

Statewatch bulletin

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PRISONS

UK prisons condemned

Three major British prisons were condemned by the European Committee for the Prevention of Torture, set up under the auspices of the Council of Europe. The Committee, which visited Wandsworth, Brixton and Armley prisons in August 1990, found that 'the pernicious combination of overcrowding, inadequate regime activities, the lack of integral sanitation and poor hygiene... amounted to inhuman and degrading treatment'. It also condemned the use of body belts in the restraint of prisoners.

The Committee's report was not published by the Government until December 1991, when the Home Office published its reply to the condemnation. By then, it had announced its intention to close Brixton's 'F' wing, the psychiatric wing which had produced 14 suicides since 1989. It had also moved teenagers out of Armley prison in Leeds following a number of teenage suicides there. But its protest that conditions had got better since the visit was undermined by the annual report of the Chief Inspector of Prisons, Judge Tumin, which came out at the same time. Tumin complained that nothing had been heard of promised reforms, and that 'expectations in the prison service are too low'. He said remand prisons were 'cramped and claustrophobic', with 'filthy medical facilities' in the reception area, that workshops were still largely unused and training and education undervalued, while treatment for mentally ill prisoners remained far worse than in the old hospitals many had been discharged from.

Too many charges

The conditions in many of Britain's prisons have also resulted in the highest ever rate of prisoners being charged with offences against prison discipline. The latest Home Office report, published in October, shows that in 1990, 81,790 offences were punished, equivalent to 1.8 charges per head of the prison population. The figures suggest that people who complain are charged with offences against good order and discipline: over half the charges related to disobedience or disrespect to prison officers, or 'idleness'. Only 5% were heard before a Board of Visitors; the rest were heard by the prison governor.

Over-representation

Another report, commissioned by the Home Office, and published in December by the Prison Reform Trust, showed that black people, unemployed, homeless, uneducated and mentally ill people were vastly over-represented in prison. Sixteen percent of prisoners were black, compared with 5% in the general population, and their sentences were on average almost twice as long as those of white prisoners. In addition, 31% of convicted prisoners, and 44% of remand prisoners, were unemployed. Homeless people accounted

for 12% of the convicted population and 17% of the remand population, confirming suspicions that magistrates were more likely to remand homeless and jobless people to prison rather than allow them bail. No educational qualifications were held by 43% of the inmates, and about a third suffered from some form of mental illness.

Report to the United Kingdom government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Council of Europe, 26.11.91; Annual Report of the Chief Inspector of Prisons, December 1991; Statistics of offences against prison discipline and punishments: England and Wales, 1990 (Cm 1651), October 1991; Independent 16.12.91.

Seventh prisoner commits suicide

A 20 year old remand prisoner found hanged in Glen Parva young offenders unit became the seventh prisoner to commit suicide in Britain this year. This has raised concern among pressure groups and probation officers that suicide prevention programmes in jails are not working. Harry Fletcher, the Assistant General Secretary of the National Association of Probation Officers, said: 'The Home Office has issued plenty of sound guidance on suicide prevention in recent months. But it is having little impact because conditions that contribute towards deaths in custody, such as overcrowding and under-resourcing, remain the same.'

This latest custodial death has prompted the Howard League to write to the Home Secretary and to urge him to release young people on remand 'as a life-saving measure'. The League concluded: 'The death of yet another young man is an indelible stain on the conscience of the government.'

Independent, 5.2.92.

Black probation officers

The Criminal Justice Act 1991 - the impact on black offenders: Professional conference and AGM of the Association of Black Probation Officers, Bradford University, The Richmond Building, Richmond road, Bradford BD7 1DP. 9-11 April, 1992. Three days with accommodation £130, students £75. Details from: A.B.P.O., The Coach House, 2 Upper York Street, Bristol BS8 8RH or ring the Midlands Convenor on: 0602-603141.

Prisons: new material

Aids, prisoners and the law, Joseph M Kelly. *New Law Journal*, 7.2.92, pp156-158 & 165. Compares the treatment of HIV-positive prisoners in English and New York law.

Prison discipline - the case for implementing Woolf, Rod Morgan and Helen Jones. *British Journal of Criminology*, Vol 31

no 3, Summer 1991, pp280-291.

Community and the Criminal Justice System, Mary Tuck. *Policy Studies*, Vol 12 no 3, Autumn 1991, pp22-37.

Attica: A retrospective, Special issue of *Social Justice*, Vol no 18, no 3, 1991. Contains: **Twenty years later - Attica Civil Rights case finally cleared for trial**, Michael E Deutsch, Dennis Cunningham and Elizabeth M Fink, pp13-25; **'We are not animals, we are human beings': Prison, Protest and Politics in England and Wales, 1969-1990**, Joe Sim, pp107-129; **Prisons and protest in Canada**, John Lowman and Brian MacLean, pp130-154; **Managing Prisoners in Japan: 'Attica' is not probable**, Elmer H Johnson, pp155-170; **Women in Prison: the conflict between confinement and parental rights**, Adela Beckerman, pp171-183; **Review essay on 'Prisons under protest'**, Tony Ward, pp225-229.

Helping, Treating and Doing Good. Anne Celnick and Bill McWilliams. *Probation Journal*, December 1991, pp164-170. Examination of what constitutes 'help' with regard to the supervision of offenders.

Probation Practice with Sex Offenders Surveyed, Mary Barker and Rod Morgan. *Probation Journal*, December 1991, pp171-176. Report on the increase in the number of sex offender programmes that have been set up by the Probation Service and the problems associated with them.

Drug Misusers: Residential Rehabilitation, Mark Boother. *Probation Journal*, December 1991, pp181-185. Examination of the low proportion of drug misusers who complete residential rehabilitation programmes.

Ex-Offender Hostels: All Change, Len Cheston, Nick Day and Cath Johnson. *Probation Journal*, December 1991, pp186-189. Report on the National Health Service and Community Care Act which will alter the funding of housing for ex-offenders.

Recommending Suspended Sentences, Greg Mantle and David Swinden. *Probation Journal*, December 1991, pp190-192. Paper suggests that Social Inquiry Report writers should not be reluctant to recommend suspended sentences to court. **Suspended Sentences: Recommending Caution**, Nigel Stone. *Probation Journal*, December 1991, pp193-194. Reply to paper by Mantle and Swinden.

House of Commons debate

Prison Security Bill, 3.12.91, cols 167-222.

LAW

Baker's bail banditry

Home Secretary Kenneth Baker's pre-election promise of laws to crack down on 'bail bandits' is in contradiction to the views of Home Office research. In September 1991, Northumbria police issued a survey which claimed that 40% of reported crime was committed by people on bail. The study was greeted with widespread scepticism; an earlier study of the Metropolitan police area had found that only 16% of recorded crime was committed by defendants on bail. The National Association of Probation Officers

pointed out that even those figures were likely to be unrealistic, since defendants on bail were more likely to be caught than unknown offenders, and that the real injustice was the remand in custody of many innocent people who were acquitted at trial, and others whose offences did not merit custody.

At the time, the Home Office Research Department shared the general scepticism on 'bail bandits', and was 'not convinced' of the survey's significance. But on 25 February, Baker told the Commons of plans to draft a new law which would require courts to consider offending on bail as an aggravating factor in sentencing, and to allow police to arrest and detain people immediately for breaches of bail.

Independent 5.9.91, 19.2.92, 22.2.92; *Guardian* 22 & 25.2.92.

Killing of black youth 'lawful'

An inquest jury returned a verdict of lawful killing on the death of Ian Gordon in Telford last August. Gordon was killed while brandishing a harmless air pistol at police. Police witnesses had told the inquest that he had shouted at them, 'Get out of the sun - you're dead,' after a warning not to shoot had been shouted. Other witnesses claimed Gordon, who had received treatment for mental illness, had told officers the gun was a toy and could not fire.

Gordon's family renewed their call for a public inquiry into the killing after the inquest, and did not rule out taking a civil action against the police.

Guardian 18, 19, 26.2.92.

