

Statewatch bulletin

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EUROPE

EC proposes official secrets

As a result of the Maastricht Agreement last year the European Commission has prepared a proposal to introduce a UK-style official secrets regulation binding on all member states. The proposal, prepared by the Security Office of the Commission, has been called for by member governments as the EC moves into more contentious areas like foreign affairs, immigration and asylum policies, and the perceived need to 'harmonise' policing and legal policies.

Under the Regulation officials of the Commission in Brussels and their counterparts in the 12 member states will be able to classify documents about the Community proposals and policies. There are areas of EC policy which properly require protection for example where there maybe financial gain (such as bids and contracts). This proposal however is a blanket provision which can be applied to **any** area of EC policy. Even the UK Official Secrets Act 1989 is limited to specific areas of state activity, such as defence and security.

The spirit of the Regulation runs directly contrary to moves in the European Parliament to bring in a freedom of information law. The European Parliament is to debate a motion on freedom of information within the EC at its meeting in June. It will be discussing a resolution from Committee on Culture, Youth, Education and Media which: 'Calls on the Commission, in particular, to draw up a proposal for a directive which, along the lines of the US Freedom of Information Act, guarantees all journalists access to information from Community and national authorities (ruling out exclusive access to such information)'.

In the UK the proposal is currently being considered by the Office of the Minister for the Civil Service (OMCS) in the Cabinet Office. The person responsible for the civil service is Prime Minister John Major.

Security gradings

The Regulation will establish 'security gradings' for sensitive information connected with EEC or Euratom activities and the security measures to be applied to such information both inside Member States and institutions. 'Classified information' is taken to mean 'all forms of information whose unauthorised disclosure could be detrimental to the essential interests of the European Communities and of the Member States'.

The 'institutions of the European Communities' referred to are: the European Parliament, the Council, the Commission and the Court of Justice plus the Court of Auditors, the Economic and Social Committee and the European Investment Bank.

It will apply to any information 'detrimental' to the 'essential interests' of Member States. 'Detrimental' and 'Essential interests' are not defined. As the Regulation applies to information emanating

from both the Commission or Council and any of the 12 Member States it will be up to the respective officials to determine the subjects to be classified and to decide so on undefined grounds of 'essential interests'.

The Regulation ends with a section on 'infringement' of this Regulation, i.e. if it is leaked and comes into the 'knowledge of an unauthorised person' (e.g. a journalist or politician). The security department is to be immediately informed of the 'breach' of the Regulation and: 'shall take appropriate steps with the responsible officials concerned in order to limit the damage caused to a minimum and to prevent any recurrence'. The 'Penalties' imposed by the institutions and member states will be to: 'take appropriate action to penalise failure to comply with the requirements of this Regulation'.

It is drawn so widely, it could be used to ensure that matters which may simply be politically embarrassing to the Commission and members governments are kept out of the public domain and therefore bypass democratic discussion and accountability.

This proposal has to be seen as part of the development of a European state alongside the economic union. The EC is now undertaking initiatives in the fields of defence, foreign policy, and immigration and asylum. Bodies outside the formal structures of the EC, like the Trevi and Schengen groups are tackling issues of policing, information-gathering and legal arrangements which, at some point, are likely to be brought within the EC decision-making process.

Official secrecy law in the European Community? Statewatch briefing paper, May, 1992. Available from Statewatch, PO Box 1516, London N16 0EW. Price £3.00.

Trevi and Belgium

The Belgian Minister of Internal Affairs, Mr Tobback, told Green MP Hugo Van Dienderen that the Trevi countries (all 12 EC member states) exchange the following information on the maintenance of public order: 1) the modus operandi of the groups and persons, disturbing public order, and police methods and tactics; 2) events which could have consequences for other countries; 3) the international movement of hooligans and demonstrators. Each Trevi country, he said, had a contact point which in Belgium is Police General du Royaume. In countering terrorism there is exchange of information: 1) on the institutional and legal framework; 2) ongoing analysis of the threat of terrorism in Europe as well as from within the country and from abroad (third countries).

The Trevi working group on terrorism has prepared a definition of terrorism which has been accepted by all Trevi member states. It is defined as:

The use or attempt to use violence by a organised group to achieve political goals.

