

statewatch

monitoring the state and civil liberties in Europe

vol 19 no 3 July - September 2009



EU protests: "Troublemakers" database and "travelling violent offenders" (undefined) to be recorded and targeted

by Tony Bunyan

"persons to be barred from certain events, such as European summits or similar venues, international sports or cultural events or other mass gatherings because they are a threat to public order and public security at such events."

"persons disturbing the public order and/or endangering public security, eg: sports hooligans, violent rioters, sexual offenders, repeated offenders of serious crimes."

The proposal to put "troublemakers" on the Schengen Information System (SIS) database was discussed and rejected by the Council of the European Union (the 27 governments) back in 2001 following the protests in Gothenburg and Genoa. It did produce two separate Manuals, one on security against terrorism at Summit meetings and another on policing public order. In 2007 the two Manuals were collapsed into one so that:

The scope of the manual is now such that it applies to the security (both from a public order point of view as well as counter-terrorism) of all major international events, be it political, sporting, social, cultural or other. (EU Security Manual) [1]

But the Manual *only* dealt with bilateral cooperation between two or more Member States for specific events - not the creation of an EU-wide "troublemakers" database.

The database proposal came back onto the agenda after protests at the G8 Summit, 6-8 June 2007, in Heiligendamm, Germany. Over the next two years there were numerous discussions in two Council Working parties which ended in June 2009 with no agreement on the need for a database let alone a legal definition of a "troublemaker" or a "violent offender".

It was therefore highly surprising that the Swedish Council Presidency included in the Stockholm Programme

exchange information on travelling violent offenders including those attending sporting events or large public gatherings.

The issue of "violent troublemakers" was not mentioned in the Future Group Report on the planned justice and home Stockholm Programme (2010-2014) nor in the Commission's proposals.[2]

This is even more surprising as the term is used very loosely in the Council Working Party discussions to include those

suspected or alleged potentially to be a problem with the terms "Troublemakers" and "violent troublemakers" regularly interchanged. By adding this measure to the Stockholm Programme it becomes a legislative priority to put the proposal into effect.

SIS/SIRENE Working Party

Following the protests at the G8 Summit in June 2007 the German government presented a proposal on the options for "sharing information on violent troublemakers at large events" [3] and the possibility of "using the SIS for this exchange of information". On 4 December 2007 under the heading: "Troublemakers" the SIS/SIRENE Working Party noted that:

Commission argued that although the alerts pursuant to Article 99 were not designed to this end, this kind of alerts could prove helpful in locating troublemakers.

However, some delegations argued that this type of alerts neither met the legal (Art. 99 regards extremely serious criminal offences or serious threats) nor the operational needs (there was no possibility of arresting persons) referred to by CATS[4]

An Article 99 (for the SIS) concerns the surveillance of people suspected of extremely serious criminal offences.[5]

On 14 March 2008 the Council Presidency circulated a paper to the Working Party on the Subject of: "Troublemakers"[6] where:

several delegations reflected the idea that the persons envisaged could be inserted under Article 99. Other delegations raised doubts about the usefulness of Article 99 alerts for violent troublemakers since arrest cannot be carried

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out under this Article."

The Presidency paper said that data would concern:

persons to be barred from certain events, such as European summits or similar venues, international sports or cultural events or other mass gatherings because they are a threat to public order and public security at such events... [but] This proposal begs questions as the right of free movement, other civil liberties and data protection, as these persons should therefore not be permanently visible or included in the SIS, requiring a very careful management of such alerts.

On 18 March 2008 at the SIS/SIRENE Working Party decided to ask the views of the Police Cooperation Working Party (PCWP) - which should have been leading on this issue as it was not simply a technical question. However, before the PCWP considered the question the German government circulated yet another Note on 7 April 2008.[7] This might have been expected to clarify exactly who is a "troublemaker" at "mass events"/International gatherings in the EU - instead the German delegation Note widens the scope. It states that in Germany it is permissible to enter an alert to "prevent violent confrontations and other criminal offences" at major international political or sporting events on:

whom certain facts give reason to believe that they will in future commit significant criminal offences using violence or the threat of violence. A "significant criminal offence" is one which falls into a category higher than that of petty crime, noticeably disturbs the public peace and is likely to have a considerable effect on the public's sense of security.

To define "significant criminal offence" as including one that "disturbs the public peace" is absurdly wide - this would include non-violent protesters sitting down in the street, equally any large-scale gathering to protest could be interpreted by police as having "a considerable effect on the public's sense of security".

The Police Cooperation Working Party (PCWP) - Survey of Member States

On 19 May 2008 the Council Presidency circulated a Note to the Police Cooperation Working Party (PCWP) on improving information exchange on "violent troublemakers active internationally"[8] and noted that discussions in the SIRENE Working group had not led to any conclusions because: "there is no definition" of a "violent troublemaker... nor what the detailed operational requirements are" and the operational requirements were: "not known". The PCWP decided that a survey should be carried out.

Not until 16 January 2009 – **eight months later** – were replies from 15 Member States available.[9]. These showed that only Germany and Denmark have a legal basis for "violent troublemakers" and:

no Member State except for Germany has a database including this kind of information.

In Denmark "violent troublemakers" can be "marked" ("flagged") in national databases. Moreover, the replies shows that action taken against "violent troublemakers" was against "essentially sports hooligans".

Several delegations warned against such a widespread distribution of this data as it:

would not be proportional to the purpose for which this information is exchanged, which is normally the policing of a certain event, limited in space and time. The right of free movement, other civil liberties and data protection rather call for a very careful access management to this type of information."

These same delegations favoured the improvement of "existing mechanisms of information exchange on violent troublemakers.

SIS/SIRENE Working Party

Back in the SIS/SIRENE Working Party a Council Presidency Note on "Troublemakers" said:

*feedback from the Police Cooperation Working Party is **crucial for any effective further steps** [emphasis added][10].*

Police Cooperation Working Party

On 27 February 2009 the Council Presidency sent out a Note to the Police Cooperation Working Party with an updated report on the replies of Member States to the survey – now covering 24 Member States.[11] This confirmed that only two states – Germany and Denmark – have a legal concept of "violent troublemaker" and that only Germany has database on covering "violent troublemakers". The argument that the exchange of information on "violent troublemakers" largely concern "sports hooligans" is repeated.

Some Member States however would "welcome" the inclusion of this data on the SIS to allow for "widespread and on-line access":

In particular Bulgaria, Germany, Estonia and Latvia would prefer that law enforcement authorities have a comprehensive and permanent access to data on violent troublemakers.

They argued that the present *ad hoc* exchange is "not sufficient" and causes a "great deal of administrative and technical efforts".

The German delegation then made an extraordinary proposal that Member States should be allowed to "flag" alerts on violent troublemakers even if:

such alerts were incompatible with national law

because when there was a "hit" the action taken would be in the requesting Member State – not in the Member State which lodged the data. This is saying that in a Member State where there is no legal concept of a "violent troublemaker" the police collect information and intelligence on "violent troublemakers" and put this onto the SIS then allow the two Member States who have laws on "violent troublemakers" to access it and use it to take action (possible coercive) against the individual(s).

However, Belgium, Lithuania, Poland, Slovakia and Sweden:

explicitly state that they have no operational need to have access on a permanent basis on violent troublemakers

The Council Presidency therefore concluded that:

there is no general agreement on the definition of a "violent troublemaker" and it is still not defined exactly at what occasions, by whom and for what purposes the information is needed and used. It would, therefore, seem that an agreement on making data on violent troublemakers permanently available does not seem to be likely in the short term.

The Council Presidency proposed either that the issue of making data on violent troublemakers permanently available is "not pursued" or that current mechanisms of information exchange on violent troublemakers be improved.

The Outcomes (Minutes) of the meeting of the Police Cooperation Working Party held on 4 March 2009 recorded that "no agreement could be reached". And "some Member States" preferred "consulting football experts" and "other Member States preferred not to pursue the discussions." [12]

At the meeting of the Police Cooperation Working Party on 9 June 2009

The UK delegation welcomed the efforts made by the Presidency and the DE delegation to provide a definition but recalled its reservation about the use of the SIS to exchange personal data on violent troublemakers who do not fall under the umbrella of counterterrorism or serious and organised crime.[13]

The incoming Swedish Council Presidency said that further discussions should await a Belgian paper being prepared on “all legal possibilities (ie: entry and exit bans) to prevent known risk football fans “from travelling to matches in other Member States” which would also address the issue of “violent troublemakers”.

This conclusion by the Police Cooperation Working Party appeared to kick the idea “into the long grass”.

The use of Article 99 - a parallel discussion in SIS/SIRENE

On 13 March 2009 the Council Presidency circulated a document to the SIS/SIRENE Working Party, titled “Reinforcing use of Article 99”, of the SIS because these “alerts” are “not employed equally by Member States, moreover, “several countries hardly ever use this type of alert”[14] - two countries provide 90% of the data and for “Specific checks” (Article 99) just three countries entered 95% of the “alerts”.

In the Note the Council Presidency questioned the interpretation of paragraph 1 of Article 99 of the Convention implementing the Schengen Agreement of the word “surveillance”. This can be taken to mean that Article 99 is a matter of judicial cooperation – surveillance/observation – and therefore “judicial authorities are involved in the procedure for entering Article 99 alerts in the SIS”. Such an approach, the Note says:

slows down the procedures and also limits the number of alerts and if you involve the judiciary in the use of surveillance it:

is restricted by reason of the strong impact on human rights

The Note ends with the Council Presidency inviting Member States to follow its interpretation of Article 99 alerts and:

to adopt a proactive approach to the use of Article 99 alerts and fully exploit Article 99 alerts for the purpose of prosecuting criminal offences and for the prevention of threats to public security as well as preventing threats to internal or external national security.

The discussion on putting “alerts” on the SIS for “violent troublemakers”, which had been rumbling on for over eight years, now becomes quite bizarre in this Working Party on: how to use these “alerts” for just about every threat imaginable. From nuclear proliferation, terrorism, child protection, sexual offenders and dangerous criminals to all manner of all other offences which are perceived to possibly threaten public order and the catch-all “public security”.

A second Note on 13 March 2009 sent to the SIS/SIRENE Working Party (Mixed Committee) concerned improving information exchange on “persons disturbing the public order and/or endangering public security by using SIS”. This document was revised twice.[15]

In documents 7558/1/09 (27 May 2009) and 7558/2/09 (16 June 2009) attention is drawn to the “latest incidents during the NATO summit” (in Strasbourg where there were protests) which showed “in a drastic way” the “urgent need” to exchange information on persons “disturbing the public order and/or endangering public security.”[16]

So the Council Presidency goes on to urge the SIS/SIRENE Working Party to:

close the discussions on the specific issue of “violent troublemakers” and to look at the matter from a broader perspective.

The Council Presidency Note then broadens the scope of the discussions by saying the “various working parties and other bodies say there is a need to share information on:

persons disturbing the public order and/or endangering public security, eg: sports hooligans, violent rioters, sexual offenders,

repeated offenders of serious crimes.

People “disturbing the public order” covers a multitude of offences (from noisy neighbours to rowdy drinkers to protests that “disturb” traffic flows) for which each Member State already has laws in place. To collapse this category by the use of “and/or” to encompass persons “endangering public security” is not logical or nor legally defensible. Whereas “violent rioters” have presumably been arrested and convicted and information on them would be available anyway. The same goes for and “repeated offenders of serious crimes”. To suggest that suspected/alleged “violent troublemakers” fall into the same category is simply “guilt by association”.

The field for “type of offence” it argued in Article 99 alerts could be extended to include, for example, “football hooligan”. The purpose of the alert would change too as it would be for the purpose of:

sharing information with the aim of prevention and protection against serious threats for public security [emphasis added]

As the legal framework of the SIS does “not provide necessary legal base” for this new alert as the SIS is a “search” database only “legal changes would be necessary”.

Endgame?

There was no further discussion on “troublemakers” (violent or otherwise”) or on the use of Article 99 in the Police Cooperation Working Party or the SIS/SIRENE Working Party.

The Swedish Council Presidency did circulate a report back by the Belgian led group of experts who provided a Note on the legal options concerning public order and football matches on 13 October 2009.[18] The orientation paper says that when it is completed it will have six Chapters and will then be submitted “to the football experts” and that the paper will also consider “improvements on information exchange on violent troublemakers”.

Conclusion

The EU already has in place questionable procedures for the bilateral exchange of information and intelligence (which may be “hard” or “soft”, ie: suspicions/allegations) for cross-border protests. The idea of creating a permanent EU-wide database of suspected “troublemakers” or alleged “violent troublemakers” on the SIS offends against the right of free movement.

Only two Member States out of 27 have national laws on the issue and to “harmonise” the collection of such personal information and intelligence onto a central database is utterly disproportionate.

Since the onset of the EU’s response to the “war on terrorism” the prime targets have been Muslim and migrants communities together with refugees and asylum-seekers. Now there is an emerging picture across the EU that demonstrations and the democratic right to protest is among the next to be targeted to enforce “internal security”.

Footnotes

1. See: <http://www.statewatch.org/news/2009/dec/eu-troublemakers-handbook-2007.pdf>

2. See Statewatch’s Observatory on the Stockholm Programme: <http://www.statewatch.org/stockholm-programme.htm>

3. EU doc no: 15079/07

4. EU doc no: 16585/07

5. Schengen Information System Article 99 report:

<http://www.statewatch.org/news/2008/feb/08SISart99.htm>

6. EU doc 7544/08:

7. EU doc no: 8204/08

8. EU doc no: 9535/08

9. EU doc no: 5450/09
10. EU doc no: 5153/09
11. EU doc no: 5450/1/09
12. EU doc no: 7423/09
13. EU doc no: 11176/09

14. EU doc no: 7557/09
15. EU doc no: 7558/09, 7558/09 REV1 and 7558/REV2
16. Sky News: *Tensions Rise At Nato Summit, Strasbourg, 4.4.09*
17. EU doc no: 9223/1/09:
See: www.statewatch.org/news/2009/dec/01-eu-troublemakers-links.htm

Germany: A network being networked: the Federal Criminal Police Office databases and the surveillance of “troublemakers”

by Eric Töpfer

This article looks at the databases held by Germany’s Federal Criminal Police Office (Bundeskriminalamt, BKA) and how they are used to store information on alleged “troublemakers”

Germany’s Federal Criminal Police Office (*Bundeskriminalamt*, BKA) is holding more than 200 “files” (which are actually databases) with more than 18 million entries on people, according to the Federal Government’s response to a parliamentary question by the Left Party on 25 June. [1] These databases fall into three categories: firstly, so-called “joint files” (*Verbunddateien*) which are run by the BKA but are automatically fed with data from the 16 German state police forces, the Federal Police, the Customs Service and its criminal investigation branch. Data stored in these files is widely accessible through the German Police Information System, INPOL. Secondly, so-called “central files” (*Zentraldateien*) in which BKA officers input data that is provided in conventional ways by the above listed security agencies plus the secret services. They may be accessed for the online retrieval of information for other authorities on an occasional basis. The third category is the so-called “office files” (*Amtsdateien*) which are operated and accessed exclusively by the BKA. [2]

Office files make up the majority of those held by the BKA. The largest number of entries stored in each file is “only” around 30,000. The files are usually set up for the purpose of a criminal investigation and are deleted when the case is closed, although the data may be transferred to other databases. The largest BKA files are those used for identification purposes, searching for wanted objects and persons, the indexing of existing electronic and paper records and the analysis of crime “areas” such as drugs or human trafficking (see table). Although these are separate files, many of them are cross-referenced by unique identifiers, such as the “D-number” system which is linked to Automated Fingerprint Identification Systems (AFIS) and works on a pseudonymous hit/no-hit basis, and to identification service files which hold an individual’s background information. Therefore, the larger BKA files are cornerstones in the mosaic of the European police information landscape; AFIS-P and the DNA database are networked with their counterparts in other countries under the auspices of the Prüm Treaty, and there are search files for objects and persons and these are sources from which the BKA’S SIRENE officers feed the Schengen Information System. AFIS-A contains, among others, the German contribution to the EURODAC database, and the major files on human trafficking or money laundering are likely to ease Europol’s appetite for information being harvested through its analysis work files.

“Troublemaker” files in trouble?