Law: in brief

The Royal Commission on Criminal Justice has set up a £400,000 research programme. Copies of the programme and of the questionnaire being sent to governments, lawyers and academics in other countries about their legal system can be obtained from: RCCJ, Whittington House, 19 Alfred Place, London WC1E 7LU 071-273-4600. The Home Office has submitted four papers to the Royal Commission covering: I: police investigation of offences; II: the prosecution of offences; III: rules of evidence; IV: consideration of miscarriages of justice allegations. Copies of these reports and of the forensic science memorandum can be obtained from: 071-273-4600, Price £9.00. Copies of the Lord Chancellor's Department evidence costs £2.00 from: Trevelyan House, 30 Great Peter Street, London SW1P 2DA. Copies of the submissions from Disaster Action can be obtained from: 11 Lamb Street, London E1 6EA and that from the Repeal the PTA Campaign from: PO Box 1340, London N22 4TA.

From 1 April responsibility for magistrates' courts will be transferred from the Home Office to the Lord Chancellor's Department. A new junior Minister post is being created. This follows strong representations against the recommendations of the Le Vay report which said magistrates courts removed from the Home Office and be set up as an executive agency (Magistrates' Courts: report of a Scrutiny 1989 Vols I & II, HMSO, £8.95).

The 7th Annual Conference of the British & Irish Legal Education Technology (BILETA) is being held at Warwick University between 9-10 April. This year's title is: Information technology and legal education: towards 2000. Details from: Mrs Moyra Butterworth, CTI Law Technology Centre, University of Warwick, Coventry CV4 7AL. Tel: 0203-523294.

Law: new material

The limits of obscenity, Gavin McFarlane. *New Law Journal*, 24.1.92, pp85 & 93. Looks at the respective powers of police and

Customs and Excise in relation to obscene material.

The Criminal Procedure (Insanity and Unfitness to Plead) Act, Stephen White. *Criminal Law Review*, February 1992, pp4-14.

Mindful of the need for amendment, Penny Letts. *Law Society's Gazette*, 8.1.92, pp15-16. Outlines changes to provide greater safeguards for defendants who are unfit to plead.

Criminal conspiracy, Simon Farrell. *Legal Action*, February 1992, pp22-23.

Keeping up with PACE, Peter Thornton and Nicholas Paul. *Legal Action*, January 1992, pp11-13.

Change the Law (1) & (2), *Trouble and Strife*, no 22, Winter 1991. Sandra MacNeill reports on the Sarah Thornton case (pp7-11) and a discussion paper on changing the legal definition of 'provocation' by Jill Radford and Liz Kelly (pp12-14).

Feminism and the contradictions of law reform, Margaret Thornton. *International Journal of the Sociology of Law*, Vol 19, no 4, pp453-474.

Black people and the miscarriage of justice: a review of the campaign to free the Tottenham Three, Paul Okojie, SAGE Race Relations Abstracts, Volume 16:3, August 1991, pp21-33.

House of Commons debates

Home Secretary (Appeal Court judgement), 2.12.91, cols 30-34.

Contempt of Court, 3.12.91, cols 223-242

Poll tax (enforcement), 10.12.91, cols 831-840

EUROPE

Dutch parliament debates Schengen agreement

On 30 January the Dutch parliament debated the ratification of the Schengen agreement. The debate was overshadowed by the Christian Democrats (CDA, together with social democrats PvdA in the coalition) attempt to press through a general mandatory identification for all citizens upon request of any police officer. They are now expected to settle on a compromise, with only 'risk groups' such as hooligans, fare dodgers, people in unregistered work who dodge taxes) having to identify themselves. MPs asked the cabinet to reopen discussions with the other governments on ameliorating 'Schengen' on democratic control, citizens rights of appeal and privacy protection, but there is little chance that the partners are willing to break the agreements, which are now expected to come into practice in April 1993. Parliament did bargain for an important clause though, when it demanded that any major move by the executing Schengen Committee should be reported to Parliament at least two months in advance, which would give it adequate time to react. MPs will make the final decision on Schengen in June, and they are expected to agree without enthusiasm. Meanwhile, the German Bundestag has also given the green light on Schengen.

SIS to start in 1993

The Dutch Centrale Recherche Informatiedienst (CRI - Central Criminal Intelligence) announced in late January that the Schengen Information System (SIS) is expected to become operational in all the participating countries on March 1, 1993. The national SIS

(NSIS) computers are called 'national Sirene': (Supplementary Information REquest at the National Entries). In Holland, a team of 17 people is working continuously on the development of NSIS, which is estimated at dfl 11.2 million.

Belgium: TREVI-Liaison Officer Network

The Belgian Gendarmerie is currently recruiting TREVI-liaison officers with the intention of posting them to EC countries as well as to non-EC countries. In the EC countries, their task will consist of exchanging information on criminal matters and on upholding public order. They are also supposed to control frontiers looking for illegal immigrants and assisting legal and political authorities. Those officers based outside the EC will also work for other EC members, gathering and exchanging information concerning officially recognized problems for which bilateral accords exist (for example, drug trafficking) or will be established. When an EC country needs information for its own investigation, these officers are supposed to gather the information in the country where they are posted. Finally, their tasks include observation of crime trends in the country where they are posted and informing their home country and the other EC countries of these trends so that the EC can evaluate and eventually modify its policy concerning the country.

Holland: new crime laws

Banks and other Dutch financial institutions will become obliged to report 'unusual financial transactions' above dfl. 25,000 to the Ministry of Justice. This has been laid down in a bill which also gives several examples of such transactions: depositing large sums of money in small denominations or foreign currency, presenting the money uncounted or in a shoe-box or suitcase, and the repeated depositing of money in a bank where one has no account. The reporting obligation is considered an essential element of the battle against the drugs trade and other serious crimes. Customers are expected to identify themselves for all transactions exceeding dfl. 25,000. Ten extra officers of the CRI will be assigned to monitor these transactions. This Dutch bill is more rigid than the EC-guidelines: where the EC asks for voluntary cooperation of banks, the Dutch government makes the reporting mandatory. Also the EC only proposes to monitor transactions over 15,000 ECU, which is approx. dfl. 35,000.

Bill proposed on group criminality

The Dutch Ministry of Justice wants to penalize the presence of individuals at public order disturbances, such as squatting actions and riots. It will become an offense to 'be consciously present near a public order disturbance by not leaving the area and being on the site on purpose.' The bill is inspired by the virtual demolition of a train by a group of soccer hooligans and the acquittal on appeal of squatters who inflicted heavy damage during an eviction in Groningen in 1990.

Gibraltar: Human rights abuses

The British government has responded with a marked lack of concern to allegations made in a report by the Joint Council for the Welfare of Immigrants (JCWI) on systematic and flagrant abuses of human rights in the colony of Gibraltar. According to the report, published in February, Moroccan workers on the Rock, some of whom have lived there for 23 years, are deported as soon as they are unemployed - yet EC workers are always accorded preference in the job market. In addition, children born there are deported, and

pregnant women are forced to leave. The migrant workers are denied social security benefits, despite paying tax and national insurance, and are housed in filthy and overcrowded 'barrack-style' hostels. JCWI said it intended legal actions against the British government in the European Court of Justice and the European Court of Human Rights. But the governor's office was unrepentant. It was planning even tougher measures, which would prevent all wives and children from visiting the colony, because in the past 'women had become pregnant on visits and then tried to stay with their husbands'. *Between a Rock and a Hard Place, JCWI, 115 Old Street, London EC1V 9JR; Independent 3.2.92.*

Belgium: Schengen Conference

The University of Gent in Belgium organized on 31 January a conference on legal and political cooperation in the framework of the Schengen convention. One of the nation's highest legal authorities, the chief public prosecutor of Gent, Mr. Bauwens, criticized the Belgian Ministry of Justice for its refusal to give him a copy of the Schengen agreements. Mr Bauwens said the Gendarmerie coordinates the international exchange of legal information with no control whatsoever from Belgian legal authorities.

Colonel Bruggeman, of the Gendarmerie, warned that some pro-active techniques such as undercover operations, controlled drugs deliveries and telephone tapping are subject to different national laws and will give rise to legal problems if brought to court in another country. For example, Belgium does not have any law governing these surveillance techniques, solely operating under guidelines from the Ministry of Justice. He also had personal knowledge that non-official international groups such as 'Air and Seaports' were building up their own international coordination without any oversight. He noted that information on extradition of illegal aliens is sometimes not sent through Interpol because of the overreaction of home country authorities and resulting ill-treatment of illegal immigrants returned to their homeland.