The definition of violence is unclear, it could refer to demonstrations or direct action by political groups and one country's interpretation of this definition may be very different from another. Moreover, the storage of information on such groups and individuals on the Trevi-based Europol data system which is currently being considered presents an even greater danger (a working group report on the Europol data system will be considered at the meeting of Interior Ministers in June).

The services involved in Belgium are the civilian security service 'Surete', the gendarmerie, the coordinating 'Groupe Interforce Antiterroriste' (GIA) and the 'Police General du Royaume'. The Belgian Trevi contact-point is the GIA. The GIA acts on terrorism with members of the gendarmerie, the 'Police General du Royaume', the police judiciaire, the Surete, the SDRA (military security service) and a magistrate.

Dutch discuss racist attacks

On March 24, Dutch parliament had an 6-hour debate on the Binnenlandse Veiligheidsdienst (BVD) which included a discussion on the nature of recent racist attacks. Most MPs criticized the recent BVD report, especially in the stress it laid on the threat of Muslim fundamentalism while virtually ignoring racist violence. The minister of the interior Mrs Dales however defended the apparent imbalance by claiming that BVD investigations had shown that no extreme right party or organization was involved in the recent wave of attacks against the houses and businesses of immigrants. The perpetrators according to Mrs. Dales were now thought to be fringe group youths, who used varying names and primitive devices in their attacks.

In a reaction to this, the Hague police publicly dissociated itself from this analysis. 'The attacks in our town do show a pattern of connections. We are investigating in right-wing circles because of the choice of the objects and the way in which the attacks are claimed or announced. The minister's statements are completely on her account', a police spokesman said.

The BVD gathers information on asylum seekers from the Aliens Department and is routinely provided with the names and other basic data of certain agreed categories of refugees seeking asylum. The BVD order the complete files on the persons they are interested in, which occurred in some 130 cases in the last eight months. This resulted in about twenty BVD attempts to seek further information or collaboration from asylum seekers themselves. Mrs. Dales stressed that information on vulnerable individuals such as Iraqi or Kurdish refugees would never be provided to the security services of their home countries, but 'when for instance a member of the Hezbollah seeks refuge here, we have to ask for information from Israeli or U.S. intelligence'.

Europe: In brief

* **Maastricht and ID cards:** The meeting of the new Committee on Civil Liberties and Internal Affairs of the European Parliament (EP) on 3 March criticised the Maastricht agreement because it gave the EP virtually no new powers. The committee resolution said that important decisions on asylum and immigration policy and combatting crime were being left to 'bodies which in fact can skirt national or European parliamentary control and, above all, sanctions'. Mr Bangemann, for the European Commission, told the Committee that it was not trying to force the UK to adopt identity cards. This contrasts with Mr Bangemann's warning in February that the UK could face legal action by citizens if it continued to make border control checks - with the implication that the UK

would have to find other means, i.e. identity card checks inside the country. It contrasts too with a speech given by Sir Leon Brittan, Vice-President of the European Commission, to Bramshill Police Training College last year in which he suggested it would be a 'simple step' for the UK to introduce optional identity cards.

Reuters Textline/Agence Europe, 3.3.92; *Guardian* 26.2.92; *Independent* 3.11.91.

* **Germany: extremist label lifted:** After a five-year legal battle, the Ministry of the Interior of Niedersachsen agreed on March 23 that the Humanistische Union (HU) is no longer considered an extremist organization just because it protested against the census in 1987. Landesamt fuer Verfassungsschutz (LfV) chief Peter Frisch, now vice-president of the Bundesamt fuer Verfassungsschutz, warned politicians in a confidential memorandum in January 1987 that critical articles in the press and the activities of groups such as the Green Party, the Young Democrats and the HU against the census constituted the most serious threat to it. In the same memo Frisch also warned that bomb attacks against the census could be expected. The HU obtained a copy from a friendly politician and subsequently launched a fierce protest against what it considered a libellous accusation. In future the HU would not be placed under LfV observation on the sole basis of holding similar views as enemies of the constitution.

Europe: new material

Fighting Drug Trafficking in the Americas and Europe, Nicholas Hopkinson. Wilton Park papers 42. HMSO, £7.50, pp42.

