25 November at the Working Party on the Schengen *acquis* and b) further areas of “cooperation” between member states are set up under the so-called “flexibility” clauses - Article 40 of the TEU or Article 11 of the TEC, in each case in conjunction with Articles 43 to 45 of the TEU.

The method of decision making will vary from unanimous to qualified majority voting to simple majority voting.

It can be said, without any exaggeration, that the meetings of the JHA Council will, on occasion, be utterly incomprehensible to “outsiders” (journalists, academics, lawyers and citizens) and probably to the majority of “insiders” (with the exception of a handful of officials). As a move towards transparency and openness it is a huge step backwards.

*Future structure of work in the field of justice and home affairs following entry into force of the Treaty of Amsterdam, Incoming Presidency to the K4 Committee, 9836/98, Limité, CK4 28, 24.6.98; Schedule for the Working Party on the Schengen *acquis* during the Austrian Presidency, SN 3867/98*

EU: Interim solution for Europol computer system

Planning and development of the Europol Computer System (TECS) began in earnest in 1996, with the first phase resulting in the production of the "Statement of Requirement" delivered by British company CREW-Services. The second phase saw consultants UNISYS consider the specifications of the "Operational Requirement" which they submitted in June of this year.

It has been clear for some time that TECS will not be fully operational until 2001. According to a high-ranking official in Europol's IT department, this delay has more to do with political disagreement than technical problems. While the "architecture" of the system has not changed, there have been disputes over access to the data it will hold. All national units will have access to the "information system", a kind of EU-wide criminal records database, but access to the operational and strategic "analysis system" will be restricted to Europol's analysts and liaison officers (see *Statewatch*, vol 4 no 5 and vol 6 no 2). Some states have been pushing for wider access to the "hot" intelligence. The official also acknowledged the rather slow process of planning and development, which he said will be accelerated during the next phases. TECS components will be divided into equipment for early delivery, in 2000, and for later delivery the following year.

By Autumn 1997 the Europol Working Party and the K.4 Committee had agreed on an interim solution for TECS and this was then approved by the JHA Council in March. This solution consists largely of a provisional version of Europol's future analysis system and is now ready. It will go online when the

Convention comes into force on 1.10.98.

Tests of the interim system have been carried out since the summer. Using the deficient legal basis of common measures which refer to national laws, actual analyses were started. Data on real persons were stored under the authority of the respective Member State, which then "shared" the data with the others. The data were then delivered to Europol, or in strict legal terms to the liaison officer, via the already functioning e-mail network. According to the Europol source, these are not "analysis work files" under the Convention, but "analysis cases" under national laws. This is a good example of the EU's disregard for national law, and the ease with which it can be circumvented.

The technical tests revealed an unlimited capacity for the interim analysis system: 5,000 analysis files could run parallel at the same time. However, we were told that in practise Europol will only have several hundred work files at any one time, some containing thousands of data sets. There will also be no technical limitation to the information system; which will hold an estimated one million data sets. These developments reflect lessons learned from the Schengen Information System (SIS). The SIS was originally conceived for 8 member states and the problems that came with Schengen's enlargement led to the decision to construct a new system. Crucially, all the data in the C.SIS (the central system) is replicated in the N.SIS (national). However, it is as yet unclear whether this will be the same for the Europol information system or whether they will opt for a different technical solution. TECS entire budget is 35 million Ecu, of which 5 million is for the project team. When planning began this figure was 20 million.

Interim Solution for the Europol Computer System, Limite, 11220/1/97, 17.11.97.

ITALY

"Persecuted" Berlusconi guilty of corruption

On July 6 Silvio Berlusconi, former prime minister, media tycoon and leader of the right-wing opposition Freedom Alliance (*Polo della Libertà*), was sentenced in Milan to two years and nine months on corruption charges. The charges related to the payment of 380 million Lire (approximately £132,000) in bribes, aimed at "softening" tax inspection into the accounts of three of his Fininvest holding group's businesses (Mondadori, Mediolanum and Videotime), and influencing the findings of an inquiry into the effective stakeholding in Tele+ (pay-television channel). The investigation has exposed corruption within the Italian customs establishment, with Berlusconi allegedly responsible for a number of episodes between 1989 and 1992.

Berlusconi was first publicly linked to the investigation in explosive fashion, on November 21, 1994, when an investigating team led by Borrelli sent him a summons to testify during a UN conference on crime he was hosting in Naples. Berlusconi, who was then prime minister, mounted a vehement campaign against the investigating team, whose actions (and timing) he saw as being aimed at discrediting him. This was to develop into an ongoing feud with the attorney's office in Milan.

The prosecution replied that the summons should not have been unexpected for Berlusconi was already involved in inquiries into corruption among customs officials to the point that he allegedly summoned Massimo Maria Berruti, a Fininvest employee who was formerly a customs officer, to *Palazzo Chigi* (home of the Italian Parliament), giving him instructions as to

what certain customs officers should admit to, or deny. They produced the pass which Berruti had used in *Palazzo Chigi*, alleging that it was evidence of an attempt to mislead investigations. The defence claimed that prosecutors had submitted a false document, a view which was countered by the testimony of the policeman who had issued the pass.

On January 30 1998, prosecutor Gherardo Colombo illustrated the prosecution's case, stressing the influence which Berlusconi had on important members of the *Guardia di Finanza* (Italian Customs and Excise), some of whom were members of the clandestine P2 lodge, as was Berlusconi himself. Berlusconi emerges from the account as a businessman with enough clout to get the former Finance Minister, Rino Formica, from the scandal-ridden and now defunct Italian Socialist Party (PSI), to replace customs officers he regarded as inconvenient. Berlusconi was effectively having business dinners with the same officials who were responsible for investigating the businesses belonging his Fininvest holding group.