Another speaker, Professor Van den Wijngaert, said the police will have uncontrolled powers under the Schengen Agreement to choose the place, the country and the moment to arrest and bring a suspect to court. But how, he asked, will judges and defence lawyers be able to determine the source and legality of the evidence gathered?

Europe: in Brief

A Scottish judge, David Edward, is to replace Sir Gordon Slynn as Britain's judge on the bench at the European Court of justice from March 10. Edward practised law in Scotland between 1962-1989 after which he became a judge at the EC Court of First Instance. He has also acted as a special adviser to the House of Lords select committee on EC legislation. *EP News 10.2.92.*

Conference: security services: On March 27-29, 1992, the Green Party (Buendnis 90/ Gruene) in Berlin is organizing a seminar, in German, on the security services, their accountability, problems of informers, and the psychopathology of secret services, their modes of operation and their typical language and outlook. They invited a large number of intelligence operators, chiefs, professors, MPs, activists etc. It is in German, and participants are asked to contact: Fraktion Buendnis 90/ Gruene z.Hdn Renate Kuenast Rathaus Schoeneberg, 1000 Berlin 62, Germany telefax ++49 30 783 87 41

Europe: new material

Widening the community? EC relations with European and

global partners, John F Dunn. Wilton Park papers no 40, 1991, HMSO, £7.50, pp30.

Black and Third World peoples' citizenship and 1992, Ram Paul. *Critical Social Policy*, no 32, Autumn 1991, pp52-64.

Racism and politics in Europe Today, Etienne Balibar. *New Left Review*, no 186, 1991.

House of Commons debates

European Council (Maastricht), 11.12.91, cols 859-879

Maastricht, 18.12.91, cols 275-426 & 19.12.91, cols 477-556

NORTHERN IRELAND

Brian Nelson

Brian Nelson, the British Army agent who acted as intelligence officer in the legal loyalist paramilitary group, the Ulster Defence Association (UDA), was sentenced to ten years imprisonment on 3rd of February. With time served on remand and remission, it is estimated that Nelson will be released within five years. Nelson had pleaded guilty to charges of collecting and possessing information likely to be of use to terrorists, to one charge of possession of a sub-machine gun and to five charges of conspiracy to murder.

Nelson was originally charged with two counts of murder and a further 13 charges of collecting information for use by terrorists. Amid widespread accusations of a cover up, the Crown withdrew these charges after Nelson adopted his guilty plea. This had the affect of preventing the full details of Army/loyalist collusion and other covert Military Intelligence operations being revealed in open court.

Nelson joined the UDA in 1972. He was recruited by military intelligence in the mid-70s. In 1983 he was appointed as the UDA's intelligence officer. By 1985, however, he is reported to have become sickened by random sectarian killings and by the apparent pleasure of one UDA operative who would return from a killing in a state of frenzied excitement. He then moved to Germany but maintained links with both Military Intelligence and the UDA. He was invited to London early in 1987 to discuss with MI5 the possibility of going back to the UDA in Belfast. This he did in April 1987 with the offer of a £2,000 deposit for a house and a regular wage of £200 per week. He quickly took over as head of UDA intelligence for Belfast

Nelson was arrested in January 1990 as part of the Stevens inquiry into loyalist/security forces collusion, specifically the leaking of official documents to assist loyalist paramilitary groups to target nationalists and republicans. When the Stevens' inquiry was announced, Nelson placed more than 1,000 leaked documents with his military intelligence handlers for safekeeping. Military intelligence's FRU - variously described as the Force or Field or Forward Research Unit (run by 14th Intelligence Company which also coordinates SAS operations) - in turn held on to these for four months. Not until Nelson admitted the existence of the documents to the Stevens' team did the FRU come under pressure to return the papers.

Colonel `J'

The Nelson affair has once again underlined the friction between the military and RUC in the intelligence and covert operations field. Although most informers are run by the RUC's Special Branch, the

British Army still retains its own agents and has even sought to poach spies from the RUC. From Nelson's trial it is unclear how much information he passed on to FRU and to what extent FRU kept the RUC informed of planned UDA bombings and assassinations. In particular, question marks remain over just how military intelligence used its relationship with the UDA. According to an unnamed colonel 'J', Nelson's loyalty lay with the Army, indeed he had once been a soldier with the Black Watch regiment twenty years ago. He claimed that his role was a courageous life-saving one countering terrorism. In the three years prior to his arrest, Nelson had given the colonel 730 reports concerning threats to 217 individuals, including plans to place a limpet mine under Gerry Adams' car. Nelson's defence lawyer went on to describe him as a victim of an intelligence system which turned a blind eye to criminal activity when it suited, but washed its hands of a brave hero when things went wrong and the extent of collusion began to be exposed. The detention and trial of Nelson (and other leading UDA figures), it is now argued within intelligence circles, has meant that the Army can no longer keep the lid on UDA activity.

There are indications, however, of the Army playing a more pro-active role in UDA operations and strategy, including preventing some actions while allowing others to go ahead. One Army-inspired plan was for the UDA to bomb commercial targets in the Irish Republic. The theory behind 'Operation Snowball' was to stimulate political demands in the South for the extradition of loyalist suspects. This would oblige Dublin to reciprocate by extraditing republicans to the North. It is also clear that the authorities in Belfast and London knew that the UDA were being fed intelligence files on republican suspects at least two years before the Stevens' inquiry was announced.

South African arms

One report has claimed that Nelson knew in advance of arrangements concerning a large cache of arms supplied to a range of loyalist groups by the South African authorities in January 1988. The shipment which included 200 AK47 rifles, 500 grenades, pistols and rocket launchers, was shared out in a farmyard near Portadown between the UDA, UVF and Ulster Resistance. Nelson had already been working for military intelligence for several years when he was sent by the UDA to South Africa to investigate a possible arms deal. The South Africans' interest in cooperating with the loyalist groups lay in the hope that they could procure blueprints of missiles from the recently privatised East Belfast company Shorts, now owned by the Canadian group, Bombardier. Much of the shipment was intercepted by the RUC but it is thought that Ulster Resistance have secured most of their share. Some of the South African weapons were used by Michael Stone to kill three of the mourners at Milltown Cemetery who were attending the funerals of the three IRA members killed by the SAS in Gibraltar.

Following the trial, the widows of two men killed by loyalists associated with Nelson reacted angrily. One demanded that Nelson and colonel 'J' be tried for murder. The other threatened to sue the Ministry of Defence for negligence.

A review of the role of military intelligence is now in progress. One view, canvassed by Kevin McNamara, is that the RUC should have primary control of all security matters, including intelligence. Given the history of military involvement in intelligence gathering and 'dirty tricks', and the mistrust between the military and RUC, it is unlikely that the Army will surrender its role easily. Instead it is likely to press for access to the RUC's more sophisticated computers and databases, while continuing to preserve some autonomy for special operations.

Guardian, 23.1.92; 30.1.92; 4.2.92; *Independent*, 9.1.92; *Irish News*, 11.1.92; 23.1.92; 30.1.92; 4.2.92; *News Letter*, 30.1.92;

4.2.92; *Sunday Tribune*, 9.2.92.

Northern Ireland: New Material

Bloody Sunday - What Really Happened?, Eamonn McCann, Dingle: Brandon Books, 1992.

'In Cold Blood: 'Bloody Sunday' and its Bloody Legacy', Cal McCrystal, *Independent Magazine*, 18 January, 1992.

Inside story Special on Bloody Sunday, BBC Television, 28.1.92. **The Bloody Sunday Murders**, Channel 4, 24.1.92. **Secret History: Bloody Sunday**, RTE, 30.1.92.

Labouring under an illusion, Bill Rolston, *Chartist*, Winter 1992, p7. Discusses calls from within the Labour Party to organise in Northern Ireland.

We are on the road to internment, John Weeks, *Police*, November 1991, pp24-26. Weeks interviews Hugh Annesley, RUC Chief Constable.

Intimidation, interrogation and isolation, Philippa Kaufman, *Socialist Lawyer*, Winter 1991, p7. Recounts the anxieties felt about abuses of the criminal justice process by a Haldane delegation to Belfast.