Most controversial are three databases on so-called violent offenders which were set up as “joint files” in 2001. Their blueprint was the “violent offender sport” (*Gewalttäter Sport*) database, the so-called “hooligan file” in which data on 11,245 persons was stored in June 2009. This database has a special status as it is operated on behalf of the BKA by the Central

Information Point Sport (*Zentrale Informationsstelle Sport – ZIS*), a special unit of the Northrhine Westphalia state police. Although the file’s name suggests that it holds information on violent offenders, many of its entries do not refer to individuals who have been convicted of a crime but rather to people who have received a ban or were subject to stop and search procedures at football matches. A few months after the installation of the “hooligan file” three other databases on “politically motivated violent offenders” were installed: LIMO on “violent offenders left” (1,866 entries in June 2009), REMO on “violent offenders right” (1,328 entries) and AUMO which targets “politically motivated crime by foreigners” (154 entries). [3] Anyone whose data is stored in these databases might experience serious consequences: their freedom of movement might be curbed when they are ordered to register in-person at their local police station on a daily basis (e.g. for the duration of international football competitions), when they are prohibited from leaving the country or when they are visited by police at so-called “troublemaker addresses”, in their homes or at work. Moreover, their patterns of movement might be profiled and discreetly recorded at police checkpoints.

The legality of the “hooligan file” was recently successfully challenged. The Lower Saxony state court argued that it was created by order of the Federal Interior Ministry without hearing the views of the 16 states despite the fact that it is a joint file involving their interests. Before the recent national elections the Liberal Party demanded a watertight legal basis for the database and clear criteria on whose data was to be stored in it. The Federal Data Protection Commissioner predicted that the final outcome will affect other files on “violent offenders” as well. The appeal is still pending at the Federal Administrative Court but the Conference of German Interior Ministers has already declared its intention to authorise the database. However, it is doubtful that this will change the nature of the “violent offender” database. The Federal Government has already defended the “prognostic relevance” of discretionary risk assessments by individual police officers that are the basis for the storage of personal data in the database. [4]

The surveillance of anti-globalisation protest

A fourth “troublemaker” database operated by the BKA is IGAST, on “violent troublemakers who are active internationally” (*international agierende gewaltbereite Störer*) which has existed since 2003. In contrast to the other troublemaker files, IGAST is a central database which collects and analyses information in the context of “Globalisation-issues”. In June 2009 information on 2,966 persons was stored in this database. Only ten per cent of the entries refer to “potential troublemakers”, (i.e. those who have been arrested or registered in the context of violent protests against globalisation in

Germany or abroad). All other entries are on contacts, witnesses or police informers. [5] Given its nature as a central database which is both manually fed with data from various national and international sources and accessed solely by the BKA branch for "State Protection" (*BKA-Abteilung ST – Polizeilicher Staatsschutz*), the political police, it is evident that IGAST has a similar purpose to Europol's Analysis Working Files, (i.e. the harvesting and mining of information to understand networks and reveal their social relationships).

However, in exceptional times the IGAST files become a leaky container. During the Strasbourg NATO summit in April 2009 the BKA's political police submitted information on 232 people whose data was stored in IGAST – the complete list of those deemed "troublemakers" – to their French colleagues, plus additional information on more than 400 people received from foreign sources. Although the French were asked to use the transferred data solely for the purpose of policing the summit and to delete the data by July, the conditions for this cross-border data transfer was based on the mutual trust of police officers – and therefore beyond democratic control. In effect, more than 100 protestors were hindered in crossing the German-French border and attending demonstrations in Strasbourg. [6]

A few days before the start of the next major summit, the G8 in L'Aquila in July 2009, it was revealed that ten people arrested eight years ago at the G8 summit in Genoa still had their data held in BKA files, five of them in IGAST. [7] The Federal Data Protection Commissioner's 2001/2002 annual report discloses information about the international information-sharing process during the Genoa G8 summit: the BKA's political police, having transferred data on 191 people to their Italian counterparts in advance of the summit, received information on protestors who were either arrested or recorded at a police check point in the summit's aftermath.

While data on those arrested was stored in the "internal security" joint file (see table), the latter were put in the "Global" central database, a predecessor of IGAST. After the brutal police raid on Genoa's Diaz School, where sleeping protestors were beaten and arrested by an out of control Italian police force, the Data Protection Commissioner recommended that data received from foreign sources should only be stored for a short period of time and should only be held for longer after careful consideration. The BKA said that the effort involved in such a procedure would be disproportionate; usually, they responded, reconsideration only takes place when people exercise their right of access and demand the deletion of the data held in police databases. [8] In the case of IGAST, those who do not know their rights or don't exercise them will have their data reconsidered for the first time ten years after the date of its entry – deletion is not guaranteed. [9]

A model for of Europe?

Despite the serious risk that people who have been victimised by the police can be categorised as "troublemakers", German officials aim to Europeanise their model of protest surveillance. On 12 October 2007 the Federal Council (*Bundesrat*, the chamber of the 16 German states, represented by their governments) stated that:

the creation of a European database on violent offenders who are active internationally is essential in order to target measures against persons who are prepared for violence in their homelands [travel bans are mentioned explicitly] or at the locations of events.

Moreover, they note that a "general improvement in information sharing on violent offenders who are active internationally is urgent" to support the policing of major events. The Federal Council suggested making use of either Europol's computer systems or the Schengen Information System, or to network

existing or newly created national databases by drawing on the Prüm Treaty to guarantee the cross-border availability of "standardised data". The Federal Government was asked to work towards the creation of a European database on "violent offenders who are active internationally".

The background to the initiative was the G8 summit hosted by Germany in June 2007 in Heiligendamm. According to the Federal Council more than 20 per cent of the 646 people arrested at the summit were foreigners. Officials complained of deficits in international information-sharing which was said to be sporadic and non-standardised.

Several countries were accused of not having responded to "official requests" for information on potential "troublemakers". The Federal Council hopes that the creation of a central database operated by Europol will complement Europol's computer systems and make such information accessible even to ordinary police officers. However, the officials are aware of legal problems related to this idea because, according to the Europol Convention, its files are only available to Europol officers, national liaison officers in The Hague and EU Member States' central police agencies. Therefore, the Schengen Information System and the Prüm mechanism were suggested as alternatives, although the original conclusion, dating back to a proposal made by two German states in August, only mentioned Europol.

How the process concluded is unknown because the outcomes of key meetings of the Conference of German Interior Ministers and its sub-committees on policing, which assessed the Heiligendamm summit, are secret. Interestingly, Peter Altmaier, State Secretary of the Federal Interior Ministry, was already proposing the creation of a European "troublemaker" database at the EU Justice and Home Affairs Council meeting on 18 September 2007 – one month before the Federal Council officially requested the Federal Government to push the issue at the European level. The Federal Council also took the opportunity of widening the scope of their proposal - in addition to political summit meetings they also suggested that "international sport and cultural events" could be protected by filing "troublemaker's" data. [10]

Meanwhile, the issue of information-sharing was discussed several times by the JHA Council and some of its working parties, and it is apparent that it is the Schengen Information System rather than Europol's databases that will be used for the exchange of information on alleged "troublemakers" through the creation of a new data category. Given the legal, organisational and technical obstacles, the project is not likely to be realised in the near future. However, it is evident that the BKA's files will play a crucial role in feeding a new database.

Footnotes

1. *Parliamentary Document BT-Drs. 16/13563, 25 June 2009 (the source for figures on files, including the attached table, except when otherwise noted).*
2. *Parliamentary Document BT-Drs. 16/2875, 6 October 2006.*
3. *Parliamentary Document BT-Drs. 16/13563, 25 June 2009.*
4. *Eric Töpfer: Illegale "Hooligan"-Datei?, in: Bürgerrechte & Polizei/CILIP, pp. 79-80.*
5. *Answer by the Federal Government to written request by MP Ulla Jelpke from 10 July 2009.*
6. *Parliamentary Document BT-Drs. 16/12966, 11 May 2009.*
7. *Parliamentary Document BT-Drs. 16/13559, 26 June 2009.*
8. *Bundesdatenschutzbeauftragter: 19. Tätigkeitsbericht 2001-2002, BT-Drs. 15/888, 7 May 2003, S. 98ff.*
9. *BKA Data Protection Commissioner: IGAST installation order, 16 March 2004.*
10. *Federal Council Documents BR-Drs. 589/07, 24 August 2007; 589/1/07, 1 October 2007; 589/07/B, 12 October 2007. Parliamentary Document BT-Drus. 16/6839, 26 October 2007.*

Top 15 BKA Databases(except for the largest on searched objects with more than 11 million entries)

File name	File type	Purpose/description	In operation since	Number of entries on persons (June 2009)
Identification service	Joint file	Index of fingerprints, photos, person descriptions and other identification information	1985	5,859,680
Search for persons	Joint file	Search for persons for purposes of arrest, location, observation and surveillance	1993	4,456,968
KAN - Index of criminal investigation records	Joint file	Index of files held by federal and state police forces on suspected offenders in cases of "serious crime" or crimes with trans-state relevance	1983	4,345,009
AFIS – P	Joint file	Automatic fingerprint identification system	1993	2,544,434
Database of digitalised fingerprints and palm prints – P	Joint file	Collection of fingerprints and palm prints collected by BKA, Federal Police and Customs Service	2004	2,221,000
Index of BKA records	Central file	Index of criminal investigation records held by the BKA which are not listed in the joint index of criminal investigation records	1985	2,193,815
VISA-KzB Process	Central file	Research and analysis in the area of visa application cross-agency consultations	2009	2,064,550
Counterfeit money	Joint file	Combating counterfeiting of money	2001	1,832,442
DOMESCH	Joint file	Combating human trafficking and document fraud	2001	1,572,656
Internal Security	Joint file	Prevention and investigation of politically motivated crime of trans-state or international relevance	1980	1,571,914
FDR	Joint file	Combating drug crime	2008	1,397,823
Analysis Drugs	Joint file	Combating organised drug crime	2001	1,030,529
AFIS – A	Central file	Automatic Fingerprint Identification System for identification of asylum seekers	2000	672,281
DNA Analysis File	Joint file	DNA database	1998	795,232
Imprisonment File	Joint file	Documentation on persons in prisons	1993	518,630

UK: Shock and anger at the violent policing tactics used at the G20 Summit: Part 2

by Trevor Hemmings

In the aftermath of the violent policing of the G20 summit in London in April 2009 community organisations highlight longstanding problems of police indiscipline while official inquiries develop strategies for future protests.

The Inquest report [1] is critical of the role of the Independent Police Complaints Commission (IPCC) in failing to immediately launch an independent investigation into the death of Ian Tomlinson, an omission that has seriously undermined: "public and family confidence in the IPCC and the police complaints system more generally." Instead, within hours of the death the IPCC had sanctioned a misleading Metropolitan police press release that omitted to mention that there had been repeated police contacts with Ian Tomlinson before his death. It focussed on a version of an alleged bottle throwing incident as police administered first aid to the dying man. These allegations are strenuously denied by protesters who had gone to Mr Tomlinson's aid and called an ambulance (which the police may have prevented from reaching the scene). The IPCC's prevarication meant that Metropolitan police assumed

responsibility for forensic analysis and initially conducted the investigation. On 2 April Scotland Yard referred the investigation to the City of London police which played a key role in evidence gathering but "completely failed to persuade the Tomlinson family of its impartiality". This bias was typified by the force's assertion that that the assailant may not have been a police officer at all, but "a member of the public dressed in police uniform."

Police mistreatment of the Tomlinson family

The casual mistreatment of bereaved families of police victims over the years has been well documented by Inquest. [2] In the case of the Tomlinson family it can be encapsulated by the failure to even inform them of the death for over nine hours. Moreover,

the City of London coroner neglected to tell the family that a post mortem examination was to be carried out on 2 April 2009 and of their right to attend; the IPCC was also refused access although a City of London police sergeant was present. The pathologist instructed by the coroner was Dr Freddie Patel, a questionable choice given that he had been discredited by his conduct in another police restraint death, that of Roger Sylvester [3], for speculating to the press about the victim's possible drug use (an act for which Patel was reprimanded by the General Medical Council).

The findings of the first post mortem, that Ian Tomlinson had died as a result of a heart attack, and the failure to mention other injuries, reinforced the police narrative of death by natural causes. After this finding was released on 3 April the IPCC reported that the Metropolitan police maintained that there had been no police contact with Ian Tomlinson and they failed to correct this false information. A subsequent post-mortem examination conducted by pathologist, Dr Nat Carey, instructed by the IPCC and by solicitors acting for the family, found that Mr Tomlinson had died of abdominal bleeding, raising the possibility of a manslaughter charge against a police officer. The IPCC said:

Following the initial results of the second post mortem, a Metropolitan police officer has been interviewed under caution for the offence of manslaughter as part of an ongoing inquiry into the death of Ian Tomlinson.

Despite these disturbing signs it was not until 8 April that the IPCC launched an independent investigation [4]. Inquest concludes that this failure to investigate police conduct is not only detrimental to the IPCC's claims of independence, but led to the "potential for the loss, suppression and/or distortion of crucial forensic evidence in the 'golden hours' following Mr Tomlinson's death". Through these delays the:

clear impression that emerged was that the IPCC and the Metropolitan police sought to avoid an investigation into Mr Tomlinson's death by incorrectly suggesting that he had died of natural causes.

In many earlier contentious deaths there was also a concerted attempt by the authorities to deflect attention away from official criminality or incompetence. In this light, it was hardly surprising that the initial reports of the death of Ian Tomlinson were "at best partial and at worst an attempt to deflect attention from the potential wrongdoing of police officers." Mr Tomlinson's family has also expressed its concern over what has appeared in the media, much of which appears to have been given to the press by public authorities. These attempts to control the narrative development of events by smearing the reputation of the deceased, serve to deflect attention away from those at fault. It also underlines "the importance of a robust and immediate independent investigation" because:

there is an obvious risk that if police officers (who may be motivated towards protecting their own) have control of the early stages of an investigation their approach may taint this process.

The issue of police misinformation regarding Mr Tomlinson's death is now the subject of a formal complaint by his family and an IPCC inquiry into media handling by the Metropolitan police and the City of London force.

Inquest's investigation concludes:

The task for the IPCC in the aftermath of a contentious death following police contact is clear: to immediately begin an independent, effective, accountable, prompt, public and inclusive investigation so that the rule of law is seen to be upheld and applied equally to all citizens including those in police uniform. Without this there can be no hope of public confidence, not least in the aftermath of a heavily-policed

protest and the abundance of camera and CCTV evidence of excessive force by police officers....The fact that the IPCC was unable to take immediate control of the potential crime scene or indeed to have any input at all during the golden hours and early days of the investigation means that the suspicion of a cover-up will always linger.

Operation Glencoe part 2

The second day of "Operation Glencoe" (as the police operation was called) began, as complaints began to emerge about the police excesses of the previous day, with midday raids on two squats housing demonstrators (many of whom had been compelled to stay after being kettled by police until the early hours the previous night). Superintendent Roger Evans said that intelligence squads had the squats under surveillance for two days and that police were hoping to match some of the occupants with photographs of "troublemakers" and "ringleaders" from the previous day. He told *The Metro* free newspaper:

We have had officers keeping this building under overt surveillance. Our intelligence teams have been watching this [premises] for the last two days. I don't know exactly how many people were inside but it's around 70 so far. There are all sorts of people inside. People with piercings, people without piercings, people with dogs – the sort of people you might expect to find at a pop festival. [5]

The Rampart Street Community Arts Centre, which has existed for about five years, was widely publicised on the internet as a place where people attending the G20 protests could meet and sleep. An early open meeting at the centre was "infiltrated" by the *Evening Standard* newspaper resulting in a report entitled "Anarchists planning to storm city banks." [6] It said: "At the meeting, held in a three-storey squat called rampart in Whitechapel, anarchists discussed plans to "swoop" on the area in "swarms of two or three" and break through police lines by any means necessary". It continued: "Groups who attended the meeting include the Whitechapel Anarchists Group, Class war and the Wombles. The Met has warned that anarchists from the 1990 Poll Tax riots have been lured out of retirement by the prospect of violent clashes." The vision of a "dad's army" of anarchists launching a re-run of the UK's largest riot of the twentieth century may seem ludicrous, but this kind of hyperbole is fairly typical of the tabloid coverage.