Crime and the European Community after 1992, Richard Latter. Wilton Park Paper 31, HMSO, £7.50, pp21.

Where to draw the frontiers of a new Europe? Julian Priestley. European Labour Forum, Autumn, 1991, pp29-30.

MILITARY & NUCLEAR

Dounreay at the Nordic Council

At the annual Nordic Council meeting, held in Helsinki, the Norwegian environment minister, Mr Thorbjorn Bernsten, speaking on behalf of the Nordic Ministers, said governments must be 'both blind and deaf' if they do not understand Nordic opposition to Dounreay. Mr Bernsten was answering a question from Icelandic MP, Mr Hjorleifur Guttormsson, about a German government working group's discussion on using Dounreay to store and reprocess its research reactor spent fuel. Mr Bernsten said Danish scientists would monitor the matter and contact the German government if a firm proposal is made. The Nordic Ministers also committed themselves to opposing moves to relax rules on the dumping of radioactive wastes at sea. In answer to a question by Danish MP, Ms Brigitte Husmark, Iceland minister Mr Eidur Gudnason said some countries were opposing tighter rules on radioactive waste dumping at sea in negotiations on a new marine pollution convention to replace the Oslo and Paris Conventions. Mr Gudnason said the Nordic Governments would work for a ban on the dumping of all radioactive wastes.

New Marine Convention

Negotiations for a new Convention, to replace the Oslo and Paris Conventions, which regulate land-based and sea-based sources of marine pollution in the North Sea and North Atlantic, are reaching

a crucial final phase. The new Convention is due to be signed in Paris in November. In controlling land-based sources, such as discharges from reprocessing plants, the new Convention require the use of Best Available Technology and Best Environmental Practice 'including, where appropriate, Clean Technology' and the application of the Precautionary Principle.

One of the areas of dispute is whether the new Convention includes a ban on dumping low and medium level radioactive wastes. The Nordic countries are committed to banning dumping, as is Germany. The UK and France, however, take a different stand. The UK position is to 'keep this option open ... for bulky items arising from decommissioning' where there is no alternative available. The UK also argues dumping has 'no significant adverse effect on man or the environment.' (Letter to Greenpeace UK from UK Government).

NENIG Briefing no 54, 1992

Military: In brief

* **Defence facts:** Between 1970-1980 the pay of Field Marshals fell, in real terms, by 24.3% and that of an army private rose by 11%. Between 1980 and 1991 the pay of Field Marshals rose by 83.3% compared with a rise of 1% for privates. The estimated cost of the Trident programme is £10.5 billion. The strength of the UK armed forces is 294,605. The number of civilian employees of the Ministry of Defence is 140,024.

Hansard written answers, 21.2.92, 26.2.92; *MOD press release*, 27.2.92.

* **Conference: The cost of Trident: issues for local authorities.**

One day national conference, Forte Crest Hotel, Glasgow on Wednesday 10 June 1992. Non-profit-making community and interest groups £25. Details from: Lesley Cheetham, Nuclear Policy and Information Unit, Manchester City Council, Town Hall, Manchester M60 2LA. Tel: 061-234-3379.

* **Canada pulls out of Europe:** Canada has decided to withdraw its forces from Europe. It was intended to cut its contribution of 6,600 troops to NATO to 1,100 but now they are all to go. Canada remains in NATO with its forces available for emergencies.

Guardian, 27.2.92.

Military: new material

Controlling Chemical and Biological Weapons Proliferation, Richard Latter. Wilton Park papers 46. HMSO, £7.50, pp32.

European security policy: the need for accountability, extract from a study by the Oxford Research Group. *European Labour Forum*, no 5, Autumn 1991, pp13-16.

Restructuring of arms production in Western Europe, edited by Michael Brzoska & Peter Lock. Published by Oxford University Press for the Stockholm International Peace Research Institute, 1992, 240pp. The book looks at the consequences of the end of the Cold War on the arms trade, the implications of the Single European Act and the internationalism of production (away from national industry bases). In the appendices SIPRI list the 50 largest arms producing companies in Western Europe.