Inquests and Disputed Killings in Northern Ireland, Committee on the Administration of Justice, Pamphlet no 18, Belfast, 1992, IR4.00/£3.50 stg. This pamphlet shows that out of the 75 deaths caused by RUC members and soldiers since November 1982, inquests are still pending in 45 cases. It pinpoints how Northern Ireland's inquest system has been weakened since changes enacted in 1926 and subsequently, and argues that inquests are no longer viable courts of inquiry where disputed deaths are concerned. Using principles contained in the UN's Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the pamphlet calls for a number of reforms designed to ensure that inquests are held promptly, that the interests of relatives are properly represented and that coroners are empowered to compel witnesses to testify before a jury. Finally, it calls on the British government to establish a committee to review the functioning of inquests.

Killer in Clowntown: Joe Doherty, The IRA and The Special Relationship, Martin Dillon, London: Hutchinson, 1992. ISBN 0 09175306 6, 271 pages, £6.99. Dillon produces first hand evidence that Thatcher put pressure on the US Administration and Judiciary to extradite Doherty as a *quid pro quo* for British favours to the US. Referring to the extradition of Doherty, diplomat Cowper Coles said to US Attorney, Otto Obermaier, that 'Mrs Thatcher was briefed overnight on the case' and that 'the Prime Minister believes you owe us this one. She allowed your Government to use our territory for your F1-11s when they were on their way to bomb Tripoli'. Joe Doherty was deported to Belfast on 20 February 1992.

Report of the Public inquiry into the Killing of Fergal Caraher and the wounding of his brother Miceal Caraher in Cullyhana, Co. Armagh on 30th December 1990, Dublin: Irish National Congress, 1992, ISBN 0 9518603 0 5, 120 pages, A4, Price IR£3.50, available from INC, PO Box 2814, Dublin 7. Before the publication of this report, it emerged that a barrister had been asked by the DPP to examine the police file on the case. In what was regarded as an exceptional move, the barrister recommended that

the police re-interview certain witnesses. Shortly after the report's publication, two marines were charged with murdering Fergal Caraher.

SECURITY & INTELLIGENCE

Which way for MI5?

The demise of the Soviet 'threat' has led to far-reaching reviews of the role of intelligence and security agencies in the USA and Europe including those of MI6 (espionage) and MI5 (internal security). In Holland the Inlichtingendienst Buitenland (IDB) MI6's equivalent foreign intelligence has just been abolished. The internal security service, the BVD, MI5's opposite number, has recently completed a 'threat analysis' for the post-Cold War era (see story below). A senior official summed up the direction of their thinking: 'the days of domestic security doctrine are over: we are thinking European now'. Is this the direction that MI5 will go in? If it does will it run up against opposition from MI6 and the Special Branch?

In the past the respective roles have been as follows. MI6, the Secret Service, collects intelligence (military, political and economic) and conducts espionage and destabilisation operations outside the UK and colonies. MI5, the Security Service, deals with espionage and subversion within the UK and the colonies. The Special Branch, founded in 1883 to combat Irish Fenian bombings, has maintained this role in Britain while also helping MI5 with espionage and counter-subversion.

The ending of the Cold War poses more of a threat to MI5's continued existence than to MI6. MI6 claims that there are many potential threats to the interests of the UK, in the EC, Eastern Europe and the Third World. The gathering of political and economic intelligence, countering rival espionage agencies, as well as keeping an eye on the nascent democracies in Eastern Europe and the Commonwealth of Independent States (CIS) ensures its role well into the future. The exchange of intelligence with the KGB and other East European agencies on Third World countries previously close to the Soviet Union is one of its current priorities.

With decolonisation MI5 saw its role contract but this coincided with the increased Soviet 'threat' which gave it a new role. Counter-espionage against the Soviet espionage in the UK and counter-subversion against supposed Communist sympathisers were its main tasks. In the seventies it also developed a counter-terrorist branch. Now with the ending of Soviet espionage and subversion, real or imagined, and with their own assessment that internal subversion is at a low point, MI5 is searching for a new role.

One of the questions raised in a report currently being considered by the Joint Intelligence Committee is whether or not MI5 should extend its role and take charge of investigating IRA terrorism in Britain. Police chiefs alarmed at this possible extension of MI5's role leaked the story to the newspapers. If MI5 takes over terrorism then it will be drugs next is the police believe.

Terrorism has been the issue which has allowed MI5 to take a major part in the working groups of Trevi (the inter-governmental grouping outside of EC structures). It also participates in the 'Police Working Group on Terrorism' - meetings of EC security services, Special Branches and police. Indeed, there is an argument that the EC is becoming part of the 'domestic' rather than a 'foreign' sphere. For its part, the Special Branch in the Metropolitan Police through its European Liaison Section (ELS) has established links with its counterparts since 1976 and has a dedicated communications system. But it was MI5 who trailed and pinpointed three IRA people in Gibraltar who were shot dead in 1988.

A direct connection is made in the discussion of a Europe without

internal borders between terrorism, immigration and drugs. Any agency dealing with terrorism in the UK, and with a remit to cover the EC, has to have access to the intelligence databases on refugees, asylum-seekers, visa entrants, and Third World migrants settled within the EC.

The main indexes on immigrants is held by the Immigration Department of the Home Office. It holds a suspect index, a port precautions index, and the intelligence unit index. Scotland Yard has its own more specialised index related to 'passport raids' on suspected illegal immigrants in London and to the Special Branch role of vetting applications for nationality and, outside London, arresting suspected illegal immigrants.

The new role MI5 appears to be seeking would give them the leading role of terrorism in the EC and the UK with access to information on immigration, and to the new Police National Computer (PNC2) and the new National Criminal Intelligence System (NCIS). When the dust has settled after the present review the division of responsibility may look this: the police will have the new NCIS (see story under Policing) covering crime but excluding terrorism, internal subversion and immigration; MI5 will have established a role on terrorism and subversion in the EC alongside MI6 whose main interest will be in Eastern Europe; and the Special Branch will have a more limited role on terrorism in the UK.

Holland: 'Threat analysis'

The Dutch internal security service Binnenlandse Veiligheidsdienst (BVD) published its first unclassified 'threat analysis' on 19 February. The report states that corruption of civil servants, terrorism, arms proliferation, sabotage of vital infrastructural systems and services and theft of high-grade technology, together with organized crime form the new diffuse panorama of dangers that Holland has to prepare for. BVD analysts point to the danger of political, ethnic or religious conflicts originating in the Middle East or Africa that could spread to the Netherlands.

According to the report, because of its relatively stable character the Cold War offered a certain amount of security. This balanced situation has definitely come to an end: 'Our concept of safety needs thorough modification' according to the BVD. The report argues that subversion of the democratic order 'from the extreme left side of the political spectrum' no longer poses a serious threat. Rightist extremism is also not considered 'an especially big factor of threat', although the BVD says it carefully monitors whether foreign groups gain any influence in Holland. Terrorism is seen as a more serious risk, with no certain protection possible.

Among the groups on which BVD agents keep a keen eye are Islamic 'fundamentalists', Sikhs, Tamils, Yugoslavs, Turks, the Provisional IRA and the Basque ETA. Several Eastern European secret services still operate in the Netherlands, but their main interest nowadays seems to be economic espionage.

Bomb attacks ignored

The report painstakingly avoids any reference to the recent wave of bomb attacks by extreme right activists against immigrant projects, radical left-wing activists against the firmer immigration policy, and anti-militarist activists against helicopters of the new Dutch Air Mobile Brigade (a 3000-strong rapid intervention force presently under development). Serious incidents against which the BVD so far has not been able to do anything more than claiming in public that it knows the perpetrators. Furthermore, the BVD is under serious criticism from political parties throughout the political spectrum for refusing to end operations and infiltrations of activist and left-wing groups.

GCHQ: past and present

The last Prime Minister, Mrs Thatcher, said in 1984 that: 'There is an inherent conflict between the structure of trade unions and loyalty to the state'. Eight years ago the government decided to ban trade unions at the Government Communications Headquarters (GCHQ) at Cheltenham. A new book 'A conflict of loyalties' by Hugh Lanning and Richard Norton-Taylor (New Clarion Press, 230 pages) tells a story that needs to be recorded of the ban and the union fightback.