Film from the Earl Street raid [7] shows occupants appealing for negotiations with riot police before the building was stormed. An officer can be observed beating at least one man with a baton as riot police forced their way inside and another officer, armed with a laser-sighted Taser, forced people to lie face down on the floor with their limbs outspread. Many were taken outside and questioned some were restrained with plastic handcuffs. Four people were arrested at the Rampart centre and two people at Earl Street.

Outside the ExCel conference centre 1,500 police officers formed a "ring of steel" in a military-style operation, surrounding the venue and outnumbering peaceful demonstrators by three to one as the summit began. Three DLR stations were closed and police turned away anyone within a half mile radius who did not have accreditation. When the G20 leaders arrived helicopters surrounded the area, marine police units were put on standby and snipers were positioned on top of flats.

Further evidence of systematic police violence towards protestors came when Nicola Fisher [8], from Brighton, was filmed being struck by TSG sergeant Delroy Smellie as she made her way to a peaceful vigil in commemoration of Ian Tomlinson. The footage shows the officer smacking her across the face with the back of his hand and ordering her to "Go away". Ms Fisher is seen remonstrating with him as he draws his baton and strikes

the woman on her legs. Fisher later said: "If he wanted me to move he could have asked me politely." Smellie, another officer with no visible identification number, was suspended from duty pending an IPCC inquiry into the assault.[9] "People were there for the vigil out of respect to remember Ian Tomlinson," said Tristan Woodward (25) who captured the attack on film. Fisher said that a number of men witnessed the incident and scuffles broke out between them and some of the police officers when they remonstrated about the abuse of a woman.

The Labour MP, David Winnick, a member of the Home Affairs Select Committee, said that Nicola Fisher's beating was "totally unacceptable" behaviour by a police officer:

The home secretary should make a statement about events at the G20 protests. That statement should include first and foremost Ian Tomlinson's death and explain why police made a totally misleading statement about their contact with him. [10]

After footage of the Fisher assault came to light the Metropolitan police issued a statement saying that the actions of the police officer had raised "immediate concerns". In September the IPCC passed its investigation into Smellie, who is currently suspended from duty, to the Crown Prosecution Service (CPS) which decided that there was sufficient evidence for him appear at Westminster magistrates court in October charged with assault. [11]

The Met should also have been concerned at a similar incident that occurred the previous day at Climate Camp, when a 23-year old unnamed female graduate was injured by police officers. The incident, in which the woman was struck violently with police shields and truncheons and kicked by officers, was the subject of the first IPCC report published in August [12]. The attack left her with bruising to the arms and legs and heavy vaginal bleeding, which her GP told her could have been indicative of a miscarriage. The woman does not know if she was pregnant. Despite her injuries police officers had refused permission for her to leave Bishopsgate for five hours, a situation that the IPCC described as difficult to justify. Nonetheless, the IPCC has decided not to refer this case to the CPS.

A campaign is born as the police narrative unravels

Over the next weeks, as more blogs, tweets, photographs and mobile phone films from protesters and independent journalists entered the public domain, the credibility of the police narrative of events was firstly undermined and then overturned. Senior officers, defending the policing of the Summit at City Hall, were greeted with jeers and heckled throughout, resulting in the Conservative Party Mayor, Boris Johnson, threatening to suspend the meeting. Members of the Metropolitan Police Authority (MPA) criticised the kettling tactic and the violence used by officers while clearing the Climate Camp. The Police Federation, however, raised fears of an "anti-police bandwagon", while *Police Review*, ran a story entitled "Brain Storm" asking: "Did Airwave radios trigger officers' behaviour at the G20 protests?" [13] It cited independent research suggesting that the radio frequency had interfered with officers' brainwaves possibly causing unintended "violent behaviour, aggression, sleeplessness, irritability or agitation." One former Scotland Yard commissioner, David Gilbertson, was probably nearer the mark when he suggested there was a "frightening new mindset – officers see the public as the enemy and protest as illegitimate". [14]

On 11 April, hundreds of people marched in silence through the streets of London in commemoration of Ian Tomlinson. In a letter read out beforehand Mr Tomlinson's stepson, Paul King, said it had been very painful to watch the images of his stepfather being violently assaulted. He made a plea for justice: "We are hopeful that the IPCC will fulfil their duty to carry out a full

investigation into his death and that action will be taken against any police officer who contributed to Ian's death through his conduct." Mr Tomlinson's father, Jim, also spoke, demanding an explanation and accusing the police of giving his son a beating. He said:

I've seen film of police pushing Ian over. They need to explain why they did that. Were their actions justified? He was never a troublemaker. He might have been gobby [loud], but is that what you get for being gobby now – a good beating?

On 17 April the London Coroners court published the results of the second post-mortem which revealed that Ian Tomlinson had died of internal bleeding.

A few days later a coalition of trade unionists, anti-war activists, campaigners against deaths in custody and others who oppose police violence and want to defend civil liberties launched the United Campaign Against Police Violence (UCAPV). [15] Supporters are comprised of campaigners from the United Friends and Families Campaign, RMT (London Region), the Public and Commercial Services Union, Labour MPs John McDonnell and Jeremy Corbyn, the Socialist Workers' Party, the Stop the War/Gaza coalition, the Green Party and G20 Meltdown. Speaking about Ian Tomlinson, Paul King, on behalf of the family, said:

First we were told that there had been no contact with the police, then we were told that he died of a heart attack; now we know that he was violently assaulted by a police officer and died from internal bleeding. As time goes on we hope that the full truth about how Ian died will be made known.

A "remarkably successful" police operation

As the growing controversy over the policing of the G20 protests intensified, calls for a parliamentary inquiry became louder after House of Commons speaker, Michael Martin, blocked an attempt to force an emergency parliamentary statement on the allegations of brutality by the Labour MP, David Winnick. Scotland Yard is not releasing the contents of the investigation by Ian Johnston, head of the British Transport police, into the policing of the protests and the death of Mr Tomlinson. However, at the beginning of May an official report setting out the police version of events, by assistant commissioner Chris Allison, was submitted to a meeting of the Metropolitan Police Authority. It was described as "full of serious inaccuracies" by the Liberal Democrat justice spokesman, David Howarth MP, and Scotland Yard was accused of "misleading its own watchdog." [16] Allison defended the report and the kettling of demonstrators; the MPA unanimously agreed to examine this and other public order tactics in its civil liberties panel.

On 23 June, the Home Affairs Committee (HAC) [17] published its report on the G20 policing strategy [18] which it described as "a remarkably successful operation" that "aside from a few high profile incidents...passed without drama". This operational "success" balances precariously with the evidence of excessive police force used against the "extremely peaceful and successful" protests. A caveat acknowledges that the operation's success was "partly down to luck" and that:

These incidents and the tactics...caused considerable adverse comment and have the potential to seriously damage the public's faith in the police.

The report also expresses wider concerns over the policing of the G20, and other large-scale, public protests. In particular it highlights:

Kettling: The Committee found that the use of close containment and distraction tactics (the controlled use of force), "while legitimate according to the police rule-book, shocked the public". The report states that: "It is not acceptable for a blanket ban on movement to be imposed". It calls for a review of this

tactic and questions whether kettling can “continue to be used”, arguing that it should “form the basis of a wide-ranging discussion on the future policing of public protests.” Above all, the report concludes, “the police must constantly remember that those who protest on Britain’s streets are not criminals but citizens motivated by moral principles, exercising their democratic rights.” However, kettling has already been through the UK courts and on appeal to the House of Lords, in relation to Lois Austin (in the 2001 'May Day Detainee Case'), and it supported the Court of Appeal’s finding that the Metropolitan police acted correctly by detaining Lois and several thousand peaceful anti-capitalist protesters in Oxford Circus on May Day, 2001. The case is likely to go to the European Court. [19]

Communications between police and media: David Howarth MP, who acted as an observer at the G20 protests, told the Committee: “I was increasingly concerned about the hyping up of the possibility of violence...What we were doing there was as a result of what was happening in the previous weeks in the media and concern about the police apparently...raising the spectre of major violence.” The Committee expressed bewilderment that “the police would use language which would only serve to create a “them and us” attitude and antagonise the most violent elements within the protesters. We feel that such statements essentially become a self-fulfilling prophecy and they should be avoided in future.”

Refusing to display identification numbers: This longstanding issue was frequently raised as a serious problem by protestors as long ago as the 1980s. [20] The report states that there are still “no circumstances in which it is acceptable for officers not to wear identification numbers” and calls for “urgent action” to be taken “to ensure that officers have the resources to display identification at all times”. Those officers deliberately removing their identification numbers “must face the strongest possible disciplinary measures.” Despite the strong words the Met chose milder action, disciplining most officers who refused to display their numbers with “words of advice.”

In September the Metropolitan Police Authority (MPA) criticised police chiefs for failing to even discipline officers who failed to wear their ID numbers with Dee Dooley, stating that it was “extraordinary” that officers caught without ID should escape with a slap on the wrist [21]. However, Dooley’s observations grossly underestimated the situation, as was exposed in a leaked Metropolitan police email instructing staff to cull photographs of officers at G20 who were not displaying identity numbers. The revisionist email, published by the *Evening Standard* newspaper (6.11.09.), says:

As of now, any still or moving photography or images of police officers must show them wearing their correct shoulder numbers / markings and name badges if these areas of uniform are included in the shot.

If any of these items are missing the photography or images must not be used.

As a precaution, if you hold any photography or images that do not meet this instruction they should be culled from your libraries or other systems you may have for their storage.”

Untrained and inexperienced officers: The report was “deeply concerned that untrained and inexperienced officers were placed in such a highly combustible atmosphere.” The members said: “We cannot condone the use of untrained, inexperienced officers on the frontline of a public protest and feel that an element of luck must be attributed to the success of the operation. This HAC conclusion was rejected by the Met’s Assistant Commissioner, Chris Allison, who said: “It is wrong to suggest that our officers are not trained. They are. To suggest otherwise can only serve to damage public confidence in us.” [21]

“A National Overhaul” for police tactics?

On 7 July, HM Inspector of Constabulary, Denis O’Connor, published his review of the handling of the G20 demonstrations which called for reform of the way in which such protests are handled. [22] The review identifies a number of “genuine concerns”: kettling and the dispersal of peaceful demonstrators, the absence of police identification numbers and the effectiveness of communication between police, public and protesters. However, O’Connor manages to overcome these “concerns” and the report cannot be called critical, focussing on the public’s perceptions of the police rather than issues of policing.

O’Connor supports the continued police use of kettling, stating that there was a “clear rationale for the use of containment” at the Bank of England. His criticism is merely that it was inconsistently applied elsewhere at G20. Given the frequency with which the tactic was – and still is – used it is unlikely that his suggestion that officers on the ground be given greater discretion to allow people to leave will make a great deal of difference. This is particularly the case if, as the report says, senior Metropolitan police commanders do not understand human rights law and their legal duties regarding containment.

O’Connor is also silent on the role of the Territorial Support Group, the “force within the force” responsible for public order policing and the subject of numerous complaints made at G20. It should be recalled that investigations into its predecessor, the Special Patrol Group, only resulted in a cosmetic name change.

The HMIC review describes the police planning for the G20 protests as “inadequate”. It found that although “intelligence briefings indicated that there was no specific intelligence which suggested any planned intention to engage in co-ordinated and organised public disorder and/or violence” the Metropolitan police had not planned for facilitating a peaceful demonstration. Its preparations were directed at dealing “robustly” with any form of protest or demonstration that was not lawful. This is a remarkable admission, given the outcome of Operation Glencoe, in which one man died, well over 100 people were arrested and dozens were injured by “robust” policing. In light of this, to call for a human rights-based approach to the policing of protests that focuses on an individual’s criminal behaviour rather than criminalisation of the protest as a whole misses the point.

O’Connor’s recognition that the police have a duty to facilitate peaceful protest is welcome, but meagre. The same is true of his acknowledgement that it should become a legal requirement for police to display their identification numerals, something as necessary today as it was when it first became a serious problem some 30 years ago. The need for a review of police training and tactics, including the use of shields and batons, is self-evident, as footage of G20 shows.

It is common practice on demonstrations for police to disrupt journalists filming controversial police tactics and the expanding role of Forward Intelligence Teams (FIT) in harassing reporters has been an integral component of this policy. The practice has been criticised by the National Union of Journalists (NUJ) and the union’s secretary, Jeremy Dear, has said that:

The routine and deliberate targeting of photographers and other journalists by the FIT undermines media freedom and can serve to intimidate photographers trying to carry out their lawful work. The rights of photographers to work free from threat, harassment and intimidation must be upheld. [23]

The increasingly proactive role of the FIT is the formalisation of a process to ensure the coverage of the official narrative of events.

Given the success of independent media outlets in challenging this narrative, O’Connor discusses limiting independent journalistic activity by embedding reporters with

the police to “facilitate communication” and avoid confrontational situations. Embedded journalists would be discredited as neutral observers. In the immediate future the battleground will be less over the nature of public order strategy and practice but over strategic control of the information that is allowed into the public domain.

Footnotes

1. Inquest “Briefing on the death of Ian Tomlinson” (2009), Appendix 1. The briefing is available as a free download: http://inquest.gn.apc.org/pdf/INQUEST_ian_tomlinson_briefing_jun_2009.pdf
2. See the Inquest website for numerous well documented cases of the abuse of families bereaved in police custody. <http://inquest.gn.apc.org/>
3. For background on Roger Sylvester the Inquest website. See also Statewatch Vol. 9 no. 1; Vol. 10 no. 5, 6; Vol. 11 nos. 3/4, 5; Vol. 13, no 5 and Vol. 17 nos. 3 and 4
4. IPCC press release. http://www.ipcc.gov.uk/news/pr080409_iantomlinsoninvestigation.htm
- 5 The Metro. http://www.metro.co.uk/news/article.html?Police_raid_squats_linked_to_G20_violence&in_article_id=607262&in_page_id=34
6. Evening Standard 31.3.09.
- 7 See Panorama “Whatever Happened to People Power” BBC-1 6.7.09. for film of the Earl Street raid.
8. See <http://www.youtube.com/watch?v=FppDEJUG7fE>
9. Guardian 15.4.09.
10. IPCC press release “G20 update: Met officer summoned” 28.9.09.
11. See the IPCC report “Commissioner’s Report following the IPCC Independent Investigation into a Complaint that Officers used Excessive Force against a Woman during the G20 protests” http://www.ipcc.gov.uk/bishopsgate_report.pdf

The woman also gave an interview recounting events to BBC’s Newsnight programme

12. Police Review 5.6.09. In what appears to be a developing theme, another Police Review article, “Short Fuse” by Sarah Bebbington, asked whether working long hours affected police “tolerance levels” at the G20 protests (17.7.09).
13. Guardian 20.4.09
14. See <http://againstpoliceviolence.blogspot.com/>
15. Guardian 1.5.09
16. The House of Commons Home Affairs Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Home Office and its associated public bodies. Its current chair is the Labour MP, Keith Vaz.
17. “Policing of the G20 Protests” 23.6.09. <http://www.statewatch.org/news/2009/jun/uk-hasc-g20-policing-report.pdf>
18. Opinions of the Lords of Appeal for judgment in the cause Austin (FC) (Appellant) & another v Commissioner of Police of the Metropolis (Respondent). <http://www.publications.parliament.uk/pa/ld200809/ldjudgmt/jd090128/austin-1.ht>
19. The concealing of police identification numbers was raised by the IPCC at the pro-hunting Countryside Alliance demonstration in September 2004 and was an issue of great concern at Tamil protests earlier this year. Despite repeated complaints that the practice makes police unaccountable and encourages violent behaviour there has been little enthusiasm by the authorities to resolve the problem.
20. Cited on BBC News 17.9.09.
21. BBC News 29.6.09
22. Denis O’Connor Adapting to Protest 1.7.09. <http://inspectorates.homeoffice.gov.uk/hmic/docs/ap/G20-final-report.pdf?view=Binary>
23. See “Home Secretary told “end police surveillance of journalists” NUJ website: <http://www.nuj.org.uk/innerPagenuj.html?docid=816>

Netherlands: Biometric passport data linked to criminal databases

by Johan van Someren (Vrijbit) and Katrin McGauran (Statewatch)

The worldwide attack on civil liberties is reflected in the Dutch state, which has become known for its far-reaching control mechanisms and corporatist structures

In 2005 the Christian Democrats (CDA) introduced a law on compulsory identification, the violation of which is punishable by a fine. ‘Preventive stop and search operations’ in which police ask passers-by to empty their pockets to detect weapons, were first introduced as local ‘crime control’ operations, but are now the rule rather than the exception. In 2008 it was revealed that the Netherlands intercepts more telephone conversations than the USA. Plans for the public transport ‘OV-chipcard’, which track an individual’s travel on any form of public transport have become reality, as has the biometric passport.