Repression trade (UK) Limited. Amnesty International, 1992, 48pp, £2.50. The report cites examples of the export of leg irons, an electronic torture chamber and gallows to 'governments with atrocious human rights records'. It also calls for an end to the

secrecy surrounding the training provided by British Forces given to 110 countries.

House of Commons debates

Nuclear proliferation, 3.2.92, cols 41-74

Staffordshire Regiment, 3.2.92, cols 271-280

Army Bill, 13.2.92, cols 1151-1214

Defence equipment, 19.2.92, 331-342

Mr John Hall, 25.2.92, cols 941-948

Air-to-air missiles, 3.3.92, cols 161-170

Asraam system, 13.3.92, cols 1224-1232

Army Bill, 13.3.92, cols 1198-1220

IMMIGRATION

Asylum Bill

The new Conservative government is set to re-introduce the Asylum Bill (*see Statewatch Vol 2 no 1*) as soon as possible after abandoning it through lack of time at the end of the last parliament. Although Kenneth Baker has been replaced as Home Secretary by Kenneth Clarke, the Bill is not expected to be significantly liberalised. Both John Major and Douglas Hurd made the control of 'bogus' refugees an issue in the general election campaign - and the issue was taken up by the tabloid press, whose headlines declared that a Labour government would flood the country with 'cheating immigrants'. The government is to push through such measures as the fingerprinting of all asylum-seekers and tougher criteria and procedures for the recognition of refugees.

Recent changes have already made life much worse for asylum-seekers. In November 1991 a new screening procedure was introduced, involving an interview by a junior official on identity and mode of entry to Britain. If it appears from the interview that the asylum-seeker travelled through a 'safe' European country to get to Britain, he or she can be detained at the end of the interview and returned to that country.

The object of the interview, for the asylum-seeker, is to be given a Standard Acknowledgment Letter (SAL), issued on passport-type paper, bearing the photograph, name, nationality and date of birth of the asylum-seeker. This document acts as proof that the asylum-seeker is known to the Home Office and is awaiting a decision on his or her claim. It is only issued if the Home Office is sure of the identity of the asylum-seeker. Increasingly, DSS offices demand the SAL as proof of identity before granting benefit to asylum-seekers - and since it can take several weeks to get the SAL interview, asylum-seekers are having to wait for many weeks, sometimes months, before receiving any benefits. This is an identity card system being introduced 'through the back door', without any parliamentary debate.

Asylum figures

The number of asylum-seekers recognised as refugees, or allowed to stay in the country exceptionally, declined dramatically between 1990 and 1991, according to figures given by Immigration Minister Peter Lloyd in parliament in February. In the quarter from July to September 1991, only 75 people were granted asylum, and 120 exceptional leave, compared with 200 and 565 respectively in the same quarter of 1990. The total of asylum-seekers in 1991 was 44,745, but the backlog in processing applications is such that in September 1991 there were 59,300 applications outstanding.

Commons Hansard 24.2.92 cols 383-385; 28.2.92 cols 630-634.

Asylum-seekers not illegal

The Court of Appeal has ruled that asylum-seekers who leave their country on false documents are not illegal entrants, as long as they do not use the documents to deceive immigration officers when they arrive in Britain. On 14 April it quashed the convictions of two men who had helped refugees to come to Britain by giving them false documents to enable them to get on flights from Kenya and Sri Lanka. The men had been charged with 'facilitating illegal entry'. The court rejected the Crown's argument that asylum-seekers arriving with false documents were automatically illegal entrants, acknowledging that most people fleeing their own country cannot obtain genuine documents.

Independent 15.4.92.

Visitors' passports useless

The Court of Appeal ruled in April that a British Visitors Passport (BVP) is not a 'passport' which provides proof of British citizenship. An immigration officer is entitled to refuse entry to a person carrying a BVP if he is not satisfied that the holder is a British citizen, and the holder has no right of appeal in the UK, they said, dismissing an appeal by John Kwesi Minta Akuamoh.

The decision means that no-one going on holiday using a BVP can be sure of being allowed back in to Britain. In practice, the decision is likely to affect black British citizens, who can expect stringent questioning and possible refusal of entry if they rely on a BVP to return to Britain after a European holiday.

Guardian 8.4.92.