By chance a 'secret' document released in the Public Records Office in January sets out the original purpose of GCHQ in 1960. Its two jobs were defined as Communications Security (COMSEC) to secure UK communications and those of its allies, and Signals Intelligence (SIGINT). SIGINT being set out as: 'the analysis and where possible the reduction of the security of other government's communications'. It goes on to note that the 'relationship of communicator and interceptor is non-cooperative' and thus requiring sophisticated and expensive technology.

Public Records Office, WO/95/14887 (uncovered by Rob Evans of the Campaign Against Military Research on Campus).

CIVIL LIBERTIES

The right to criticise

Freedom of speech was upheld in the Court of Appeal in February, by the invocation of Article 10 of the European Convention on Human Rights. In an important decision, the Court said that local authorities and government departments should not have the right to sue for libel and thereby stifle legitimate public criticism of their activities. The case arose from an article in *The Times* about investments made by Derbyshire County Council and its Labour former leader David Bookbinder. He can still sue, as an individual, but the important principle remains that strong criticism of Council and government department policies can be made without fear of a writ - unless the House of Lords reverses the decision.

Independent 21.2.92

Civil liberties: new material

The following are recent publications added to the library of Liberty, 21 Tabard Street, London SE1 4LA. Tel: 071-403-3888. They are available for reference. Please make an appointment if you wish to visit- a small charge is made to non-members.

A bill of rights for Scotland, Miller, Alan. Scottish Council for Civil Liberties, 1991, 23pp, £3.00

Rule of law in a state of emergency: the Paris minimum standards of human rights norms in a state of emergency, Chowdhury, Subrata Roy. Pinter, 1989. 289pp, £37.50.

The point of order: a study of the consultation arrangements under Section 106 of the Police and Criminal Evidence Act 1984. Commission for Racial Equality. CRE, 1991. 36pp.£3.50.

Science and the administration of justice: report of a Committee set up by Justice and the Council for Science and Society chaired by Judge Christopher Oddie. Justice and Council for Science and Society. Justice 1991, 66pp, £4 (pb)

Advising a suspect in the police station: guidelines for solicitors. Criminal Law Committee of the Law Society. Law Society, 1991. 95pp, 3rd edition £8.50.

Criminal law: rape within marriage. Law Commission. (HC 167) HMSO, January 1992. £8.50.

The United Kingdom and human rights, Clair Palley. (Hamlyn lecture), Stevens and Sons/Sweet & Maxwell, 1991, 236pp, £15 (pb).

Sexual harassment, Terry Pattinson. Futura, 1991, 186pp, £4.50 (pb).

Immigration law and policing in Southwark, Sorrel Pindar. Southwark Council, 1991, 32pp.

House of Commons debates

Freedom of information, 24.1.92, cols 662-673

Homelessness, 12.12.91, cols 1090-1110

Socialism, 13.12.91, cols 1230-1298

IMMIGRATION

Asylum Bill - gone but not forgotten

The Asylum Bill was quietly abandoned in mid-February in the face of strong cross-party opposition to most of its provisions, which would have prevented its speedy disposal in time for the general election.

On 10 February, Home Secretary Kenneth Baker conceded defeat on his plans to end 'green form' legal aid for advice and assistance on immigration and asylum matters, after a campaign had exposed the injustices of the scheme. Baker had intended to turn the Home Office-funded United Kingdom Immigrants Advisory Service (UKIAS) into the sole provider of legal advice in the field. But UKIAS itself voted against the proposal, and attempts by the Home Office to force its hand by threats to its funding had resulted in deep splits in the organisation. This, together with findings of racial discrimination in the selection of staff, made its choice a political impossibility, and there was no other organisation which could carry out the monopoly provision of immigration advice.

Just three days later came the news that the Asylum Bill was not to proceed any further after its second reading in the Lords. Opposition to the Bill centred on its provisions for finger-printing of asylum-seekers, deportation of visitors and students whose asylum claims were rejected, dilution of local authorities' duties to house homeless asylum-seekers, and a right of appeal hedged about with strict procedural and substantive restrictions.

The Bill is, however, likely to return after the General Election. Although Roy Hattersley, Shadow Home Secretary has called the Bill 'despicable' in parliament, Labour's Home Affairs spokesman, Alastair Darling, was quoted at the beginning of March as saying that if the Home Office 'meet the outstanding objections made by us and the refugee groups, I do not see any problem in getting the Bill on to the statute book'.

The European dimension

At its December 1991 meeting in Maastricht, the Ad Hoc Group of Ministers responsible for immigration agreed on further measures to harmonise the immigration and asylum laws and practices of the EC member states. The Ad Hoc group, as its name suggests, is not within EC competence, but works on an intergovernmental level

within the twelve. It has produced the Dublin Convention, signed in 1990, which restricts asylum-seekers to one application in Europe and denies them the right to choose the country they apply to by making the first EC country they arrive in responsible for determining their claim.

Under the Convention, the RIO ('refugees in orbit') phenomenon has grown, as refugees are shunted between one European air or sea-port and another, and countries squabble over their responsibility to take them. The Group has also produced a draft Convention on the crossing of external borders, which defines common visa policies and criteria, and proposes a common list of 'undesirables' who are to be refused entry to all EC states.

The Ad Hoc Group's point of departure on refugees is that many, if not most, are 'bogus' - disguised economic refugees. It recommends fingerprinting as an acceptable way of identifying asylum-seekers. It also wants to see a 'fast-track' procedure to deal with 'manifestly ill-founded' applications, and has set up working groups to work out how to identify such claims. To the Group, harmonisation of refugee laws and reception procedures is vital to ensure that all EC countries are equally unattractive to would-be asylum-seekers.

The 'harmonisation' of a common policy is likely to lead to the 'lowest common denominator' approach to refugees throughout Europe. If Germany has 'collection camps' where refugees are detained, so should the rest of Europe. If Germany fingerprints refugees (it has done since 1990), so should the rest of Europe. If Denmark and Italy and Germany and Britain fine airlines who carry refugees without documents, so should the rest of Europe.

Fake marriages

The Dutch Ministry of Justice is preparing a bill which will penalize getting married for obtaining a residence permit. Dutch people who marry an 'alien' only to help him or her to a residence permit will be punishable by one year imprisonment for first offenders, 3 years for repeated offences. The civil servant at the Registry Office will have to ask an alien for their permit. If this cannot be produced, the 'alien' will have to go to the police first. The Aliens Department of the Ministry of Justice last year opened a 'Bureau of Special Affairs', which investigates aliens starting a family and reunions.

The Ministry is also working on a Central Aliens Registration, a national computer database in which all aliens are registered. This database is to be connected to the Municipal Basis Administration (the central Public Register network), which will allow all official services to check within seconds if they are dealing with a legal or illegal alien.

Smart cards for immigration?

The Home Office is 'watching with interest' a Dutch experiment in which frequent international travellers are given an electronic 'immigration card' which they pass through a machine instead of having passports manually checked at immigration control. The card carries the holder's fingerprints and other personal data.

The scheme brings nearer the prospect of universal monitoring of passengers' movements throughout Europe under the guise of improvements in speed and travellers' convenience. The Home Affairs Select Committee, in its 8th Report, has made clear its preference for a 'smart card' over the British Visitor's Passport, which it claims is too easily forged.

Evening Standard 18.2.92; *Home Affairs Committee 8th Report, 1990/91, on the Home Office Annual Report, 21.10.91*

Euro-visa confusion

In answer to a parliamentary question from Teddy Taylor MP, Peter Lloyd, Home Office minister for immigration, said that it was Home Office policy to 'resist proposals for visitors to other EC countries on visas thereby to have the right to enter Britain'. He denied that the mutual recognition of visas contained in the draft external frontiers convention implied such a right.

The drafters of the convention, and the interior ministers of other EC countries, would be surprised to hear this, since the convention is quite clear that holders of a 'Euro-visa' would, once they were admitted to one EC country, have the right to travel throughout the Community for up to three months.

Hansard 20.2.92 col. 265.