The authorities have also utilised the European regulation on ‘passport security’ to create a national biometric database of citizens. They issued limited public information about their plans which resulted in few protests. Similar proposals have been rejected by parliaments in the UK, Germany and France. [1] However, resistance to these increasingly technologically sophisticated attacks on privacy and civic freedoms is growing. An annual Freedom Not Fear protest was launched in 2008 operating across Europe. There are critical voices in the Netherlands as well. A ‘Platform for the Protection of Civil Rights’ (*Platform Bescherming Burgerrechten*) was established in May 2009 with the aim of bringing together privacy organisations, promoting common projects such as a privacy

yearbook, and creating a fund for test cases. This article traces some of the civil liberties concerns and the civil society response.

The National fingerprint database

On 9 June, the Upper House of the Dutch parliament (*Eerste Kamer*) passed a law introducing biometric passports that contained an RFID-microchip holding digital information on its owner. [2] The European regulation [3] stipulates that a digital facial image and fingerprints of the passport owner should be stored on the microchip for identification purposes and in order to prevent the passport’s fraudulent misuse. The Netherlands, however, has gone much further and will store the biometric data in a central database for criminal investigation purposes (including counter-terrorism), accessible twenty-four hours a day. The Dutch secret service (*Algemene Inlichtingen-en Veiligheidsdienst*, AIVD) will have unlimited access to the database in situations they deem a ‘threat to national security’. Under specified conditions biometric data and/or other personal details will be supplied to the public prosecutor for identification purposes. This will happen as follows: a suspect is arrested and brought to the police station. If they are not willing to give a name as required by the law on compulsory identification, fingerprints and photographs will be taken for comparison with

the database, although the public prosecutor has no access to the database. If the suspect is willing, the information on their identity document will be compared with that on the database and the public prosecutor will receive confirmation that the document is registered in the passport index. While the public prosecutor has no direct access, biometric data is being used for identification purposes in the course of criminal prosecutions.

The response of the political parties

The bill to amend the Passport Act, which was presented to the Lower House of Representatives in April 2009, was passed a month later without a vote in the Senate (which scrutinises bills passed by the Lower House). The Socialist Party (SP), the Green Left (*GroenLinks*) and the Liberal party (D66) noted objections to the procedure. The EU Regulation does not lay down that passport biometric data should be stored in a database or used for the detection of suspects and the investigation of acts that threaten state security. MPs were therefore critical, observing that the national implementation went unnecessarily further than the EU law and warned that the Dutch law lacks definition and will therefore be broadly interpreted. At a public symposium [4] organised by the newly formed *Dutch Civil Liberties Platform*, former Green Member of the European Parliament, Kathelijne Buitenweg, said:

I think it's scandalous that the government is using European legislation this way and not telling you that fingerprints are used for criminal investigation purposes. In effect this is whitewashing legislation by pretending this is European law. These provisions were added and to be honest the majority of members of the Lower House of Parliament [Tweede Kamer] did not even know what they were voting on.

During the Upper House debate on the law, the Socialists noted that inadequately defined laws were an increasing problem because parliament effectively had no say about their content. The Green Party criticised the fact that in 2004 the European Council, under the Dutch presidency, did not allow the European Parliament to co-decide the matter. The storage and usage of fingerprints, they argued, should not be decided by ministers. As well as the SP and GroenLinks, D66 and the SGP (*Staatkundig Gereformeerde Partij*, an ultra-conservative Christian party) also voiced concerns. The discussion in the Upper House revolved around the question of whether a central passport index should be an instrument for detection and whether this violated the European Human Rights Convention. A 2008 decision by the European Court of Human Rights (*S. and Marper v The United Kingdom*) ruled that the British government was not allowed to retain fingerprints of innocent citizens indefinitely simply because it was useful for the police and prosecution.

The Social Democrats (PvdA), the Christian Democrats (CDA) and the right-wing liberal party (VVD) supported the new law on the grounds of fighting identity fraud. Deputy minister, Ank Bijleveld Schouten (CDA), denied the obvious crime fighting elements of the law arguing that the database was not an instrument for detection because the public prosecutor has no access to the passport index itself and only receives information on request. He contended that the law does not ask people whether they have a criminal record but whether or not they own a travel document - the purpose of the database is therefore to ascertain identity. According to the CDA's reasoning, there are no civil liberties issues and the European Court's Marper case was not relevant.

Reception by civil society

The uncritical reception of the law by the main governing parties was not shared by political activists, the majority of civil liberties groups and the Dutch Data Protection Office (*College Bescherming Persoonsgegevens*, CBP). In March 2007 the CBP

argued that the new passport index was intended for the detection of criminal acts and that by recording the private data of non-suspects it constituted a serious infringement of the personal life of citizens. In a shadow report [5] on the fourth periodic report by the Netherlands on the International Covenant on Civil and Political Rights (ICCPR), a group of Dutch NGOs severely criticised the database plans. This led the UN Human Rights Council to ask questions of Minister Hirsch Ballin. [6] The report, written by Art. 1 (the Dutch National Association Against Discrimination), *Netwerk VN-Vrouwenverdrag* (Dutch CEDAW Network), and *Vluchtelingenwerk Nederland* (Dutch Council for Refugees) and submitted on behalf of five human rights groups, refugee and gay rights organisations [7], states:

This 'national fingerprint database' will [...] come to include the fingerprints of every Dutch citizen, regardless of any criminal activity, hence turning people's [sic] travel documents for personal use into security documents for use by the State. Citizens will hardly have any control over the biometric information stored about them. Many experts have also warned that data breaches and identity theft are inevitable. Both the Dutch Data Protection Authority and other experts have consequently found this new law on biometric passports to be in serious violation of the right to privacy.[8] The Dutch NGOs accordingly urge the Human Rights Committee to address this grave breach of Article 17 ICCPR in its upcoming session.

Although the UN Human Rights Committee failed to address the privacy infringements of the new law in its written questions to the government, it did voice criticisms at its hearing in Geneva on 15 July, which brought the database to the attention of the Dutch media. [9]

Increased danger of identity theft

In addition to the database's infringement of privacy rights, several experts have also warned that it increases opportunities for identity theft and fraud. Specialist lawyers in technology and hackers have argued that the technology is vulnerable to attack and tests with fingerprint biometrics carried out for the authorities showed an error rate of 3 per cent. A documentary [10] by the Dutch news programme *Netwerk* (26 June) provided a convincing and foreboding picture of the dangers of such a centralised database, based on interviews with a professor in computer security, a biometrics expert and the European Data Protection Supervisor, Peter Hustinx. Hustinx said:

Once such a system is hacked, then the strongest weapon for fighting identity fraud becomes our biggest threat. [...] At the end of the whole exercise you have to ask yourself, what have we won and what have we lost?

Most people interviewed on the streets about the new law, thought that the national database was unproblematic, having adopted the authorities' argument that: "if you have nothing to hide you have nothing to fear". This led some commentators to conclude that the Dutch public, although anti-authoritarian in some respects, has a naive trust of the state, believing the authorities can do no wrong. Nevertheless, up until the day of the Senate debate letters of complaint continued to arrive from both individuals and organisations. They viewed a central database with photos and fingerprints as a serious infringement of their privacy. The privacy organisation *Vrijbit*, which was set up by activists to resist the government's plans to create a fingerprint database and organised the letter writing campaign, is in the process of filing a complaint [11] with the European Court of Human Rights on the grounds of a violation of Article 8 (right to privacy) of the European Convention on Human Rights.

Vrijbit argues that storing biometric data from 21 September in travel document databases, first at the local level and in future in a central database, will cause irreparable damage to privacy.

Citizens, *Vrijbit* argued, will involuntarily be connected to the judicial sphere of criminal law by providing personal data for a totally different reason than was intended (i.e. the verification of travel documents). It comments that "there is no pressing social need in our democratic society for this disproportionate and threatening infringement of our private life."

The organisation points out that in recent years, laws have systematically been passed that compel citizens to identify themselves using a valid travel document or driving license, (the Netherlands does not have a special ID card like Germany or France). People who want to protect their personal data will not be able to renew their travel documents and face restrictions on their journeys and criminalisation within the country.

The Ministry of Interior said in its public information brochure that no legal objection can be made against the storage of fingerprints or photographs in the travel document register. In Dutch law there is indeed no provision to challenge this infringement of privacy unlike, for example, in Germany, where a Constitutional Court safeguards citizen's inalienable rights vis a vis the state. *Vrijbit* therefore wants the European Court in Strasbourg to challenge the Dutch legislation.

The critique of privacy invasion is finding resonance in broader civil society, with a national Civil Liberties Platform being set up in May this year, initiated by the Humanist Association (*Humanistisch Verbond*) and now comprising Bits of Freedom, *Vrijbit* and an umbrella organisation for privacy and the right to professional secrecy in psycho-therapeutic care (*Koepel van DBC-vrije Praktijken*). The Platform is creating a website with detailed background information on different privacy and civil liberties issues to provide information for lawyers and individuals and will arrange public debates.

"Every step you take, every move you make: we'll be watching you"

While resistance is growing, privacy-invading measures continue to be introduced. The latest is the public transport payment card system, the so-called OV-chip card. The Public Transport Law permits the minister to define regulations regarding travel tickets and in 2000, the minister made it mandatory for every traveller to swipe the chip card at the beginning and end of his/her journey - even those with a monthly pass. Ignoring this regulation can lead to a fine of 35 EUR.[12] Although there is an anonymous card, similar to the Oyster card in the UK, it is more expensive and cameras register the moment a person 'checks in'.

In a similar fashion to the passport law, the authorities are abusing a system set up for a single purpose (in this case, the central registration of travel movements for the purpose of payments among different travel companies) to adopt other functions that were not included in the original proposal or in law. Regarding monthly ticket-holders, the purpose of registration becomes superfluous and, under privacy regulations, it is unnecessary and therefore illegal. The systems law enforcement function became apparent in June 2007, when the public prosecution service demanded that the travel company, Trans Link Systems, disclose data, including passport pictures, of all travellers whose chip card recorded that they used the Rotterdam underground stations of Maashaven and Heemraadlaan on 6 May 2007, between 10 pm and midnight.[13] Trans Link Systems refused to disclose the pictures (although not the names) and went to court. In June this year, Rotterdam court ruled [14] in favour of Trans Link Systems, which cited EU and national privacy laws stipulating that pictures that disclosed information about a person's race (and sometimes religion) rendered the data sensitive and that a judicial order was required for its disclosure. Therefore, the company had adhered to its privacy regulations. The public prosecution has appealed against this decision.

Unfortunately, the Dutch Data Protection Office agrees with the OV-chip card travel registration system, arguing that checking in is "part of the system". [15]

Footnotes

[1] *Elke Nederlander is verdachte door nieuwe paspoortwet* [Every Dutch citizen is suspect due to new passport law], 21.7.09, http://www.ezpress.eu/news/11731/Elke_Nederlander_is_verdachte_door_nieuwe_paspoortwet

[2] *Wijziging van de Paspoortwet in verband met het herinrichten van de reisdocumentenadministratie*, adopted by the Dutch Senate on 9 June 2009. For the text of the law (in Dutch), see *Parliamentary Documents I, 2008/09, 31 324 (R1844) A*, 20 January 2009. This law is scheduled to enter into force (fully) on 21 September 2009

[3] *Council Regulation (EC) No. 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States*, arts. 1(2) and 4(3).

[4] *The symposium website: <http://www.degescandemens.nl/>, video fragments of the debate from a film made by Vrijbit: <http://www.youtube.com/watch?v=YJnkujy-Iwo>*

[5] *Addendum to the Commentary on the 4th periodic report of the Netherlands on the International Covenant on Civil and Political Rights (ICCPR)*, 25.6.09, <http://www.njcm.nl/site/english/show/20>.

[6] *The UN Human Rights Committee is a body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights (ICCPR) by its States parties on grounds of a report which States must submit every four years, often accompanied by a shadow report by civil society groups. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of 'concluding observations'. See <http://www.netherlandsmission.org/> for background documents on the Dutch hearings and reports.*

[7] *Aim for Human Rights (former Humanist Committee on Human Rights), CG-Raad (Dutch Council for the Chronically Ill and the Disabled), COC Nederland (Dutch Association for Integration of Homosexuality), the Johannes Wier Foundation for Health and Human Rights and Justitia et Pax Nederland.*

[8] [footnote in original] See e.g. *Data Protection Authority ('College Bescherming Persoonsgegevens'), Advies betreffende wijziging Paspoortwet i.v.m de herinrichting van de reisdocumentenadministratie*, 30 March 2007, available at http://www.cbppweb.nl/downloads_adviz2007-00010.pdf; *Tilburg University, Tilburg Institute for Law, Technology and Society (TILT), Open Letter to Parliament*, 8 June 2009, available (in Dutch) at <http://vortex.uvt.nl/TILTblog/?p=69#more-69>; *IKON Radio*, 7 June 2009, *Nederland: rechtsstaat of snuffelstaat?*, available at www.ikonrtv.nl/daw/uitzending.asp?Item=1&IntEntityId=185. Cf. *S. and Marper v. United Kingdom*, ECtHR 4 December 2008, Appl. Nos. 30562/04 and 30566/04.

[9] http://zaplog.nl/zaplog/article/de_vn_heeft_vorige_week_in_geneve_minister_hirsch_ballin_justitie_cda_onder

[10] <http://www.netwerk.tv/uitzending/2009-06-26/nieuw-paspoort-met-vingerafdrukken-onveilig>

[11] <http://www.vrijbit.nl/dossiers/dossier-vingerafdrukken/item/674-vrijbit-dient-klacht-in-tegen-nederlandse-staat>

[12] *GVB en RET bekeuren abonnees met chipkaart* [GVB and RET fine subscribers with chipcard], 25.8.09, <http://www.nu.nl/economie/2068153/gvb-en-ret-bekeuren-abonnees-met-chipkaart.html>

[13] *Justitie wilde pasfoto's van ov-chipreizigers* [Ministry of Justice wanted passport photos of OV-chipcard travellers], 31.9.09, <http://www.nu.nl/algemeen/2072224/justitie-wilde-pasfotos-van-ov-chipreizigers.html>

[14] http://www.bigwobber.nl/wp-content/uploads/2009/08/BeschikkingTLS_001.pdf

[15] *Justitie wilde pasfoto's van ov-chipreizigers*, *ibid*.

Statewatch News Online
<http://www.statewatch.org/news/>

Notes on the high-tec industry of European Border Control: migration control and the arms industry in EU security research policy

by Vassilis Tsianos (*Preclab, Hamburg*)

A new political migration paradigm is developing, which - in the name of the "global approach to migration" - is transforming circular migration, border management and development policy into restrictive operational fields of the European geopolitics of "re-bordering"

In the field of border studies, critical research on intergovernmental institutions such as the International Organization for Migration (IOM) gained increasing importance in the 1990s. Today, the exploration of the arms industry's involvement in the harmonisation of the EU's security architecture is of increasing relevance. This is not surprising, given that the total budget for IOM projects amounts to \$784 million, while the Hague Programme estimated the cost of arming the EU's external borders, which the Commission updated in 2008 under the label "border package", at 2.1 billion euros for the period 2007-2013.

The creation of a European border surveillance system (EUROSUR)

The consolidation of the Schengen border agency, Frontex, plays a decisive role. In December 2005, the European Council instructed Frontex to develop a system for the comprehensive surveillance of the Mediterranean Sea through common border patrols and an information-based network for improved maritime border controls. To this end the agency conducted a feasibility study, entitled BORTEC, which aimed to create a European border control system (EUROSUR). The Commission formulated its expectations of Frontex in its Communication to the Council of 30 November 2006 [1] as follows:

EUROSUR could in a first stage focus on synergies created by linking the existing national surveillance systems currently in use at the southern maritime external borders. In a second stage, however, it should gradually replace national surveillance systems at land and maritime borders, providing a cost-efficient solution, including e. g. a combination of radar and satellite surveillance at European level, taking into account on-going developments realised in the framework of GMES (Global Monitoring for Environment and Security). EUROSUR will benefit from experience at national and European level with similar surveillance systems; possible synergies with existing European surveillance systems for other purposes should also be explored.