Heat detectors for immigrants

In the wake of the arrest in March of 15 illegal immigrants who hid in a lorry to come into Britain, the Home Office revealed a pilot scheme using heat detectors to spot illegal immigrants smuggled in to the country in trucks and vans. It said that the scheme, tried in Dover for a week in 1991, had yielded ten arrests.

The fifteen men were arrested after getting out of a lorry at an M4 service station. They were Sikhs from the Punjab, where the Indian security forces have been accused by Amnesty International of widespread human rights abuses, including extra-judicial killings, torture and detention without trial of suspected members of the Khalistan liberation movement. Several of the men were thought to be asylum-seekers.

Guardian 24.3.92.

Tower Hamlets is not Home Office

The London Borough of Tower Hamlets received a setback when the High Court ruled in April that it is not entitled to investigate the immigration status of homeless people or to refuse them accommodation if they don't appear to have unconditional permission to stay in Britain. The Council, which has been subject to a non-discrimination notice from the Commission for Racial Equality (CRE) since 1987 for its allocation procedures, had taken the Department of the Environment to court over its housing guidelines. These required boroughs to find emergency accommodation for all priority cases, but the Council argued that this was unlawful, since some priority families' immigration status did not allow them to receive emergency accommodation. The High Court, rejecting the argument, said it was for the Home Office alone to take decisions on immigration status.

Independent 10.4.92.

Holland: secret list

The Dutch Ministry of Justice has a confidential internal list of countries to which asylum seekers can be returned without problems. The existence of such a list has been denied by a ministry spokesperson, but there is a clear mention of it in recent confidential minutes of a meeting of officials. It is not known which countries are on the list. The minutes say that there is an 'internal' list of countries to which refugees can be returned, but no references to this list are to be made in the official order. The minutes further indicate that almost all asylum seekers are only offered a 'tolerated status' even when the asylum seeker has a strong case. 'Tolerated status' means that in the first three years, whenever the government decides that the situation in the country of origin has improved, the refugee can be expelled.

On the basis of new regulations that came into force last January, almost half the asylum seekers will be detained in new half-closed relief centres. These are centres surrounded by a fence where the asylum seeker is supplied with a magnetic identity card. He or she has to report twice daily and there is a guarded entrance. According to secretary of Justice Kosto the refugees are allowed to leave at any time, but only in one direction: out of the country.

The ministry of Justice wants to tackle the problem of illegal immigrants travelling to Holland on forged travel documents in the country of origin. Dutch marechaussees (military police) will soon begin advising the local authorities in Ghana and Nigeria on recognizing forged documents. The marechaussees will not be stationed in Africa permanently, but they will accompany people who are expelled from Holland and subsequently stay for some days to work on their new task. The project is expected to start this summer. Refugee organizations have severely criticized the plan because 'real' asylum seekers often have no access to legitimate travel documents.

Holland: immigration raids

In March the State Police conducted a massive raid on a distribution company in Geldermalsen arrested four illegal alien workers. 120 police officers were brought in by riot police buses and once inside the company building immediately began separating white from immigrant personnel. The entire operation was videotaped by police, while a helicopter circled over the area to detect possible escaping illegal workers. A total of seventy people who could not identify themselves on the spot were transported to the police HQ. Some of them had to stay there all day because they were unable to reach anyone who could bring their identification papers. In the end four workers could not prove their legal status. MP's of the Green Left party questioned the ministers of Justice and Social Affairs on the operation, which they described as 'hard-handed, discourteous and discriminating'. The police deny that any discriminatory acts have taken place.

Immigration: new material

Community competence over third country nationals residing in an EC member state, Antonio Cruz, briefing paper no 5. **The Council of Europe and Migration**, John Murray and Jan Niessen, briefing paper no 6. **European migration policies for the nineties after the Maastricht Summit**, Jan Niessen, briefing paper no 7. From: Churches' Committee for Migrants in Europe, 174, rue Joseph II, B-1040 Bruxelles, Belgium.

A fairer framework, Bhabha, Jacqueline, Legal Action, March 1992, p9. On new asylum rules in the US.