House of Commons debate

Asylum Bill, 21.1.92, cols 187-285

MILITARY & NUCLEAR

Italian report on Gladio

A draft parliamentary report on the Gladio network, which was initially set up by NATO to fight a guerilla war in the case of a Soviet invasion, has concluded that the organisation was an illegal armed band. The president of the commission on terrorism, Libero Gualtieri, wrote: 'There was no justification for Gladio, neither at the start nor the finish. Indeed, there was an increase in its threat and its illegality with the passing of years...Gladio was a component in that strategy which by planting within the system elements of tension, justified the chance for 'stabilising' interventions.' He goes on to advise that, 'The time has come to act and punish those responsible for the deception.'

In a separate development a memorandum, issued by two military judges from Padua, has accused six secret service generals involved in organising the network of high treason and sabotage and suggests that they will be arrested. The memorandum is based on documents from 'Office R', (Gladio headquarters), and outlines a programme of political disruption and 'possible acts of terrorism'. General Gerardo Serravalle, the head of Gladio during the early 1970s, is heavily implicated in this strategy. The memorandum also links Gladio with a fascist organisation 'Marine Star', a Mussolini veterans' group set up after the second world war.

The reports are thought to have serious implications for the besieged Italian President Francesco Cossiga who has staunchly defended the network, and is standing for re-election later this year. Indeed, Cossiga's outspoken support has caused consternation among his Christian Democrat Party, while the Italian press has questioned his sanity. During a recent North American tour he told astonished journalists that during the 1948 election: 'I was part of a group of young Christian Democrats, armed by the *carabiniere*, ready to defend the party in the event of a Communist coup d'etat...' The arms were apparently issued to the paramilitary group and 'bought with funds put at the disposition of the party.'

Cossiga's name has also come up in a recent trial linking Licio Gelli, grandmaster of the P2 masonic lodge, with leading politicians and the Ndrangeta drug and arms running network. Both Gelli and P2 have been heavily implicated in the Gladio scandal. During the course of the trial he is heard, in tapped telephone conversations, assuring leaders of the Ndrangeta that he will use his influence with Cossiga, and Prime Minister Andreotti, to secure the release of members of their organisation.

Guardian, 7.12.91, 15.1.92; 30.1.92; *Irish Times*, 23.1.92.

German nuclear waste to Dounreay?

Germany is facing a storage crisis for its spent Highly Enriched Uranium (HEU) and is currently considering a report which recommends that up to 3,100 used fuel elements would be moved to Dounreay in Scotland. The waste would be temporarily housed at Dounreay and then either returned to Germany once new storage facilities have been built, or reprocessed at Dounreay and the waste kept there for up to 25 years. If it is agreed, there will be a huge expansion in Dounreay's waste trade with nearly 120 shipments by road, rail and sea where the current contract for 1992 is for 10 such shipments.

Northern European Nuclear Information Group (NENIG), Briefing no 52, February 1992.

Military & nuclear: in brief

Defence Export Service Organisation: has the following overseas offices (date set-up in brackets): Washington (1972); New Delhi (1984); Riyadh (1984); Kuala Lumpur (1986); Seoul (1988); Ankara (1988); Kuwait (1988); Canberra (1989); Jakarta (1991); Bangkok (1991) (*Hansard*, 23.1.92, col 340). **New Chief of General Staff:** General Sir Peter Inge has been appointed Chief of the General Staff in succession to Field Marshal Sir John Chapple (*MOD press release*, 13.2.92). **New Army districts:** the two Army districts of Wales and Western are to be amalgamated from April as are the South-East and South-West districts. The five districts will then be: Scotland, Eastern, Wales and Western, Southern and London (*MOD press release*, 11.2.92). **Territorial Army:** the size of the part-time Territorial Army is to be cut from 74,000 to 63,500 (*Times*, 11.12.91). **US special forces in UK:** RAF Alconbury is to become the command and operations centre for US special forces. The unit, equipped with helicopters and specially adapted transport plans will be available for use in a terrorist crisis in Europe, the Middle East, Africa or the CIS (*Sunday Telegraph*, 26.1.92). **The future of emergency planning in London,** a new role for the London Fire and Civil Defence Authority (LFCDA) is proposed in a report published by the London Emergency Planning Information Centre (EPI). Available from Emergency Planning Information Centre, Bedford House, 125-133 Camden High Street, London NW1 7JR.

Military: new material

The Gulf war, Iraq and Western Liberalism, Peter Gowan. *New Left Review*, no 187, 1991, pp29-70.

The future of neutrality in Europe, Richard Latter. Wilton Park papers no 41, HMSO, £7.50, pp37. Report of a conference entitled: Neutrality in Europe: anachronism or model for the future? Reaches the conclusion that neutrality is out-moded as the Soviet threat no longer exists.

House of Commons debates

Marine Simeon Ferrante, 25.11.91, cols 752-760
Fusilier Lee Thompson, 3.12.91, cols 583-590
Reserve forces, 10.12.91, cols 733-749
Territorial Army, 12.12.91, cols 1111-1123
Nuclear defence, 14.1.92, cols 817-911
European fighter aircraft, 20.1.92, cols 30-36

RACISM AND FASCISM

Neo-nazis arrested after arms find

Recent months have seen a rising tide of racist attacks by neo-nazi skinheads across Hungary which, according to the anti-racist Martin Luther King organisation, have left between 60-80 black people injured. It has been claimed that much of the impetus for these attacks has come from the west and the discovery of an arms cache, which included grenades and guns, along with fascist propaganda, at a sports club in Gyoer, Hungary, goes some way to confirm this.

Seven members of the Hungarian National Socialist Action Group were detained, but later released, by the police, but the club has also been linked to Gottfried Kussel, leader of the Austrian neo-nazi People's Loyal Parliamentary Opposition (Vapo), who was arrested by the Austrian authorities following the find.

Vapo are known to have been involved in organising paramilitary training camps, outside of Vienna, for some time but, it is claimed, their activities were not reported. Much of the funding for their training, and propaganda, is believed to have come from the United States and the name of former Ku Klux Klan leader, David Duke, who recently stood for the governorship of Louisiana, has been mentioned in the course of investigations. Kessel is seen as pivotal figure in these networks.

Four other members of Vapo, who were close to Kessel, were arrested in January for a firebomb attack on a refugee centre housing 200 people.

European 6.2.92; *Independent* 21.1.92, 24.1.92; *Times* 30.1.92

Sweden: Reward offered for racist gunmen

The Swedish government is offering a \$400,000 reward for information leading to the arrest of gunmen responsible for a series of attacks on black people that have left one man dead and several seriously injured. The dead man, Jimmy Ranjbar, a student, was shot in the head from point blank range last November. Another five attacks were carried out at the end of December. The latest shooting, in Stockholm, coincided with the trial of the leader of the racist White Arayan Resistance (VAM) group, and left Palestinian shopkeeper, Hasan Zatera, with serious head injuries.

Independent, 6.2.92.

March remembers deaths

Over 2,500 people joined an anti-racist march to mark the first anniversary of the death of 15 year old Rolan Adams, in a racist attack in Thamesmead, south-east London a year ago (see Statewatch 3). The march passed the British National Party headquarters in Welling, where a wreath was laid. One youth was sentenced to life for Rolan's murder, but other members of the gang involved in the attack had their charges dropped.

In nearby Manor Park, East London, a torchlight procession was held following the murder of 28 year old Panchadcharam Sahitharan in a racist attack at the end of 1991. Mr Sahitharan, a Tamil refugee, was attacked by a gang of white youths and beaten with baseball bats. He died four days later, without regaining consciousness.

Mr Sahitharan is the latest victim of a series of racist murders in the area over the past ten years that include Akhtar Ali Baig in 1980, Mrs Khan and her three children in 1981, Eustace Pryce in 1984, Shamira Kassam and her two children in 1985 and an 18 month old baby, Alia Miah, in 1991.

The Sahitharan Memorial Committee can be contacted at PO Box

BNP intimidation in Glasgow

The twentieth anniversary of 'Bloody Sunday', the day soldiers of the British Army Parachute regiment shot dead fourteen unarmed civilians at a protest against internment without trial in Derry, Northern Ireland, was marked by a march and rally through Glasgow city centre on 18 January. It was the first occasion since 1983 that a 'pro-Irish' march was allowed through the city centre. About 700 people took part, including five Republican flute bands.