The arms industry's involvement in the EUROSUR project

The BORTEC study remains unpublished, but the arms company Thales applied for a grant within the EU's Seventh Framework Programme for Research and Technological Development (FP7) with a project called SEASAME. Thales is an international electronics company and computer retailer in the defence, aviation, aerospace and security fields. The company employs 68,000 people in 50 countries and generated a return of 12.7 billion euro in 2008. The SEASAME project plans to chart, arm and make compatible national surveillance technologies in three phases; in its final stage it will consolidate the data in a "permanent and comprehensive situation report". To this aim, Thales drafted a "Green Paper: Thales's Contribution to the Consultation Process on Maritime Safety and Security (MSS)."

In its 2008 Work Programme, the Commission included a

note under the heading "Migration Package", which proposes the creation of a European border surveillance system, EUROSUR, in three stages. The stages correspond to those of the Thales' SEASAME Programme. In its 2007 Research and Development (R&D) programme, the agency planned to conduct two seminars every six months with security technology researchers and contractors; four R&D studies on border protection; the drafting of communications on the capacity and operability of selected technologies for Member States' authorities; the testing of new technologies in pilot projects and a feasibility study on linking universities and their research in the field of border management.

European security research

On 13 February 2008 the Commission published a Communication proposing the creation of a European Border Surveillance System (EUROSUR). [2] It suggested using the FP7 programme "to improve the performance and use of surveillance tools to increase the area covered, the number of suspicious activities detected as well as to improve the identification of potentially suspicious targets and access to high resolution observation satellite data." The aim of financial support is to "support the (re)structuring of the European security sector...whilst simultaneously improving the global competitiveness of Europe's industrial base..." [3] The committee evaluating the project's applications comprises not only numerous consultancy firms and arms companies but also Frontex representatives as well as representatives from the European Defence Agency.

For the development of security research, the Commission instituted a European Security Research and Innovation Forum (ESRIF). Its members come from interest groups ('stakeholders') from industry, research institutions, public and private end users, civil society organisations and the European Parliament. Until November 2008, the Forum was chaired by former EU counter-terrorism coordinator, Gijs de Vries. The deputy chairmen are Jürgen Stock, vice-president of the German Federal Crime Police Bureaux (*Bundeskriminalamt*), and Giancarlo Grasso, of the Italian arms company Finmeccanica. The Border Security working group is chaired by Erik Berglund as Frontex representative; his deputy is Giovanni Barontini, also from Finmeccanica. The latter employs 60,000 people Europe-wide and has an annual turnover of 12.47 billion. Euros. According to the Italian interior minister Roberto Maroni, Finmeccanica will be commissioned to set up a satellite surveillance system in the Sahara border regions, for which Libya has requested financing from the European Commission. The target is "illegal migration" from Africa to Europe as well as "Islamic terrorism".

Global Monitoring for Environment and Security

The "Global Monitoring for Environment and Security" (GMES) initiative [4], supported by the European Commission and European Space Agency (ESA), is a self-declared service for "European citizens to improve the quality of life in terms of their environment and security". GMES was founded in 2001 to simplify crisis management during environmental disasters. To

this aim, GMES collects data from European Earth Observation satellites to map natural resources, to increase disaster response capacities in “emergencies” and predict certain events such as tornados and the movements of refugees. Its instruments have also been used for EU security policies and by Frontex. Frontex has used GMES to monitor the sea around Malta, as well as using the EU Satellite Centre (EUSC) for the surveillance of West African coastal regions. Further, the German Information Centre on Militarisation (*Informationsstelle Militarisierung - IMI*) reports that GMES was used in the fight against drugs in the Caribbean, for the identification of opium production zones in Afghanistan, during the EUFOR military operation in Chad and for surveillance of the EU-Latin America summit in Lima. [5] Two of the numerous programmes taking place under the GMES, the MARISS and LIMES frameworks, deal with border security. LIMES (Land and Sea Monitoring for Environment and Security) is intended to support the surveillance of maritime traffic but also of land borders and critical infrastructures inland, as well as supporting the “distribution of the population according to the available resources” in the case of a humanitarian crisis. MARISS was explicitly set up to control “illegal migration”, {the Council requested an Integrated System for Monitoring Europe’s Southern Maritime Borders).

Flourishing space landscapes during the crisis

The German space company, OHB Technology, and its chairman Marco-Romed Fuchs, also Italian honorary consul to Bremen, has reported flourishing space landscapes. The company’s turnover last year amounted to 232 million euro, representing a 6 per cent increase. The upward trend will

continue says Fuchs: “We are expecting a 15 per cent increase of total output for the current year”. The OHB’s business division Telematics & Satellite Operations, which develops Frontex’s systems, is responsible for around 10 per cent of that increase. OHB and the EADS Astrium company, which is also based in Bremen, are responsible for the development of satellite programmes that serve as technical systems in Frontex’s EU border surveillance. For example, the Synthetic Aperture Radar satellite (*SAR Lupe*), which provides high-resolution images of any point on the planet day or night and in all weather conditions. The satellite was developed by OHB in 2006 but initially was only used by the German military. This technology is also used by GMES.

Notes

[1] COM(2006) 733 final http://eur-lex.europa.eu/LexUriServ/site/en/com/2006/com2006_0733en01.pdf

[2] COM(2008) 68 final: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0068:FIN:EN:PDF>

[3] *Work Programme 2009. Cooperation. Theme 10. Security, European Commission C(2008)4598 of 28 August 2008,*

ftp://ftp.cordis.europa.eu/pub/ftp7/docs/wp/cooperation/security/k_wp_2009_01_en.pdf

[4] See <http://www.gmes.info>

[5] Christoph Marischka, 'Frontex: Im Netz des EU-Sicherheitssektors', in 'Militärmacht EUropa: Eine Zwischenbilanz', Informationsstelle Militarisierung (IMI), April 2009, pp 16-21, <http://www.imi-online.de/download/bilanz2009-web.pdf>

Italy:

The internal and external fronts: security package and returns to Libya

by Yasha Maccanico

The “security package” introduced under Law 94/900 turns a number of decrees into law. Exceptional measures allegedly to meet “emergencies” are targeted at refugees, migrants, Roma and direct *refoulements* to Libya

Past articles in *Statewatch* have highlighted legal developments in Italy in which discriminatory legislation was introduced through successive “security packages” and a plethora of other measures adopted by local councils. Criminal offences committed by migrants, as well as their routine activities, have been targeted and subjected to heightened controls. Exceptional measures to deal with situations treated as “emergencies” have been introduced, such as the deployment of soldiers in cities (at stations and other sensitive locations) and special plans to deal with Roma people, involving their identification and fingerprinting, as well as their eviction from makeshift camps (see *Statewatch*, Vol. 18 no. 2). They now seem open-ended after both the measures were renewed, with an increase in the numbers of soldiers deployed. These measures have been accompanied by an aggressive media discourse against migrants and, most worryingly, by political representatives and government officials.

These legislative attacks on foreigners have spilled over into other areas, for example there were attacks against homosexuals in September and October 2009, that were perpetrated by youths and fascists. There have also been instances of violence against migrants by members of the public security forces, of which interior minister Roberto Maroni is in an apparent state of denial (see *Statewatch* Vol. 18 no. 3). The violent incidents have continued, particularly in detention centres where mobilisation against the “security package” has been ongoing during the

summer. Mobilisation against these discriminatory measures peaked during a large demonstration in Rome that passed off peacefully on 18 October 2009, which organisers said brought 200,000 people onto the streets.

The internal and external fronts

This article seeks to identify some key features of Law 94/2009 that turned a number of measures from past security package decrees into law, introduced new measures and abrogated others. It also modified some measures and introduced new proposals during its passage through parliament. In some instances the changes were positive. For instance, the crime of illegal residence, which was introduced to avoid the Returns Directive requirement that a guilty verdict under criminal law be required for an immediate expulsion with accompaniment to the border, went from entailing a mooted custodial sentence to a fine that is so high that it is unlikely many of the so-called “clandestines” will be able to pay it. A number of controversial issues have been raised since it came into force on 24 July 2009. Courts in Pordenone, Pesaro and Trento have challenged the law’s constitutionality for reasons including the criminalisation of mere “social and personal conditions” rather than acts committed wilfully and the law being “unreasonable”. The constitutional court will have to resolve these claims. A regularisation procedure for foreign housekeepers and carers was established after it became clear that many households would suffer from

losing their services. The possibility of filing requests was open from 1 to 30 September, and a total of 294,744 applications emerged from “illegal” employment to be granted regularisation.

While it largely concerns migration, the security package also deals with organised crime (drawing a closer link between the punishment for assisting illegal immigration and that meted out for other forms of criminal activity) and offending public officers who are carrying out their duties. There are harsher sentences for people who drive after drinking alcohol or consuming proscribed drugs, measures against graffiti and a tougher policy against people subjected to the special *41 bis* prison regime (for serious offences including involvement in organised crime and terrorism).

The government responded angrily to criticism of the measures, particularly charges that they result from the racism of some of its members, (*Avvenire*, the newspaper of the bishop’s conference, spoke of new “racial laws” in reference to those adopted under the fascist regime). The government argued that it is a matter of respecting the rule of law. It also launched repeated attempts to portray criticism from abroad as “anti-Italian” and “ill-informed”. Following UNHCR’s criticism of the return of migrants intercepted at sea to Libya at the start of May, defence minister Ignazio La Russa dismissed the UN agency dealing with the rights of refugees as “not being worth a dried fig”.

Months later, on 1 September, there was a request for clarification from the EU Commission as to what measures had been adopted to ensure that the right to seek asylum had not been violated by the return of an intercepted vessel – this time carrying 75 would-be migrants - to Libya. Berlusconi replied by calling for “none of them...[Commissioners’ spokespersons] to be able to intervene publicly on any subject”, arguing that they should not unduly interfere in a domestic political debate. He said that he would raise the matter in the Council (representing the EU governments) and threatened to block the Council’s operation by refusing to vote. He called for Commissioners’ resignations if his instructions for their spokesmen’s silence were not adhered to. When challenged over the Italian government’s repeated failure to implement binding European Court of Human Rights interim measures, adopted under Rule 39 of its rules of procedure to suspend expulsions while the Court had an appeal against the measure pending, Maroni stated that:

We respect the European Court’s decisions, and I stress decisions. However, when I receive a fax from an official that says that it is necessary to suspend the expulsion while awaiting the Court’s decision, I prefer to continue and expel an alleged terrorist.

Thus, the only means available to the Court for preventing the repatriation of people at risk of suffering torture, inhuman or degrading treatment on return to their home country (most cases concerned Tunisia), was dismissed as an insignificant “fax from an official” (see *Statewatch news online*, September 2009).

The wide-ranging security package

The emphasis on guaranteeing security above all other concerns, which has been explicitly linked to the situation of immigrants in Italy and illegal immigration *per se*, has led to a number of measures being introduced, effectively in instalments and with continuous developments and ramifications. A much-expanded “security package” law was signed by president Giorgio Napolitano (with reservations) on 15 July 2009. In a troubled passage through parliament, the law was only approved on 2 July following three votes of confidence (one for each article), with the government staking its survival on the measure in order to prevent divisions within the coalition and to curtail debate. On signing the security package, Napolitano noted that the addition of several measures meant that it lacked heterogeneity and that some measures lacked coherence with the overall principles of

the legal order and penal system.

A non-comprehensive list of the measures that have been adopted includes:

- *custodial sentences of between six months and three years for people who lease accommodation, or allow its use to people who do not have a residence permit when the contract is required or renewed;*
- *a duty for companies providing money transfer services to require and keep a foreign customer’s residence permit, and to inform the public security local authorities within 12 hours if it is not produced, alongside the identification details of the customer. The failure to do so results in the company’s license being revoked;*
- *the criminalisation of foreigners’ irregular entry and residence in Italy, to be sanctioned with a substantial fine (of between €5,000 and €10,000) and expulsion rather than imprisonment (as had been originally envisaged). This measure entails a duty for civil servants or those in charge of public services to report anyone they find to be in such a situation. The fine and sentence can be substituted by the application of an expulsion measure entailing a five-year ban on re-entry;*
- *submission of a residence permit is required to register for any public services, with the exception of “temporary sports and recreational activities”, health services and “obligatory schooling services”. Efforts were made for the requirement to include these fields but were narrowly averted due to widespread opposition, notably by doctors who publicly expressed their intention not to report “irregular” patients;*
- *restrictions in all aspects of migrants’ relationships with public authorities, including municipal residents’ registers for marriage, for which foreigners will have to produce a “document that certifies the regularity of their stay in Italian territory”. This also applies to the issuing of certificates by public authorities. Birth certificates for children were excluded from this requirement at the last moment;*
- *conditions for obtaining citizenship following marriage to an Italian are altered, with two years’ legal residence in Italy after the wedding required (previously six months) and three years if the third-country national or stateless person lives abroad (unchanged), although both time frames are halved by the presence of offspring or adopted children;*
- *in the penal code, illegal presence on Italian territory of the person found guilty entails an increase in sentencing of up to a third for a given offence, applicable to third-country nationals and stateless people, but not to EU-country nationals;*
- *a €200 “contribution” is required for procedures concerning citizenship (previously a €14.62 seal was required when submitting the form), and between €80 and €200 for the issuing or renewal of a residence permit (except for people granted asylum). Revenue will be divided between the interior ministry’s civil liberties and immigration department’s projects for international cooperation and assistance for third countries in the field of immigration, and the immigration department’s costs resulting from proceedings concerning immigration, asylum and citizenship.*
- *it authorises and regulates the setting up of *ronde* (citizens’ patrols) to surveil the territory and report crimes to public security bodies.*

Detention and integration agreements

The length of detention with a view to expulsion in *centri di identificazione ed espulsione* (CIE, identification and expulsion centres), increased three-fold, with the previous limit of two months (involving an extension after 30 days if expulsion or identification proved impossible) becoming the standard term, renewable twice up to a maximum of six months. The *questore* (police chief in a given city) may authorise continued detention on the basis of a “lack of cooperation by the third country national in question, or delay in obtaining documentation from the third country”, with a second extension allowed if such conditions “persist”. Lawyer Guido Salvi, speaking at a seminar organised by ASGI and *Magistratura Democratica* (MD), noted that this does not significantly change the likelihood of expulsion or repatriation when conditions enabling it depend, for example, on third countries failing to issue or send travel documents, turning it into an extension of detention. Italian language tests and an integration agreement will be introduced as requirements for obtaining a residence permit. The agreement, which has yet to be developed, will operate on the basis of “credits”, the loss of which would result in a permit being withdrawn. It involves a commitment to work towards attaining “integration goals” during the duration of their residence permit.

Repatriations to Libya

From 6 to 10 May 2009 the first operations involving direct refoulements to the port of Tripoli of migrants seeking to reach Italy, who were intercepted at sea, were carried out. The first of these involved the return of 231 people by customs police and port authority boats on 6 May; the second saw 77 people returned following their rescue by an Italian oil company towboat on 8 May. The last group comprised 163 people intercepted in Maltese waters who were taken back to Libya on 10 May in an Italian navy ship, *Spica*, from where they were believed to have set off. Thus, 471 people were returned to Libya in five days in an operation described by interior minister, Roberto Maroni, as an “historic success”. He argued the removals have contributed to practically ending arrivals by boat and are fully compliant with international law.

Reporting to the senate on 25 May 2009, Maroni defended the repatriations by citing the “principle of cooperation between states” and the “development of friendly relations between states” in the UN Charter and the UN Convention and Protocols against transnational organised crime. He then turned to the UN Convention on the law of the sea that allows the interception of a stateless vessel in international waters and the additional protocol to the Convention against transnational organised crime and to combat illegal immigration that allows the interception of vessels and seeking assistance from other countries. As for cooperation with Libya, he stressed that the friendship, partnership and cooperation treaty of August 2008 had envisaged intensifying cooperation between the two countries in a number of fields including countering illegal immigration (see *Statewatch news online*, November 2008).