House of Commons debate

Asylum and immigration, 2.3.92, cols 22-73

PRISONS

Prisoner wins human rights case

The European Court of Human Rights upheld Thomas Campbell's claim that the opening and reading of letters between him and his solicitor was a violation of Article 8 of the Human Rights Convention, which guarantees the right to privacy. Prison rules and standing orders allow prison officers to open and read correspondence 'to prevent disorder or crime', but the Court ruled that the interference with privacy was unwarranted.

Independent 16.4.92.

Prison Service

From 1 April 1993 the Prison Service will become an Agency responsible for the day-to-day running of prisons. The Home Secretary will retain responsibility for major policy decisions. A Supervisory Board is being created to advise the Home Secretary on strategic, policy and resources matters. This follows a report on the Prison Service by Sir Raymond Lygo.

Home Office, press release, 11.3.92.

Too many locked up

Six out of ten people jailed on remand are acquitted or given a non-custodial sentence, according to the Howard League for Penal Reform. The figures showed that 'the criminal justice system was culpable of a gross violation of human rights', said the League, whose survey revealed that nearly 66,000 people were remanded in custody in 1989, for an average of 36-54 days for men, and 25-41 days for women. It pointed out that in 1991, of the 500,000 people bailed on criminal charges, only 10% committed offences on bail.

Guardian 14.4.92.

Prison: In brief

* Eleven unsentenced male prisoners under 25 committed suicide while in prison custody in 1991. *Hansard written answers*, 12.2.92.

* In the wake of the fourth death of a young prisoner at Feltham Young Offenders' Institution since last August, the Howard League for Penal Reform is to set up an inquiry chaired by Anthony Scrivener QC, former Chairman of the Bar. Since January 1990 there have been a total of 175 deaths in prison custody. *Independent* 24.3.92; *Commons Hansard* 6.3.92 col 750.

* Health experts called for immediate implementation of a prisoners' health care charter following revelations of 'appalling' delays in receiving treatment for prisoners. Wandsworth Community Health Council reported on cases such as that of a man in a diabetic coma who was not allowed out of Wandsworth jail until handcuffs were found, and that of a prisoner with suspected cancer who waited for nine months before being referred to hospital, and another six months for treatment. The Home Office said that Wandsworth's report was being studied.

Independent 2.4.92.

* Category A prisoners would be denied the right to take grievances to the new independent complaints adjudicator under new Home Office proposals. A consultation paper on prisoners' complaints, in the wake of the Woolf Inquiry's recommendations on more justice in prisons, suggests excluding serious offenders from complaining about categorisation, allocation, transfer and approved visits, 'for security reasons'. *Independent* 26.3.92.

LAW

Rape in marriage

On 23rd October 1991, the House of Lords made it clear 'that in modern times the supposed marital immunity in rape forms no part of the law of England'(R v R [1991] 3 WLR 767). Up until then women were, within the confines of the marital bedroom, still treated as chattels in the eyes of the law. The reference in the Sexual Offences Acts of 1956 and 1976 to unlawful sexual intercourse with a woman were interpreted as meaning sex outside marriage. Married women were therefore denied protection of the criminal courts, if the man who raped them was their husband, and had to seek assistance through matrimonial law. This slow process often required proof of physical violence and tended to individualise the problem.

In response to widespread criticism of this anomaly, the Law Commission published a working paper in October 1990 and was in the midst of consultation when the House of Lords delivered its decision. As the House of Lords decision accorded with the views of the majority of those consulted by the Commission, the report on 'Rape Within Marriage' finally presented to parliament on 13th January 1992, should carry a great deal of weight.

The report presents the views of some 80 different groups and individuals - women's groups, legal practitioners, academics, the Criminal and Family Bar Association, the Law Society, the Bar Council, the Crown Prosecution Service and the three major police organisations. 68 respondents supported the abolition of a husband's immunity and only 10 opposed it.

Abolition of immunity

The Report comes out strongly in favour of abolition and takes the opportunity to counter the three main arguments in favour of its retention. It points out that far from rape within marriage being a lesser form of the crime, it may in reality be more serious, breaking a relationship of trust and effecting other family numbers and in particular children.

It also scotches the misconception that if a woman continues to co-habit with her husband after the rape, its effect must have been relatively minor. It points out that a woman's economic and social dependence often make it extremely difficult to leave the matrimonial home immediately. Concern about the effect on the children, fear of reprisals, lack of money, immigration status as a dependent, the prospect of homelessness or family disapproval, all impact on her apparent freedom of movement and choice.