It was opposed by Loyalist organisations such as the Apprentice Boys of Derry and the Orange Order, as well as the neo-Nazi British National Party (BNP). Following attempts to disrupt the march 23 supporters of the BNP were arrested. After the march a campaign of intimidation was launched by the BNP against one of the organisers of the march and a local radical bookshop.

The organiser, who had her name published in a Scottish newspaper, received threatening phone calls, and was forced to leave her house and go into hiding. Earlier the BNP had targeted a couple with a similar name, mistaking them for the organiser.

Three days after the march Clyde Books was attacked. In a press release they say three neo-fascist thugs ransacked the shop and trying to cause as much damage to stock, shelving and postcard racks before running away...'. Clyde Books have launched an appeal for funds to improve the security of the shop; they can be contacted on 041 552 4699.

CARF 7, March/April 1992; Socialist, 13.2.92

Persecution in Germany

Home Secretary Kenneth Baker conceded in January that refugees could be vulnerable to persecution by neo-Nazis in Germany. He agreed to reconsider the claim of a Sudanese man who, having fled to Germany, had to flee to Britain after neo-Nazis had attacked the refugee camp in east Berlin where he was staying. Initially, Home Office officials had tried to send the man straight back to Germany, but leave was granted to challenge the decision in the High Court. In the wake of the court decision, Baker agreed to consider the man's asylum claim.

Guardian 22.1.92

POLICING

National Criminal Intelligence System

On 1 April 1992 the National Criminal Intelligence System (NCIS) will begin operations. It will provide centralised intelligence on serious crime and criminals to police forces in the UK and provide the central point for the exchange of intelligence with other EC police centres.

A number of internal reports had recommended the creation of a national information or intelligence function for the police - the Baumber report (1975), the Pearce report (1978) and the Radcliffe report (1986). The impetus to actually create a national intelligence system came out of the Trevi Group meeting and the development of the European police organisation (Europol). In 1989 Mr Dickens, Executive Co-ordinator of the Regional Crime Squads, was asked to prepare a report in the light of: 'the increasing sophistication of criminal behaviour and the likelihood that this would increase further following the relaxation of controls on movement in 1992'. In July 1990 the Association of Chief Police Officers approved a working party report.

The creation of NCIS involves the transfer of central units

currently based at London's Metropolitan Police HQ to the NCIS and the reduction of the nine Regional Crime Squads (RCS) to five. The Regional Crime Intelligence Offices (part of the RCSs) will be form a network under the national control of NCIS.

The NCIS will include the following units: National Drugs Intelligence Unit (NDIU); National Football Intelligence Unit (NFIU); Interpol (ICPO); Regional Crime Intelligence Offices; Public Sector Corruption Unit; Product Contamination Index; Support and co-ordination of undercover police officers; Resident Informants; Stolen Motor Vehicle Squad; Arts and Antiques Squad; National Office for the Suppression of Counterfeit Currency Commercial Fraud Index & Commercial Fraud Squad; National Paedophile Index; Criminal Intelligence Special Intelligence Section; and Regional Crime Squad no 9.

The Director of NCIS is Mr A Mullett, former Chief Constable of West Mercia. Two of the deputy directors are Mr Neil Dickens, executive co-ordinator of the RCSs and Mr Simon Crawshaw, who is Deputy Director (Designate) of Intelligence. It will have 450 staff.

The number of Regional Crime Squads (RCSs) will be reduced from 9 to 5 and the new regional offices of the NCIS will be based in London, Manchester, Wakefield, Bristol or Cardiff and Birmingham. The NCIS will appoint field intelligence officers to liaise with the RCSs and local forces.

Intelligence-gathering

The NCIS will develop the National Intelligence Computer System (NICS) and it will eventually be linked to every police force headquarters and every police station in the UK. However, the NICS will not be operational until 1994. It is thought that the NICS will be linked to the PNC2 and this is likely as NICS will replace the crime pattern analysis facility currently offered by the PNC. Phase two of the system will enable it to send and receive photographs and fingerprints.

The NCIS will gather together 'intelligence' which will be a combination of fact and suspicions. One of its sources will be intelligence forwarded by local police forces who will provide witness statements, interrogation of suspects notes, the results of surveillance and reports from informants.

The NCIS will itself gather intelligence from liaison officers posted overseas (there are 30 drugs liaison officers - police and customs officers - in more than 19 countries); all disclosures made under the Drug Trafficking Offences, Criminal Justice and Prevention of Terrorism Act, to investigate them and them pass on the results to the police or Customs and Excise (including money-laundering); EC police intelligence agencies; Interpol; the Schengen Information System; and UK embassies and missions abroad.

Accountability

The development of the NCIS took place between the Home Office and ACPO without any open discussion and was well advanced before it became necessary to involve local police authorities because of the finance and movement of personnel implications. One issue was the distinction between 'intelligence' and 'operations' with the Home Office maintaining that the NCIS would solely gather intelligence and have no operational powers. The distinction is a tenuous one. An intelligence report from NCIS is extremely unlikely to be ignored by a local Chief Constable or detective squad. The NCIS is after all to be concerned with 'sensitive material relating to operational activity and concerns'.

Mr Crawshaw, Deputy Director of Intelligence at the NCIS, says that the NCIS would not be simply an indexing organisation: 'Although Mr Mullett has no operational powers, he will have the

authority to *strongly recommend* that forces take action on any intelligence supplied by us'.

In June 1991 the Home Office set up a Steering Committee which included the Home Office, ACPO and local police authorities. The elected local councillors from police authorities raised the issue of accountability. The Home Office produced a note, agreed in May 1991, which proposed that a Resources Committee be set up to look at finance, expenditure and staffing. By November 1991 the Home Office had produced a revised note saying that the Resources Committee would not involve itself:

in the 'operational' aspects of the Service. The NCIS will not be an operational unit in the sense of carrying out policing functions within a force area. Its role will be to receive, develop and disseminate intelligence information relating to relevant criminal operations. However the Resources Committee will not develop or scrutinize the policies by which such activities will be governed; that will be an 'operational' matter for the Director and his management team.

The Home Office therefore proposed a Standing Committee with the Deputy Under-Secretary at the Home Office responsible for the Police Department as the chair, with the Committee comprised of: Her Majesty's Chief Inspector of Constabulary, ACPO, HM Customs and Excise, the Director of NCIS, 'his two deputies', the Head of F8 at the Home Office (responsible for football matters), and the Head of F3 division at the Home Office plus ACPOs, from Scotland with the Scottish Home and Health Department and the RUC and Northern Ireland Office when they join the scheme. The Association of County Councils commented that they were not: 'certain that a committee composed of senior police officers and senior civil servants will have the public confidence that there is true accountability or democratic control'.

Conclusion

The NCIS marks a departure in UK policing by creating a national body with far-reaching powers and one which will be publicly accountable for few of its actions. The NCIS will be concerned with crime and it is significant that it will not include the Special Branch, or its European Liaison Section (ELS) in the Metropolitan Police; Anti-Terrorist Squad or the National Illegal Immigration Intelligence Unit.

Citizen's charter

When the government published its Citizen's Charter in July 1991 the section on policing neglected to make any mention of the part to be played by local police authorities (two-thirds of whose members are locally elected councillors). Nor did the Home Office briefing note on 'Implications for the police service' sent out on 22 July. The follow-up letter in September from Her Majesty's Chief Inspector of Constabulary to all Chief Constables also ignored police authorities and spoke of the need to develop 'the effective use of customer contact surveys'.

The Association of Metropolitan Authorities (AMA) wrote to the Home Office saying that 'the Home Office briefing on the Citizen's Charter and the police service is seriously inadequate. It ignores the role of police authorities as established by statute and Home Office circulars...' The Home Office replied:

your role was not properly reflected in the notes which, as you will appreciate, were hurriedly drafted in response to a document we had not even seen....it is not always possible to consult with you [the AMA] - and indeed the police service - in issuing material in

response to an initiative outside the control of the Home Office.

Letter from the AMA, 6.12.91; Letter from the Home Office, 20.12.91.