Maroni noted that joint Italian-Libyan patrols at sea had been envisaged by the treaty, that Italy had already given Libya three motorboats on 14 May 2009 (with the provision of three further ones imminent) and that an inter-force Libyan-Italian command in Libya to coordinate operations at sea is planned. In light of this, Maroni argued that all the “undue charges directed [at us] of having acted outside international law” had been answered, and that returns are “an effective policy to counter illegal immigration, that the Italian government intends to pursue without hesitation”. He supported his claim by citing a substantial decrease in arrivals by sea compared to 2008. He added that all cooperation between Italy and Libya takes place within the framework of respect for human rights and that allegations of Italy having violated the right to seek asylum are

untrue. He claimed that Libya is a perfectly safe destination for asylum seekers despite its failure to recognise the UNHCR, because the organisation has an office in Tripoli and the IOM (International Organisation on Migration) also operates in Libya.

Fortress Europe has published a list of documented refoulements at sea that shows that between 6 May and 8 September 2009, at least 1,329 people were returned to Libya, 24 of whom (Somalis and Eritreans) have instructed an Italian lawyer to submit an appeal to the European Court of Human Rights. Their observatory on deaths at Europe’s borders documents the abuses suffered by migrants in Libya as a result of this co-operation. In September, it reported that several of the people returned to Libya were still in detention camps, where they had spent four months. It also documented the repression of Somali detainees (and some Eritreans, according to an eye-witness) involved in a mass escape attempt on 9 August 2009 in Ganfuda prison, Benghazi. Truncheons and knives were used by prison guards in an operation that led to six deaths and scores being wounded. Fifteen photographs of the wounds inflicted on the detainees are posted on the Fortress Europe website.

What the minister did not mention seriously undermines his claims. This is laid out in a complaint submitted by a number of associations to the European Commission, the UN Commission on Human Rights and the Council of Europe Commissioner for Human Rights. Firstly, there is the matter of non-compliance with Italian, EU and international law, in terms of both the actions and their effects. The fact that would-be migrants were taken onto Italian vessels effectively placed them on Italian territory, and hence under its jurisdiction as decreed by the Italian penal code (art. 4, “Italian ships and aircraft are considered territory of the State”) and the code of navigation. The refusal of entry (“direct or indirect”) is prohibited by the Geneva Convention on refugees, the ECHR, and a variety of other international human rights instruments including the UN Convention against torture and other cruel, inhuman or degrading treatment, even in the event of agreements with countries to which they are repatriated. Obligations imposed by the search and rescue (SAR) and safety of life at sea (SOLAS) conventions, ratified by Italy, mean that a “safe place” must be found for people rescued at sea and that there is a:

need to avoid making asylum seekers and refugees rescued at sea disembark in those territories where their life and freedom would be at risk.

Taking them to Italy would have fulfilled this requirement. Libya has not signed the Geneva Convention on refugees and serious human rights violations against migrants have been extensively reported.

The non-refoulement principle is another “absolute and inderogable” norm, applicable both on the State’s territory and in an extraterritorial context (“wherever they effectively exercise their jurisdiction”), that was contravened. This principle forbids expulsion, return or extradition to a State where someone would be at risk of being subjected to torture, inhuman or degrading treatment. Likewise, protocol 4 of the European Convention on Human Rights forbids the collective expulsion of foreigners. Italy has enacted a mass return of foreigners to a country, deemed to be that of departure, without administrative actions being adopted on an individual basis as required by Italian law (issuing of an expulsion order, right of appeal). Not allowing any potential asylum seekers on board the intercepted vessels to identify themselves is a further violation, particularly if one considers that UNHCR said it was “likely that there [were] individuals... in need of international protection”. It added that:

In 2008, around 75% of those who have arrived in Italy by sea applied for asylum and 50% of them were granted some form of international protection.

The complaint notes that EC Regulation 562/2006 concerning

border crossings was also violated as regards respecting the dignity and human rights of migrants, proportionality, the rights of refugees and non-refoulement, the carrying out of minimum checks to establish people's identities, and the fact that "Entry may only be refused by a substantiated decision stating the precise reasons for the refusal" (art. 13) with a related right of appeal.

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Homeland Security comes to Europe

by Ben Hayes

The legacy of the "war on terror" is a new way of thinking about security and a cash cow for the defence industry

Introduction

As governments in the countries that were the main protagonists of the 'war on terror' seek to distance themselves from both the concept and the crimes committed in its name,[1] it is worth reflecting on the legacy of an era that has seen democratic states across the world accrue powers over their citizens that were unthinkable in the 1990s. Mandatory fingerprinting and comprehensive telecommunications surveillance; 'security detention' (without charge or trial), 'control orders' (akin to house arrest), and repressive border controls are among a host of new police and security agencies and powers have all been introduced in the name of 'counter-terrorism'. The states that have introduced these regimes clearly believe they are here to stay. While a plethora of new laws and policies have rightly preoccupied civil liberties organisations and the liberal press, profound structural changes in the way governments and state agencies approach 'security' have also been taking place.

What is both immediately striking and intimately linked to a desire to surpass the gung ho rhetoric of 'war on terror' is the way in which a mere mention of the word 'security' now serves to justify a range of policies and practices that once required more detailed articulation, from the vetting of visiting staff and students by universities to the suppression of protests against bodies like the G8/G20 (to provide recent examples from the UK). Even in Scandinavian countries, where security traditionally meant little more than the protective cushion provided by the state, it is rapidly becoming a byword for the state to deal coercively with all risks, real and imagined.

In the USA they call it 'Homeland Security', in Europe, plain old 'security'. This shift is more than rhetorical, and the parallels with Europe's security partners do not stop there. Created in Israel, re-branded and mainstreamed in the USA, the revolution that lurks behind the 'Homeland Security' paradigm can be likened to the so-called 'revolution in military affairs'. In the years that followed the Second World War, the defence apparatus of powerful countries changed beyond recognition. While those states still possess armies, navies and air forces, they

no longer simply provide battalions, armadas or squadrons in the defence (or attack) of land, sea or airspace. Rather, these forces are part of an integrated and super-high tech war machine capable – as the USA's invasion of Iraq demonstrated – of "full spectrum dominance" over "all elements of the 'battlespace'" (to use more US terminology). No longer dependent upon conscription or the massive state enterprises that once armed them, these multinational war machines are fuelled by a private sector that provides everything from smart bombs and assault rifles, to peacekeeping and reconstruction services (what Naomi Klein has called the 'disaster-industrial complex').[2]

In the name of 'security', western governments are now going to great lengths to integrate their police forces, customs and immigration services into seamless national and international intelligence and law enforcement systems. Passport checks and immigration controls are being replaced by security fences and sprawling e-borders linked to dedicated border police forces; private security, high-tech surveillance and police intelligence is coalescing around the policing of mega-events (summits, protests, the Olympic games etc.) and 'critical infrastructure protection' (airports, financial centres, power stations etc.); 'policing' is becoming ever more 'proactive', based not on responding to crime and disorder, but identifying and neutralising security risks; a plethora of public and private bodies are being incorporated into the drive for more 'security'.

In the USA they call it "Securing the Homeland", in the EU, with its preference for interminably technocratic terminology, they call it "interoperability". Once again, the private sector is at the heart of this transformation: for 'military-industrial complex', read 'security-industrial complex'. Or as former EU Commissioner Franco Frattini put it:

security is no longer a monopoly that belongs to public administrations, but a common good, for which responsibility and implementation should be shared by public and private bodies.[3]

Keeping up with Uncle Sam

The emergence of Homeland Security in the USA appears a relatively straightforward process. In the aftermath of 9/11, the Bush administration instituted a radical overhaul of the federal state apparatus, creating an overarching Department of Homeland Security (DHS) and new bodies like Customs and Border Protection (“secures the Homeland by preventing the illegal entry of people and goods while facilitating legitimate travel and trade”). The Bush administration also quickly installed what critics termed a “revolving door” between policy makers and what was then a nascent Homeland Security industry comprised largely of companies that also relied on Pentagon military contracts.[4] Following in the footsteps of Tom Ridge (the first US Secretary of State for Homeland Security) and *Ridge Global*, Michael Chertoff (the second US Secretary of State for Homeland Security) and the *Chertoff Group* are now seeking the piece of a global pie that is already said to be worth more than Hollywood and the music business combined.[5]

The potential dominance of US multinationals in this extremely lucrative, some say recession-proof marketplace,[6] is one of the principle reasons for Europe’s silent embrace of the Homeland Security industry. In 2003, the European Commission convened a “Group of Personalities” (GoP) in “security research”. The GoP included the European Commissioners for Research and Information Society, plus, as ‘observers’, the Commissioners for External Relations and Trade, the High Representative for the EU’s Foreign and Security Policy, as well as representatives of NATO, the Western European Armaments Association and the EU Military Committee. Also represented were eight multinational corporations – Europe’s four largest arms companies (*EADS*, *BAE Systems*, *Thales* and *Finmeccanica*), and some of Europe’s largest IT companies (*Ericsson*, *Indra*, *Siemens* and *Diehl*) – along with seven research institutions, including the sometimes controversial Rand Corporation.[7]

The Group of Personalities noted that the annual DHS budget included “a significant percentage devoted to equipment, and around \$1 billion dedicated to research”. The scale of US investment, suggested the GoP, meant that the US was “taking a lead” in the development of security “technologies and equipment which... could meet a number of Europe’s needs”. This was seen to be most problematic because the US technology would “progressively impose normative and operational standards worldwide”, putting US corporations in “a very strong competitive position”. In its final report, the GoP proposed that European security research should be funded at a level similar to that of the USA, and called for a minimum of €1 billion per year in EU funds to “bridge the gap between civil and traditional defence research, foster the transformation of technologies across the civil, security and defence fields and improve the EU’s industrial competitiveness”. And so was born the European Security Research Programme (ESRP).

The ESRP would not be launched until the end of 2007, as part of the EU’s Seventh Framework research programme (FP7), which runs until the end of 2013. It was preceded by the €65 million “Preparatory Action for Security Research” (PASR), which ran from 2004–2006 and relied heavily on the involvement of the defence industry. Of 39 security research projects funded over the three years, 23 (60%) were led by companies that primarily service the defence sector. One third of the PASR projects (13) were led by *Thales* (France), *EADS* (Netherlands), *Finmeccanica* companies (Italy), *SAGEM Défense Sécurité* (part of the SAFRAN Group, France) and the *AeroSpace and Defence Industries Association of Europe* (ASD, Europe’s largest defence industry lobby group). Together with *BAE Systems* (UK), these companies participated in 26 (67% or two-thirds) of the 39 projects funded over the three year preparatory action.

The European Security Research Programme

The FP7 programme (2007–13) has allocated €200 million per year for security research, with the same again allotted to space technology. Of 46 security research contracts awarded in the first year of FP7, 17 (or 37%) are led by defence sector contractors. The EU has also established additional budget lines for critical infrastructure protection, so-called ‘migration management’, IT security and counter-terrorism research. ‘Security research’ also crops up in other thematic areas of the FP7 programme – food, energy, transport, information and communications technology, nanotechnology and the environment, for example, inevitably includes food security, energy security, transport security and so on. When national security research budgets are taken into account (at least seven member states have so far established dedicated programmes), the EU’s investment in homeland security R&D is likely to be much closer to the Group of Personalities’ demand for €1 billion annually than those outside the GoP had foreseen.

At the heart of the ESRP is a structural conflict of interests arising from the failure to separate the development and implementation of the programme. By creating various “stakeholder platforms” bringing together government officials, security ‘experts’ and companies selling homeland security products to advise on the development of the ESRP, the EU has effectively outsourced the design of the security research agenda: inviting corporations and other private interests to shape the objectives and annual priorities and then apply for the money on offer.[8] The very same corporations have then been funded to elaborate high-tech, homeland security strategies for the EU.[9]

The ESRP has five core “mission areas”: (i) border security, (ii) protection against terrorism and organised crime, (iii) critical infrastructure protection, (iv) restoring security in case of crisis and (v) integration, connectivity and interoperability. For each of these apparently distinct topics, the R&D agenda is strikingly similar: introduce surveillance capacities using every viable surveillance technology on the market; institute identity checks and authentication protocols based on biometric ID systems; deploy a range of detection technologies and techniques at all ID control points; use high-tech communications systems to ensure that law enforcement agents have total information awareness; use profiling, data mining and behavioural analysis to identify suspicious people; use risk assessment and modelling to predict (and mitigate) human behaviour; ensure rapid ‘incident response’; then intervene to neutralise the threat, automatically where possible. Finally, ensure all systems are fully interoperable so that technological applications being used for one mission can easily be used for all the others.

Full Spectrum Dominance

Some examples speak volumes. The €20 million TALOS project will develop and field test “a mobile, modular, scalable, autonomous and adaptive system for protecting European borders” using both aerial and ground unmanned vehicles, supervised by a command and control centre”. According to the TALOS project brief, specially adapted combat robots “will undertake the proper measures to stop the illegal action almost autonomously with supervision of border guard officers”. [10] Participants include the defence giant *Israel Aerospace Industries*, whose “operational solutions ensure that you detect, locate and target terrorists, smugglers, illegal immigrants and other threats to public welfare, swiftly and accurately, 24 hours a day”. [11]

A further €30 million has spent on R&D projects into high-tech border surveillance, including STABORSEC (Standards for Border Security Enhancement), which recommended no less than 20 detection, surveillance and biometric technologies for standardisation at the EU level; the OPERAMAR project on the “interoperability of European and national maritime surveillance

assets”; the WIMA2 project on “Wide Maritime Area Airborne Surveillance”; and EFFISEC, on “Efficient Integrated Security Checkpoints for land, border and port security”. Among the key beneficiaries are *Sagem Défense Sécurité*, *Thales* and *Selex* (a *Finmeccanica* company). In effect, the EU is outsourcing the development of the planned integrated EU border surveillance system (‘EUROSUR’).[12]

EU legislation mandating the collection, storage and inclusion of biometric data in travel documents is also supported by a number of security ‘research’ projects. Having taken the decision to introduce compulsory fingerprinting in EU passports and visas, the development of the framework for the implementation of biometric identification systems is effectively being outsourced to the companies and lobby groups promoting the technological infrastructure. Among the main beneficiaries of numerous EU R&D projects on the implementation of biometric identification systems is the *European Biometrics Forum*, an umbrella group of suppliers “whose overall vision is to establish the European Union as the World Leader in Biometrics Excellence by addressing barriers to adoption and fragmentation in the marketplace”. [13]

Prominent multinational corporations have also played a central role in the development of Galileo (the EU’s GPS and satellite tracking system) and Kopernicus (the EU’s earth observation system). Galileo was once lauded as the world’s first would-be civilian GPS system, but military objectives are now central to its development and deployment. Kopernicus began life as the EU’s GMES (global monitoring environmental security) system but its scope has also recently been extended to cover law enforcement and military applications. Among the principle recipients of the contracts under the EU’s space programme are the two largest European space-industrial actors: *EADS* and *Thales Alenia Space*.

The EU has also funded what amounts to a covert programme favouring the introduction of UAVs (unmanned aerial vehicles or ‘drones’) for military, law enforcement and civilian purposes. More than a dozen research projects and studies championing the development and implementation of UAV systems have been commissioned by the EU, despite the current ban on using them in European airspace and in the absence of any public debate whatsoever about the legitimacy or desirability of subsidising their introduction. Among the primary contractors are world-leading suppliers of combat UAVs like *Israel Aircraft Industries*, *Dassault Aviation*, *Thales*, *EADS* and *Boeing*.

Of course, not all the projects funded under the ESRP are of such a coercive or possibly controversial nature, but even in areas like crisis management and emergency response, European defence and IT contractors can often be found playing a leading role. The radical reorganisation of security forces that has happened in the USA is also slowly taking place in the EU. There are now strong similarities between the national security strategies of the USA, UK, Germany and France, and the international security strategy of the EU. All envisage ‘interoperability’ and a new ‘public-private partnership’ in security, all adopt the wide definitions of security and ranges of ‘threats’.

Turning the guns on ourselves?