Finally, it locates rape within the criminal legal system as behaviour not condoned by society, instead of relegating it to the context of events effecting her own particular marriage.

The effect of abolition

The House of Lords decision established the principle, but the Report recognises that statutory changes will be necessary both to entrench this gain and to give it the maximum potential effect. They suggest that reference to 'unlawful' sexual intercourse be deleted in the Sexual Offences Acts and that the abolition of the immunity be

extended to Section 2 of the 1956 Act (procuring of a woman to have unlawful sexual intercourse by threats or intimidation) and Section 3 of that Act (procuring a woman by false pretences or false representations).

They also suggest that it will be necessary to amend Section 80 of the Police and Criminal Evidence Act 1984, so that a wife will be compellable as a witness where the offence charged is a sexual offence against the wife of the accused. They believe this to be necessary protection for the wife against a husband who may resort to duress to stop her giving evidence. This does, however, tend to render the woman powerless to make her own informed decision about pursuing criminal proceedings and did cause concern amongst many groups working on a day-to-day basis with rape victims.

In response, the Commission has tentatively suggested that in the context of a future and wider review of the rules of compellability a judicial discretion could be introduced to enable a judge to release a particular witness from the obligation to testify if the interests of the family outweighed the public interest. However, in the short term, they are recommending compellability.

Finally, the Commission suggested that the anonymity presently accorded to a victim of rape should be extended to the perpetrator. This they believe would give the wife protection against identification by default on the basis of a shared name and address and would also protect any children of the family.

Criminal Law Rape Within Marriage, The Law Commission, 13th January 1992, HC 167.

Hamlet without the prince

On 6 March, John Patten announced the setting up of 24 criminal justice liaison committees in England and Wales to 'promote better understanding, cooperation and coordination in the administration of the criminal justice system'. The members will include probation, prison and police officers, the CPS, clerks to justices, magistrates, barristers, solicitors and social services directors. They are to be set up by May. But judges will not be present on the committees, after Lord Lane, the now departed Lord Chief Justice, decreed that they should not participate, although two senior judges will sit on the national Criminal Justice Consultative Council.

The decision to exclude judges at a local level has been greeted with dismay by some critics. Lord Justice Woolf proposed the setting up of the Council and the local committees in his report on the Strangeways prison riot in February 1991. He said that the forums, which he described as an early warning system for failures in the criminal justice system, should be chaired by a senior judge, or it would be like playing Hamlet without the prince.

Lord Lane's ban on the participation of judges at local level was on the grounds of judicial independence. Critics hope that the new Lord Chief Justice, Peter Taylor, will reverse the ban, since judges are seen by many to be out of touch with reality and the forums would at least bring them out of their isolation.

The exclusion of community and voluntary sector groups from the committees has also been strongly criticised. It is their campaigning which has exposed miscarriages of justice arising out of police malpractice and judicial complacency, so their absence does little to encourage a belief that the consultative mechanisms are designed to tackle real problems in the criminal justice system.

Commons Hansard 6.3.92 cols 300-301; *Independent* 13.3.92.

Law: In brief

* **Colonial justice in Newcastle:** Judge Angus MacDonald, former

resident magistrate in colonial Nyasaland, locked up twelve men for cheering at their friend's acquittal at Newcastle Crown Court. Ten of the men spent the night at Durham's maximum security prison, after the judge hauled them out of the public gallery into the dock for their 'most unseemly outburst'. At least one of the men is taking legal advice about suing the judge, whom Madeleine Colvin of *Liberty* accused of an outrageous abuse of power. *Times* 3.4.92.

* **Tags gone:** The Home Office announced that the introduction of electronic tagging combined with curfew orders to control defendants on bail is to be 'indefinitely postponed'. The announcement followed a disastrous pilot scheme in 1990, when most defendants tore off the tags and ignored the curfews, and 200 'technical problems' were reported in 49 cases. A consultation paper is to be issued 'shortly', said the Home Office. *Independent* 22.2.92.