Corruption alleged in Hackney

Eight Metropolitan police officers based at Stoke Newington police station, North London, have been moved to new duties elsewhere following allegations of drug dealing and corruption. The allegations, which have been known for some time, are being investigated by the anti-corruption squad at Scotland Yard as part of Operation Jackpot. They relate to the reselling of drugs seized by police on the street, the fabrication of evidence and the beating of suspects.

A ninth policeman has already been suspended from duty and is under investigation after allegations that he had made up to £2,000 a week selling drugs. A tenth officer, Police sergeant Gerrard Carroll, a former custody officer at Stoke Newington police station, who had already been transferred to Barkingside, committed suicide by shooting himself in a cell at the station.

Carroll was one of a number of police officers from Stoke Newington and Hackney who have been named by the Hackney Community Defence Association (HCDA) in a press release calling for a judicial enquiry into police malpractice in Hackney. The HCDA 'is calling for the internal police investigation to be replaced by an independent and public investigation, a judicial enquiry, into Hackney, City Road, Stoke Newington and the old Dalston police stations.'

They continue: 'The disclosure that police officers are officially suspected of fabricating evidence against suspects gives rise to serious concerns that the criminal justice system has been undermined. All convictions involving evidence from the suspected officers, where defendants protested their innocence, must now be considered unsafe.'

The HCDA have issued a report, *A Crime is a crime is a crime* which details 143 cases of alleged police malpractice in the area over the past three years, and names 30 officers. It is available from the HCDA, 50 Rectory Road, London N16 7QY

Defend the Deane family campaign

A 'march for justice', in support of the Deane family, is being organised on Saturday 28 March. Mr Deane and his son Tony, two black shopkeepers, ended up in hospital after a confrontation with the police last November. The march will assemble 12.30pm at Plashet Park, London E6, (nearest tube East Ham). The *Defend the Deane Family campaign* can be contacted at PO Box 273, Forest Gate, London E7. Tel. 081 555 8151.

Policemen jailed

Two policemen, Mark Irvine and Barry Rankin, found guilty at Southwark Crown Court of actual bodily harm on Emmanuel Ziregbe, have each been jailed for two years. The attack on Mr Ziregbe, who was working as a taxi driver, occurred when a group of off-duty policeman left a colleague's stag party in Hammersmith last year and hailed his cab. Mr Ziregbe was asked if he would take five passengers but refused because he was only insured for four people. He was subjected to racial abuse and dragged from the cab, headbutted twice and repeatedly punched and kicked.

The two men have also been ordered to pay Mr Ziregbe £500 damages each. A third officer was acquitted and the jury could not reach a decision in the case of the fourth officer. The judge

described the attack as 'cowardly and vicious'.

Recently the Metropolitan police paid £20,000 to Constable Franklyn Asumah, in an out of court settlement, after he had been subjected to racist abuse by fellow officers while serving with the Territorial Support Group in Barnes.

In January Sergeant Raham Khan, from Pakistan, took West Yorkshire police to an Industrial Tribunal alleging that he had been refused promotion due to his colour. A Jewish officer, PC Nigel Brown, who won an Industrial Tribunal against the Metropolitan Police, has subsequently threatened to resign following continued anti-semitism.

Guardian, 14.11.91, 17.1.92, 10.2.92; *Independent*, 12.2.92; *Voice*, 19.11.91

Policing: new material

Race relations and police recruitment, Simon Holdaway. *British Journal of Criminology*, Vol 31, no 4, Autumn 1991, pp365-382.

Stopping youth crime. *Childright*, no 83, January/February 1992, pp9-10.

The right to life and the use of lethal force, Ralph Crawshaw. *Police Journal*, no 4, October-December 1991, pp299-308.

International co-operation of the police, Roger Birch, Chairman of ACPO and Chief Constable of Sussex. *Police Journal*, no 4, October-December 1991, pp289-298.

Return of the pink panther, Quintin Bradley, *Northern Star*, 23.1.92, pp6-7. Looks at a case of police covert surveillance and harassment.

Doubts that won't go away, Brian Hilliard, *Police Review*, 8.10.91, pp2240-2241. Looks at the Carl Bridgewater case.

The squad that lost its way, Jo Malony, *Police Review*, 8.11.91, pp2234-2235. PCA report on West Midlands Serious Crime Squad.

Can soldiers be bobbies? Tony Judge, *Police*, December 1991, pp24-25. At the beginning of 1992 the Belgian gendarmerie ceased to be a military force.

International co-operation of the police, Roger Birch, *Police Journal*, LXIV:4 October-December 1991, pp289-298. The Chief Constable of Sussex and Chairman of the ACPO discusses international police co-operation.

Forensic science, Mick Harmer. *New Scientist*, 9.11.91. Looks at recent issues of forensic evidence.

House of Commons debates

Crime, 12.12.91, cols 1047-1068

PC Salt, 12.12.91, cols 1123-1228

Knives, 20.12.91, cols 605-611

Lockerbie bombing, 20.1.92, cols 153-162

Taylor report, 24.1.92, cols 677-684

BOOKS RECEIVED

All books received are listed on the on-line database with chapters

headings and short summaries.

Rhetoric and reality in the inner city, edited by Michael Keith and Alisdair Rogers. Mansell, 1991, pp246, £19.95 pk.

Inside the British Army, Antony Beevor. Corgi, 1991, pp534, £6.99 pk. 'Essential reading for anyone who wants to know how the Army really works' (Peter Tatchell, *Tribune*).

Military intervention in Britain, Anthony Babington. Routledge, 1991, pp242, £12.99 pk.

Culture and politics in Northern Ireland, edited by Eamonn Hughes. Open University, 1991, pk.

Seven Spies who changed the world, Nigel West. Secker & Warburg, 1991, pp241, £16.99 hd.

The Intelligence Game - illusions and decisions of international espionage, James Rushbridger. I B Tauris & Co, 1991, pp290, £8.95, pk.

Policing Police Violence, Niels Uildriks and Hans van Mastrigt. Aberdeen University Press, 1991, pp237, £14.95. Study of the Strathclyde police and the Scottish complaints procedure.

Crime, Criminal Justice and the Probation Service, Robert Harris. Routledge, 1991, pp208, £10.99 pk. Chapters on official crime statistics and the hidden ones.

Public order and private lives - the politics of law and order, Michael Brake and Chris Hale. Routledge, 1991, pp190, £10.00, pk. Looks at the law and order debate and the effect of Conservative government policies.

Out of Order - policing black people, edited by Ellis Cashmore and Eugene McLaughlin. Routledge, 1991, pp243, £12.99, pk.

Northern Ireland since 1945, Sabine Wichert. Longman, 1991, pp229, £8.99, pk.

Black Youth, Racism and the State, John Solomos. Cambridge University Press, 1991, pp284, £14.95, pk.

Thatcher's People, John Ranelagh. Harper Collins, 1991, pp324, £15.99, hd.

The Samson Option - Israel, America and the bomb, Seymour M Hersh. Faber and Faber, 1991, pp355, £15.99, hd.

Prosecution and punishment - petty crime and the law in London and rural Middlesex, c.1660-1725, Robert B Shoemaker. Cambridge University Press, 1991, pp351, £40.00, hd.

Representing order: crime, law and justice in the news media, Richard V Ericson, Patricia M Baranek, & Janet B L Chan. Open University Press, 1991, pp383, pk.

The State Debate, edited by Simon Clarke. MacMillan, 1991, pp270, £14.99, pk.

Securing Europe, Richard H Ullman. Adamantine Press, 1991, pp183, hd.

MPs for hire - the secret world of political lobbying, Mark Hollingsworth. Bloomsbury, 1991, pp207, £16.99, hd.

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Background document files

The following background files are available:

The Schengen Agreement: full text of the Agreement plus an introduction, European Parliament resolutions, and a select bibliography. Cost: £5.50 inc p&p.

Gladio Statewatch briefing, introduction and background country-by-country; Guardian article (2pp); *State Research*, article from 1977 (1p). Total: 16 pages. Cost: £2.00 inc p&p.

Positive vetting for civil servants, guidelines announced in 1985 (4pp) and **Home Office Guidelines for the Special Branch** (1984) 2pp. Total 6 pages. Cost £1.50 inc p&p.

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