Fuelled by a new politics of fear and insecurity, the corporate interest in selling security technology and the national security interest in buying security technology has converged at the EU level. In the absence of any meaningful democratic control, the ESRP is promoting the development of a range of technologies that implicitly favour the demands of government over the rights of individuals, and could engender systematic violations of fundamental rights. These systems also include surveillance and profiling technologies, based on an apparently infinite desire to

collect and analyse personal data for law enforcement purposes, automated targeting systems, and a range of satellite and space-based surveillance applications. These high-tech surveillance systems are also seen as potentially ubiquitous, covering everything from law enforcement to environmental monitoring to earth observation; from border control to crowd control, traffic to fisheries regulation.

Despite the often benign intent behind collaborative European security ‘research’, the EU’s security policy is coalescing around a high-tech blueprint for a new kind of security. It envisages a future world of red zones and green zones; external borders controlled by military force and internally by a sprawling network of physical and virtual security checkpoints; public spaces, micro-states and ‘mega events’ policed by high-tech surveillance systems and rapid reaction forces. It is no longer just a case of “sleepwalking into” or “waking up to” a “surveillance society”, as the UK’s Information Commissioner famously warned, it feels more like turning a blind eye to the start of a new kind of arms race, one in which all the weapons are pointing inwards.

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Footnotes

1 See “‘War on terror’ was wrong”, David Miliband (UK Foreign Secretary), *Guardian*, 15 January 2009 and “Obama administration says goodbye to ‘war on terror’”, Oliver Burkeman, *Guardian*, 25 March 2009.

2 Klein, N. (2007) *The Shock Doctrine*. London: Penguin (page 322).

3 “Security by design”, *Homeland Security Europe*, based on a speech by Commissioner Frattini to the EU Security Research Conference in Berlin, 26 March 2007:

<http://www.homelandsecurityeu.com/currentissue/article.asp?art=271247&issue=219>.

4 “Former Bush Security Chiefs Find Terrorism Obsession Can Be Profitable”, Tom Barry, 25 August 2009, available at: <http://americas.irc-online.org/am/6382>.

5 Klein, N. (2007) *The Shock Doctrine*. London: Penguin (page 306).

6 Visiongain Market Research (2009) *Global Homeland Security 2009-2019* (\$2,481.00), see ASD reports:

<http://www.asdreports.com/shopexd.asp?ID=1442>.

7 “The Experts Looking Out for Europe’s Security”, *Intelligence Online*° 468, available at:

<http://www.intelligenceonline.com/NETWORKS/FILES/468/468.asp?rub=networks>.

8 “European Security Research Programme 2010 – Call for proposals”, available at: http://www.statewatch.org/docbin/k_ct_201001_en.pdf

9 See for example the ESSTR project on “European Security, Threats, Responses and Relevant Technologies”; the FORESEC project on “Europe’s evolving security: drivers, trends and scenarios”; the CRESCENDO project on “Coordination action on Risks, Evolution of Threats and Context assessment”; the STRAW project on a “reviewed taxonomy for Security”; the DEMASST project on “mass transportation security”; the GLOBE project on “an integrated border management system”; and the OPERAMAR project on an “Interoperable Approach to European Union Maritime Security Management”

10 http://ec.europa.eu/enterprise/security/doc/fp7_project_flyers/talos.pdf.

11 See IAI website:

<http://www.iai.co.il/Templates/Homepage/Homepage.aspx?lang=en>.

12 “European Commission Communication on the creation of a European border surveillance system (EUROSUR)”, COM (2008) 68, 13.2.08:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0069:FIN:EN:PDF>.

13 See *European Biometrics Forum* website:

<http://www.eubiometricforum.com/>.

Civil liberties

Allegations of UK Complicity in Torture Joint Committee on Human Rights. Report 23, House of Commons, 21 July 2009, pp 140. Noting that “complicity in torture is a direct breach of the UK’s international human rights obligations”, this report examines the evidence showing that UK security services have been complicit in the torture of UK nationals and residents held in Pakistan and elsewhere. It concludes that the government “appears to have been determined to avoid parliamentary scrutiny on this issue” and argues that: “In order to restore public confidence and to improve compliance with our human rights obligations, the Government must take measures to improve the system of accountability for the intelligence and security services.” It asserts that the Government should: “Publish all versions of guidance given to intelligence and security service personnel about detaining and interviewing individuals overseas, to allow others to ensure that it complies with the UK’s human rights obligations.” It should also “make public all relevant legal opinions provided to ministers” and establish “an independent inquiry into the allegations about the UK’s complicity in torture.” Available as a free download: <http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/152/152.pdf>

Shaker Aamer’s long wait for justice, Moazzem Begg. *Guardian* 4.9.09. The former Guantanamo prisoner, Moazzem Begg, discusses the case of Shaker Aamer who has been held at the illegal US detention centre, without charge or trial, for eight years. Many expected Shaker to be released after the British government requested his return along with that of other UK-based prisoners in 2007. Begg offers a plausible explanation regarding this delay: “Shaker Aamer...maintains that one British intelligence officer was present while his head was allegedly repeatedly hit against a cell wall during interrogation in 2002 at Bagram air base in Afghanistan. Perhaps there’s more to this allegation – more that some people don’t want released in public. Perhaps one criminal investigation of our intelligence services is quite enough. Perhaps that’s why Shaker Aamer is not being reunited with his wife and young children.”

Human Rights Annual Report 2008, *Foreign Affairs Committee. Report 7*, House of Commons, 9 August 2009, pp. 271. This report considers, among others, Rendition, the UK government’s complicity in torture, the ill-treatment of prisoners during the transfer from UK custody in Iraq and Afghanistan and the use of private security companies in Iraq. On rendition, the committee concludes “that the use of Diego Garcia for US rendition flights without the knowledge or consent of the British Government raises disquieting questions about the effectiveness of the Government’s exercise of its responsibilities in relation to this territory. We recommend that in its response to this Report, the Government indicates whether it considers that UK law has effect in British Indian Ocean Territory (BIOT), and whether it considers that either UK law or the agreements between the US and UK over the use of BIOT were broken by the admitted US rendition flights in 2002.” On torture the FAC expresses its concern at allegations that the British were complicit with Pakistan’s ISI in torture: “We recommend that the Government supplies us [the FAC] with details of the investigations it has carried out into the specific allegations of UK complicity in torture in Pakistan brought to public attention by Reprieve and Human Rights Watch”. Available at: <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmfaif/557/557.pdf>

Children’s rights: rhetoric or reality? D. Haydon and P. Scraton *Criminal Justice Matters* (Special Issue on Children and Young People) No. 76, June 2009 pp16-18. The authors consider the October 2008 UN Committee on the Rights of the Child’s Concluding Observations in response to the third and fourth periodic report submitted by the UK and Northern Ireland and explore the deficit in effective implementation of children’s rights. They argue that a positive rights’ agenda can be achieved only through a fundamental shift in the determining contexts of power.

Closing the Impunity Gap: UK law on genocide (and related crimes) and redress for torture victims, *Joint Committee on Human Rights. Report 24*, House of Commons, 21 July 2009, pp 95. This report observes that: “International conventions allow and in some cases oblige the Government to give our courts criminal jurisdiction over the world’s most heinous crimes, including genocide, war crimes, crimes against humanity, torture, and hostage-taking. However, the Government has chosen not to implement international conventions to the full extent possible, leaving inconsistencies and gaps in the law. These gaps effectively provide impunity to international criminals, allowing them to visit and in some cases stay in the UK without fear of prosecution.” Available as a free download at: <http://www.publications.parliament.uk/pa/jt200809/jtselect/jtrights/153/153.pdf>

ACLU Obtains Detailed Official Record Of CIA Torture Program: Justice Department documents describe enhanced interrogation techniques used as late as 2007. *American Civil Liberties Union press statement* 24.8.09. The US government has provided the American Civil Liberties Union a detailed official description of the CIA’s interrogation programme following Freedom of Information Act lawsuits. The document provides an official account of the CIA’s detention, interrogation and rendition programmes and describes the use of abusive, inhumane and degrading interrogation techniques including forced nudity, sleep deprivation, dietary manipulation and the use of stress positions. The Office of Legal Counsel documents: www.aclu.org/safefree/torture/40833res20090824.html and www.aclu.org/safefree/torture/40834res20090824.html The CIA Inspector General’s report on the agency’s “enhanced interrogation” or torture programme and related documents, see: www.aclu.org/safefree/torture/40832res20090824.html

Immigration and asylum

Our Hidden Borders: the UK Border Agency’s powers of detention, Dr Nazia Latif and Agnieszka Martynowicz. *Northern Ireland Human Rights Commission* April 2009, pp. 99. This report examines the Immigration Service’s work in Northern Ireland. It expresses concern that migrants could be abused at the hands of increasingly powerful officials and argues that the right to liberty and freedom from degrading treatment must be respected. The authors’ recommend that the Northern Ireland Police Ombudsman take powers to address complaints about the immigration service, concluding: “This investigation has revealed a range of rights that appear to be compromised by the way in which immigration enforcement is carried out in Northern Ireland”. See: <http://www.statewatch.org/news/2009/apr/Our%20Hidden%20Borders%20April%202009.pdf>

The relationship between migration status and employment outcomes, Prepared by Sonia McKay, Eugenia Markova, Anna Paraskevopoulou and Tessa Wright. *EU Sixth Framework Programme Final Report*, January 2009, pp. 83. This report presents the findings of the Undocumented Workers’ Transitions (UWT) project, which used information from seven EU Member States (Austria, Belgium, Bulgaria, Denmark, Italy, Spain and the UK) to answer a number of questions related to the factors that underlie migration flows. One of programme’s main tasks was: “to understand not just how undocumented migration occurs and its consequences for the workers concerned, their families and those around them, but also to unpick the relationships between documented and undocumented status”. The report makes three main recommendations: 1. Improved healthcare and education for migrants and their partners/families; 2. Improved access to information on services, such as welfare and health services, emergency accommodation, language courses, civic engagement and support for support networks, and 3. Ratification of the convention on migrant rights: <http://gabinet.ath.cx/downloads/FinalReportUWT.pdf>

Transatlantic Trends: Immigration, German Marshall Fund with support from The Lynde and Harry Bradley Foundation, Compagnia di San Paolo, and Barrow Cadbury Trust. *Transatlantic Trends* November

2008, pp. 32. This publication provides the results of a survey in which members of the public from the UK, France, Germany, Italy, the Netherlands, Poland and the United States answered questions concerning immigration and integration problems currently facing policymakers. The results offer both a broad overview of common concerns (the economy and crime are shown to be universally the most important issues) and also illustrate more nuanced national issues. Perhaps somewhat surprisingly, the survey shows that a significantly larger number of American interviewees agree with the statement that “Muslims have a lot to offer your country’s culture” (61% of US respondents said this compared to an overall European average of 47%) and that “Western and Muslim ways of life are reconcilable” (54% in the US versus a European average of 53%). The British are shown to be the most sceptical of immigration – 65% of Britons interviewed believe immigration will lead to higher taxes as a result of increased demand for social services by immigrants (compared to an average of 50% in continental Europe) despite recent evidence that arrivals from new EU member states have paid 37% more in taxes than they have taken in welfare payments (*A Study of Migrant Workers and the National Minimum Wage* by professors from the Economics department of University College London can be found at <http://www.econ.ucl.ac.uk/cream/pages/LPC.pdf>). Furthermore, Britons are the least willing to adopt EU-wide immigration legislation. For more information or to download a copy of the results, visit <http://www.transatlantictrends.org/trends/>

Law

New litigation filed in 'ghost prisoner' rendition case. *Reprieve* press release, 19.8.09. The charity, Reprieve, has formally launched a legal action in the British High Court and the Supreme Court of the British Indian Ocean Territory on behalf of 'ghost prisoner', Mohammed Saad Iqbal Madni. “Seized in Jakarta in January 2002, Mohammed Saad Iqbal Madni was rendered to torture and incommunicado detention in Cairo via Diego Garcia, an island under the legal auspices of Britain, and subsequently held in Bagram and Guantánamo Bay. By the time he was finally released without charge on 31st August 2008, Mr Madni was unable to walk unaided and continues to suffer debilitating psychological scarring from his ordeal.” The action was taken after the British government failed to respond to enquiries. Download at: http://www.reprieve.org.uk/2009_08_19madnipressrelease

Military

The Weapons That Kill Civilians — Deaths of Children and Noncombatants in Iraq, 2003–2008, Madelyn Hsiao-Rei Hicks, Hamit Dardagan, Gabriela Guerrero Serd, Peter M. Bagnall, John A. Sloboda and Michael Spagat. *New England Journal of Medicine* 16.4.09, pp. 1585-1588. Using the Iraq Body Count database, researchers from King’s College London and the University of London analysed 14,196 events, in which 60,481 civilians were killed during the first five years of the US war on Iraq, to carry out a detailed analysis of “the public health impact of different forms of armed violence on Iraqi civilians.” Among other results the researchers found that “when air-launched bombs or combined air and ground attacks caused civilian deaths, the average number killed was 17, similar to the average number in events where civilians were killed by suicide bombers travelling on foot (16 deaths per event).” The report concludes: “It seems clear from these findings that to protect civilians from indiscriminate harm, as required by international humanitarian law (including the Geneva Conventions), military and civilian policies should prohibit aerial bombing in civilian areas unless it can be demonstrated — by monitoring of civilian casualties, for example — that civilians are being protected.”. See: <http://content.nejm.org/cgi/content/full/360/16/1585>

Report of the Comptroller and Auditor General on the 2008-09 Resource Accounts of the Ministry of Defence. *National Audit Office* 20.7.09. This report identifies “errors” in the Ministry of Defence’s (MoD) accounts leading the Comptroller and Auditor General to “qualify his audit opinion” on the 2008-2009 MoD accounts. These errors related to “specialist pay, allowances and expenses paid to the

Armed Forces via their Payroll and Human Resources system, as well as the inadequacy of evidence to support certain fixed assets and stock balances in the financial statements.” Amyas Morse, head of the NAO, said in a press statement: “At this time of high operational demand, it is more important than ever for the Ministry of Defence to have accurate records of where its assets are, and how much stock it has. It must also have a military pay process which is fit for purpose. Although the Ministry of Defence has made some improvements to its Payroll and HR systems over the past year, I consider that there are important issues which have not been fully addressed and further significant changes are required.” Available as a free download at the National Audit Office: <http://web.nao.org.uk/search/search.aspx?Schema=&terms=MoD>

White Flag Deaths: Killings of Palestinian Civilians during Operation Cast Lead. *Human Rights Watch* pp. 62. This report documents the killing of Palestinian civilians who were signalling their civilian status by holding white flags during Israel’s major military operations in Gaza in December 2008 and January 2009. It considers seven incidents in which Israeli forces killed 11 civilians, among them five women and four children”. HRW finds that Israeli forces had control of the areas in question, that no fighting was taking place there at the time and Palestinian fighters were not hiding among the civilians who were shot and killed. Available as a free download at: <http://www.hrw.org/node/85014>

Blackwater is accused of murder in ‘crusade to eliminate Muslims’, Tim Reid. *The Times* 6.8.09, p. 29. This article discusses motions lodged by US lawyers representing Iraqi civilians who are suing the private security company, Blackwater, over incidents that took place as part of the Pentagon’s illegal privatised war, including one in which 17 Iraqis were shot dead in Baghdad on 16 November 2007. Five mercenaries employed by the company have denied manslaughter charges but a sixth has pleaded guilty. New evidence presented in affidavits by two ex-employees allege that Erik Prince, the Christian fundamentalist who founded the company in 1997, had killed former employees for cooperating with federal investigators. The two witnesses, who were granted anonymity as they are in fear for their lives, claimed that Prince: “Views himself as a Christian crusader tasked with eliminating Muslims and the Islamic faith from the globe.” They also accuse Prince and other Blackwater executives of smuggling illegal weapons into Iraq on private aircraft and of racketeering and tax evasion as well as destroying incriminating videos, e-mails and documents. For more information on this important case see the Center for Constitutional Rights website: <http://ccrjustice.org/newsroom/press-releases/opposition-motion-albazzaz-and-abtan%2C-et-al.-v.-blackwater-lodge-and-training>

B’Tselem’s investigation of fatalities in Operation Caste Lead. *B’Tselem- The Israeli Center for Human Rights in the Occupied Territories*, 9.9.09, pp. 6. This independent report shows that official Israeli figures greatly underestimated the number of civilian Palestinians killed during its invasion of Gaza in January. The report finds that Israeli security forces killed 1,387 Palestinians during Operation Cast Lead, including 773 people who did not take part in the hostilities; of these 107 were women (over the age of 18) and 320 were children (minor boys and girls under 18). Of the 330 people who “took part in the hostilities” 248 were Palestinian police officers killed at police stations mainly on the first day of Israeli hostilities. The Israeli Defence Force had estimated that 60% of the dead were “Hamis terror operatives”, while the Palestinian Centre for Human Rights (PCHR) estimated that 65% of their estimated fatalities (1,419 people) were civilians; the B’Tselem analysis is much closer to the PCHR estimate than that of the IDF. Available from: [http://www.btselem.org/English/and/Palestinian Centre for Human Rights: <http://www.pchrgaza.org/>](http://www.btselem.org/English/and/Palestinian%20Centre%20for%20Human%20Rights)

Policing

Policing with the Community: an inspection of Policing with the Community in Northern Ireland. *Criminal Justice Inspection Northern Ireland* March 2009, pp. 70. This report looks at Recommendation 44 of the Independent Commission on Policing for Northern Ireland (The Patten Report) published in 1999. The recommendation stated that, “Policing with the community should be

the core function of the police service and the core function of every police station.” While arguing that there has been “substantial progress” in implementing Patten’s recommendation, it also finds that: “work remains to be done to fully embed PwC [Policing with the Community] as the core function of the police service and the core function of every police station.” Available as a free download at: <http://www.cjini.org/CJNI/files/cc/caae1ea9-133f-4199-8c29-0ff8b48206b6.pdf>

All-seeing Eye, Gary Mason. *Police Review* 8.5.09, pp. 41-42. Discussion of Automatic Number Plate Recognition (ANPR) technology, described by ACPO’s John Dean as “the finest intelligence-led tool that we have in policing at the moment”. This is because ANPR cameras are controlled by the police (and not privately owned or operated by local authorities like CCTV) and the “system is virtually instantaneous.” Primary used in counter-terrorism operations, Mason looks at its potential application as an “everyday policing tool”.