The original trial started on 17 January 1996, and the presiding judge, Carlo Crivelli, was replaced following his resignation after the controversy sparked by his remark that he would use "the stick and the carrot" to get to the bottom of the affair, fuelling right-wing denunciations of a conspiracy.

The second trial, presided over by judge Francesca Manca, found Berlusconi to be directly responsible for the corrupt episodes under investigation. These included a £35,000 bribe to

influence inspections of the Videotime accounts in 1989, a £45,000 bribe to prevent troubles at the Mondadori publishing group from emerging in 1991, a further £35,000 payment to ensure a favourable inspection at Mediaset, and another £17,000 to prevent officers from revealing his actual share of ownership rights to Tele+2 pay television channel.

His brother Paolo Berlusconi was acquitted, despite admitting his responsibility in a spontaneous declaration in which he claimed that "I decided to give Sciascia permission to pay the customs officers. I had no need to bring that ugly problem to my brother's table, and I didn't." The judges did not believe him, interpreting his intervention as an attempt to protect his brother, and did not sentence him, despite the prosecution's request for a 2 year and 4 month sentence. Salvatore Sciascia, who was in charge of the fiscal services at Fininvest, and manager Alberto Zuccotti received 2 years and 6 months, and 1 year and 4 months respectively. Giovanni Maria Berruti was sentenced to 10 months, and 3 marshals of the *Guardia di Finanza* were also sentenced to between two and three years.

The trial is likely to develop further, because the prosecution has accused Marinella Brambilla, Nicolo Querci (close assistants of Berlusconi) and former Finance Minister Rino Formica of lying to the court. He has sent the attorney's office the acts of the trial for investigation and further legal action may follow.

Following Manca's verdict, Berlusconi's defence attorney Ennio Amodio was extremely critical of the entire court case, denouncing irregularities and alleging that the verdict was an expression of a totalitarian tendency within the government coalition. "It is not an act of justice, but an insult to the very concept of legality" his lawyer claimed. Berlusconi announced the beginning of a new political phase for the opposition - from democratic opposition to government to all out opposition to a regime. Members of the opposition coalition (Berlusconi's own Forza Italia party, the "post-fascist" National Alliance (AN) and a variety of smaller groups, including old Socialist and Christian Democrat splinter groups, as well as former Radicals) were unanimous in their condemnation of the verdict, threatening further repercussions.

Fini, the leader of AN, also denounced totalitarian tendencies without a trace of irony, voicing his loss of faith in the judicial system: "No one can say that justice is the same for everyone anymore. There is a special tribunal in Milan which hits the opposition. And it is impossible not to react to the magistrates' involvement in politics."

There have been fiery discussions between Berlusconi and Massimo D'Alema, leader of the ex-Communist PDS and a major player in the government coalition, who observed that Berlusconi had simply been found guilty of corruption, and wasn't the victim of a political act. He said that "Politicians, even the most powerful ones, are normal citizens who can also be condemned when a court of the Italian Republic finds them guilty". This was met by a firm rebuttal from Berlusconi, who saw this statement as being "in line with the tradition of Stalinist trials".

Berlusconi's legal problems are not limited to corruption charges involving the Guardia di Finanza, as he has already been tried (and found guilty) for fraud and is due to face a number of further trials and inquiries in the near future, some of which will reveal his relationship with the PSI, widely viewed as instrumental in the success of his business empire. These include the All Iberian trial in which Berlusconi is accused of having made illegal payments to Bettino Craxi, former Prime Minister and leader of the PSI, who was at the centre of the infamous *Tangentopoli* corruption scandal, through a series of financial company transfers. The State prosecutor, Francesco Greco, has recommended a sentence of 2 years and 6 months, in a trial in which Berlusconi will also be accused of false accounting.

The most serious allegations, however, are concerned with the corruption of judges in Rome, including the former head of the GIP (judges for preliminary enquiries), Renato Squillante. From the latter case, further investigations into important financial events, such as the collapse of the sale of Sme to the De Benedetti group and the war between Berlusconi and De Benedetti for ownership of Mondadori, may arise. Berlusconi has indicated that he will seek to have the trials moved from the Milan tribunal.

On December 4 1997, judge Edoardo d'Avossa found Berlusconi guilty of fraud for irregularities in the purchase of Medusa (a film distribution company) by *ReteItalia*, one of 500 businesses belonging to his Fininvest group, a holding company which, at its peak, earned almost £4.5 billion a year. He was sentenced to 16 months and a £20,000 fine for the "inflated" purchase of Medusa, bought for an official price of £9,655,000 with an actual payment of only £6,206,000 according to judges, who indicted Berlusconi on £3,448,000 worth of false accounting, imposing a sentence which was remitted due to an amnesty from 1990. The operation set up for the purchase of Medusa is alleged to have created £3,518,000 worth of illegal funds which found their way into Berlusconi's accounts.

Berlusconi dismissed the sentence as another effort to discredit him, claiming that the purchase was made by Carlo Bernasconi, the administrator of *ReteItalia*, independently. Berlusconi's position as an MP, and leader of the opposition, makes it unlikely that he will serve the sentence that was passed because of the parliamentary immunity he enjoys, although further revelations might make his position unsustainable in the future, despite the firm backing he has received from political allies. Despite this, his defence - amounting to allegations of persecution by judges and claims of ignorance of any misdeeds - may be undone by the variety, seriousness and timespan of the accusations against him, as well as by his relationship with the PSI and Craxi which, if substantiated, may well establish a consistent pattern of misdemeanour.

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Web database

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