Generalized tonic-clonic seizure after a taser shot to the head, Esther T. Bui MD, Myra Sourkes MD and Richard Wennberg MD. *Canadian Medical Association Journal* Volume 180, no. 6 (March 17) 2009, pp. 635-626. This article reports on a Canadian police officer who was hit mistakenly by a Taser shot fired at a suspect: “The taser gun had been fired once, sending 2 barbed darts into his upper back and occiput. Within seconds the officer collapsed and experienced a generalized tonic-clonic seizure with loss of consciousness and postictal confusion. This report shows that a taser shot to the head may result in a brain-specific complication such as generalized tonic-clonic seizure. It also suggests that seizure should be considered an adverse event related to taser use.” According to *Police Review* (21.8.09) the number of combined Taser uses across the 43 English and Welsh police forces has risen from 2,056 (22.4.04 to 29.2.08) to 4,818 (22.4.04 to 31.3.09):: <http://www.cmaj.ca/cgi/reprint/180/6/625?maxtoshow=&HITS=10&hits=10&RESULTFORMAT=&fulltext=taser&andorexactfulltext=and&searchid=1&FIRSTINDEX=0&sortspec=date&resourceype=HWCIT>

Ethnic Profiling in the European Union: pervasive, ineffective and discriminatory. *Open Society Justice Initiative* 2009, pp. 200. This report examines ethnic profiling as used by police officers in the UK, France, Italy, Germany and the Netherlands in both conventional policing and counter-terrorism. It finds that generalisations about race, ethnicity, religion and national origin are commonplace in targeting who to stop, search, raid or place under surveillance. It concludes that the practice is in violation of European law and international human rights norms, but is also “an ineffective use of police resources that leaves the public less safe. The damage from ethnic profiling – to the rule of law, to effective law enforcement, to police-community relations and especially to those who are targeted – is considerable.” Open Society Institute: www.soros.org

Policing in Northern Ireland: Positive Action and a Cohesive Community, Maggie Beirne, *Runnymede’s Quarterly Bulletin* no. 358 (June 2009), pp. 9-10. Freelance consultant on equality issues, Maggie Beirne, examines the ongoing progress being made to create a more diverse and representative Police Service of Northern Ireland since the Patten Commission introduced 175 recommendations in September 1999. The article focuses in particular on the positive outcomes of “50:50 recruitment” – a decision to recruit an equal number of Catholic and Protestant applicants that has seen the percentage of serving Catholic officers rise from 8% in 1998 to 23.7% as of mid-February 2008. The Runnymede Trust can be contacted at info@runnymedetrust.org, or at <http://www.runnymedetrust.org>

Hillsborough: The Truth P. Scraton. Mainstream 2009 (3rd edn). The definitive analysis of the Hillsborough football disaster, its aftermath, and the extensive legal processes that followed including the Home Office Inquiry, the inquests and the private prosecution of two senior police officers. It identified and exposed serious flaws in the government inquiry and the inquests and revealed how police statements were ‘reviewed’ and ‘altered’. The new edition includes recent interviews with bereaved families, reflecting on the impact of their continuing campaign for ‘justice’ and on the wider significance of a specific case currently before the European Court.

Prisons

Detainee escorts and removals: a thematic review, Ann Owers. *HM Inspectorate of Prisons*, August 2009, pp. 36. This short thematic review by the Inspector of Prisons echoes earlier findings by *The Independent* newspaper almost two years ago and last year’s major report, “Outsourcing Abuse”, by Birnberg Peirce and Partners, Medical Justice and the National Coalition of Anti-deportation Campaigns, which stressed the routine violence and racism that detainees are subjected to by employees of private security companies carrying out removals on behalf of the state. Here HM Inspector warns of “worrying gaps and weaknesses in the complaints and monitoring process”. Owers says that asylum seekers deported from the UK are at risk of suffering ill-treatment and abuse by immigration officers and security personnel in a chaotic removal system. http://www.justice.gov.uk/inspectors/hmi-prisons/docs/Detainee_escorts_and_removals_2009_rps.pdf

Unlocking Value: how we all benefit from investing in alternatives to prison for women offenders. *New Economics Foundation* November 2008, pp. 50, (ISBN 978 1 904882 41 1). Using “Social Return on Investment” analysis this report highlights how “a criminal justice system focused on short-term cost control and narrow re-offending targets is letting women offenders down and costing more in the longer term.” It found that community service sentences work better and are less expensive, concluding that imprisoning non-violent female offenders “does not work”. Available as a free download at: http://www.prisonreformtrust.org.uk/temp/Unlocking_Valuespspreport_spNovsp2008.pdf

Recent developments in prison law - Parts 1 and 2, Hamish Arnott and Simon Creighton, *Legal Action*, July 2009, pp. 10-14, August 2009, pp. 19-23. Part 1 of this update reviews legislative changes relating to the Parole Board (Amendment) Rules 2009 SI No 408 and developments in case-law concerning the Parole Board, tariff decisions, and repatriation and the Royal Prerogative of Pardon. Part 2 looks at developments in case-law concerning medical treatment, category A prisoners, escape risk and close supervision centres, prison discipline, prisoners’ property, home detention curfew, sex offender registration, ‘near miss’ investigations and searching.

‘Hearing Voices’: Punishing women’s mental ill-health in Northern Ireland’s jails, P. Scraton and L. Moore. *International Journal of Prisoner Health* (Special Issue on Prisoners’ Mental Health) Volume 5, no 3, 2009, pp153-165. Informed by primary interviews and observational research conducted by the authors with women prisoners in Northern Ireland this article focuses on prison as an institutional manifestation of women’s powerlessness and vulnerability, particularly those enduring mental ill-health. It contextualises their experiences within continua of violence and ‘unsafety’. It also considers official responses to critical inspection reports and those of the authors’ research reports for the Northern Ireland Human Rights Commission. It demonstrates that three decades on from publication of the first critical analyses of women’s imprisonment, the conditions of gendered marginalisation, medicalisation and punishment remain. This is brought into stark relief in the punitive regimes imposed on those most vulnerable through mental ill-health.

The Violence of Incarceration P. Scraton and J. McCulloch (eds.) *Routledge* 2009. Conceived in the immediate aftermath of the humiliations and killings of prisoners in Afghanistan and Iraq, of the suicides and hunger strikes at Guantánamo Bay and of the disappearances of detainees through extraordinary rendition, this book explores the connections between these events and the inhumanity and degradation of domestic prisons within the ‘allied’ states, including the USA, Canada, Australia, the UK and Ireland. The central theme is that the revelations of extreme brutality perpetrated by allied soldiers represent the inevitable end-product of domestic incarceration predicated on the use of extreme violence including lethal force. The myth of moral virtue works to hide, silence, minimize and deny the continuing history of violence and incarceration both within western countries and undertaken on behalf of western states beyond their national borders.

Racism and Fascism

The Macpherson Report — Ten Years On, Home Affairs Committee, House of Commons (Twelfth Report) 14.7.09. Despite reservations, this report observes that: “The police have made tremendous strides in the service they provide to ethnic minority communities and in countering racism amongst its workforce”. It praises police leaders who “have shown a clear commitment to increasing awareness of race as an issue throughout the service.” Among its reservations it notes that: “Black communities in particular are disproportionately represented in stop and search statistics and on the National DNA Database” and “black people’s over-representation in the criminal justice system”. A more realistic assessment of the lack of progress has been expressed by the former Stephen Lawrence Inquiry member, Richard Stone: “...there are many ways in which the relationship today between the police and Black and minority ethnic groups has not changed significantly from what it was 10 years ago. This is evident in terms of the challenges faced by officers from these backgrounds who work for the police service and, in a chilling echo of the old ‘sus’ laws, the continued over-representation of black people in figures...[for] Stop & Search procedures.”: <http://www.publications.parliament.uk/pa/cm200809/cms/elect/cmhaff/427/427.pdf>

Statistics on Race and the Criminal Justice System 2007/8: a Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991, James Riley, Davnet Cassidy and Jane Becker. Ministry of Justice April 2009, pp. 213. This bulletin provides details of how members of black and minority ethnic communities in England and Wales are represented in the UK’s Criminal Justice System. It includes data on: Developments in ethnic monitoring; Victims and homicide; Stops by the police; Arrests and cautions; Prosecution and sentencing; Youth offending; Probation; Prisons; Complaints against the police, prison & probation services; Deaths in custody and Practitioners in the Criminal Justice System. Available as a free download: <http://www.justice.gov.uk/stats-race-criminal-justice-system-07-08-full.pdf>

Racism, Elections and the economic down-turn, Liz Fekete. *European Race Bulletin* No. 68 (Summer) 2009, pp. 32. This issue covers June’s European parliamentary elections and also has an article by Phil Scraton on the recent attacks on Roma in South Belfast and a piece on the racist murder of Marwa al-Sherbini in a Dresden courtroom. For further information on the bulletin email: liz@irr.org.uk

Hidden from public view? Racism against the UK’s Chinese population, Sue Adamson, Bankole Cole, Gary Craig, Basharat Hussein, Luana Smith, Ian Law, Carmen Lau, Chak-Kwan Chan and Tom Cheing. *Nin Quan project and The Monitoring Group* 2009, pp 142. This investigation provides an insight into the situation of Chinese victims of racism in three areas of the UK: London, Manchester and Southampton. Its research reveals that the Chinese community suffers from high levels of racism which, because they are under-reported, “are perhaps even higher ... than those experienced by any other minority group.” When Chinese victims report race crimes, including serious offences, “they frequently face a response that is shaped by institutional racism – a state of inaction and denial.” It raises serious questions for the official bodies responsible for challenging racism. Available at: <http://www.monitoring-group.co.uk/publications/publications/bm09019-HiddenFromPublicView.pdf>

Security and intelligence

Hackers recruited to help fight against cybercrime, Nigel Morris and Jerome Taylor. *The Independent* 26.6.09. pp. 10-11. This interesting article reports that Security minister, Lord West, says that the new cyber security operations centre at GCHQ in Cheltenham will be staffed “with younger people who had unconventional – and not strictly legal – talents”, namely reformed computer hackers. In announcing details of the new national security package West is quoted as saying: “We need youngsters who are absolutely into this stuff. If they have been naughty boys, quite often they enjoy stopping other naughty boys.” However, he promised that GCHQ would not recruit any “ultra, ultra criminals.” The minister also hinted that GCHQ had its own online attack capability “but he refused to say whether it had been used.” The UK’s move

echoes Barak Obama’s establishment of a cyber security office in the White House.

Te-sat: EU terrorism situation and trend report 2009. *Europol* (European Police Office) 2009, pp. 54. This report has chapters on Islamic terrorism, Ethno-nationalist and separatist terrorism, Left-wing and anarchist terrorism and a couple of pages on Right-wing terrorism and Single-issue terrorism. “For 2008 seven member states reported a total of 515 failed, foiled or successfully perpetrated terrorist attacks. Thirteen member states arrested a total of 1009 individuals for terrorism. The majority of arrests were carried out on suspicion of membership of a terrorist organisation.” Available as a free download: http://www.europol.europa.eu/publications/EU_Terrorism_Situation_and_Trend_Report_TE-SAT/TE-SAT2009.pdf

Could 7/7 Have Been Prevented? Review of the Intelligence on the London Terrorist Attacks on 7 July 2005. Intelligence and Security Committee (Cm 761) May 2009, pp. 102. This report asks why the London bombs of 7 July 2005 were not prevented, concluding that there was a lack of resources to monitor suspects: “Whilst the increase in surveillance capability is welcome, the Committee remains concerned that not enough targets can be covered adequately. The Head of MI5 explained that they still need to prioritise ruthlessly. This means that, even today, they can still only “hit the crocodiles nearest the boat.”: http://www.cabinetoffice.gov.uk/media/210852/20090519_77review.pdf

End the unlawful blacklist! *Labour Briefing* November 2009, pp. 27. This article follows the case of trade union activist, Mick Dooley, who recently won the first round of his fight against construction giant Balfour Beatty after being blacklisted, along with thousands of other construction workers, by Ian Kerr’s Consulting Association. Dooley’s case is now listed for a four day hearing in January 2010. Kerr was fined £5,000 for breaching the Data Protection Act in July. The Central London Employment Tribunal also heard about Balfour Beatty’s relationship with the right-wing Economic League. *Labour Briefing* email: office@labourbriefing.org.uk

Spooked! How not to prevent violent extremism, Arun Kundnani. *Institute of Race Relations* 2009, pp. 45. This pamphlet discusses the Preventing Violent Extremism (Prevent) programme, a government counter-terrorism strategy which it says “focuses on mobilising communities to oppose the ideology of violent extremism.” This study finds that in reality the “Prevent programme has been used to establish one of the most elaborate systems of surveillance ever seen in Britain”. It also forcefully argues that: “there are strong reasons for thinking that the Prevent programme, in effect, constructs the Muslim community as a ‘suspect community’, fosters social divisions among Muslims themselves and between Muslims and others, encourages tokenism, facilitates violations of privacy and professional norms of confidentiality, discourages local democracy and is counter-productive in reducing the risk of political violence.” This important report is available as a download at: <http://www.irr.org.uk/pdf2/spooked.pdf>

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“persons to be barred from certain events, such as European summits or similar venues, international sports or cultural events or other mass gatherings because they are a threat to public order and public security at such events.”
“persons disturbing the public order and/or endangering public security, eg: sports hooligans, violent rioters, sexual offenders, repeated offenders of serious crimes.”
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Statewatch, was founded in 1991, and is an independent group of journalists, researchers, lawyers, lecturers and community activists. Statewatch’s European network of contributors is drawn from 17 countries.

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Statewatch journal

Subscription rates: 4 issues a year: UK and Europe: Individuals and voluntary groups £16.00 pa; Institutions and libraries: £40.00 pa (outside Europe add £4 to the rate)

Statewatch does not have a corporate view, the opinions expressed are those of the contributors.

Published by Statewatch and printed by Russell Press, Russell House, Bulwell Lane, Basford, Nottingham NG6 0BT

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© Statewatch ISSN 0961-7280

Statewatch bulletin is a quarterly Journal. It carries features, analyses and viewpoints plus New material - reviews and sources.

Statewatch’s work is supported by:

Joseph Rowntree Charitable Trust, Garden Court Chambers,

Friends of Statewatch and through an operating grant for 2009 from the Education, Audiovisual and Culture Executive Agency.