* **Privatising magistrates?** Magistrates and their clerks are among those who are unhappy about the white paper on magistrates' courts, 'A new framework for local justice', announced by the Lord Chancellor and the Home Secretary on 26 February 1992. The white paper calls for an improved service and value for money, and proposes the introduction of business criteria and practices such as time management. Critics fear that the proposals will lead to 'unproductive' courts closing, while others come under pressure to reduce the length of cases, which could result in injustice to defendants. The Lord Chancellor's Department took over the running of magistrates' courts from the Home Office on 1 April. *Lord Chancellor's Department, press release* 26.2.92.

* **Certificated crime?** One of the first directives to magistrates from the Lord Chancellor's Department tells them to refuse legal aid unless defendants can produce wage slips or DSS documents for the three months prior to their arrest. For those arrested and detained in custody before being brought to court, it means that they cannot get legal aid even for a bail application, unless they had the documents with them when they were arrested, or can arrange for someone else to bring them to court. The directive is already causing cases to be adjourned while defendants spend more time in custody, unable to obtain legal assistance. In time, this could lead to arrests on suspicion for possession of 13 weeks' wage slips: 'I suspected the defendant of being about to commit a burglary because he was carrying wage slips in anticipation of being arrested.'

Independent 16.4.92.

Law: new material

Rape and sexual abuse. Amnesty magazine February/March 1992, pp10-11. Summary of Amnesty's pamphlet *Rape and sexual abuse: torture and ill-treatment of women in detention*.

Domestic violence: union alert. *Labour Research*, March 1992, pp15-16. Looks at how women take up the issue through their unions.

House of Commons debate

Offending on bail, 25.2.92, cols 813-827

Magistrates courts, 9.3.92, cols 718-726

SECURITY & INTELLIGENCE

Security group under scrutiny

Lothar Jachmann, second in command of the Bremen Landesamt fuer Verfassungsschutz (LfV), a regional branch of the internal security service, which employs some 75 personnel, claimed at a seminar organized by the Green Party in Berlin on 27-29 March 1992 that counter-espionage was an anachronism. Jachmann, with 30 years experience in counter-terrorism and domestic security, warned that the Verfassungsschutz would not live to see the year 2000 if it could not get its act together. This could have serious consequences, for police authorities would be all too willing to take over. 'We already have to rap their knuckles regularly to keep them out of the political intelligence field' says Jachmann. He explained that the doctrine on leftist extremism and terrorism has changed over the last three years. The Verfassungsschutz no longer considers itself a part of the investigation apparatus, but tries to offer political solutions for what are now considered political problems. Jachmann expressed surprise at the willingness with which politicians permit the Verfassungsschutz to employ covert methods such as infiltration that deeply penetrate the private sphere without any legal regulations and safeguards, where relatively less harmful techniques such as wiretapping come under strict rules. We have to conclude, he said, that in the domain of leftist terrorism the V-mann (infiltrator) method has led us nowhere. Jachmann also expressed surprise at the resistance of many of his colleagues to agree with a list of permitted intelligence methods and techniques in legislation. 'In my thirty years experience I have not come across any really new means'. Also the Verfassungsschutz should not have the virtual monopoly of definition it now has in practice, by which it can label specific persons or groups as enemies of the constitution.

When asked what the LfV Bremen achieved for ordinary people, Jachmann claimed several recent successful operations against Turkish intelligence (MIT) that was harassing immigrants and their relatives back home. Several other seminar participants then cited examples of 'friendly' intelligence services behaving in a hostile way. Renate Kuenast, who as an MP for Buendnis 90/Die Gruenen in Berlin is a member of the intelligence oversight commission, added to this that in Berlin Mossad operatives had recently been given access to Palestinians under questioning in police custody.

Germany: intelligence failures

Using confidential BKA statistics, Falco Werkentin, a German researcher, has revealed that of the 10,000 to 15,000 Staatsschutz (state security) investigations initiated yearly in the former West Germany, some 60 to 70% originated from information voluntarily provided by civilians. Most of these 'political crimes' are in the sphere of espionage, treason, 'terrorist' activities, public order violations during demonstrations, sabotage, press law violations and the like.

His research shows that although the number of Verfassungsschutz officials had risen from 2,480 in 1970 to some 5,100 in 1990, the percentage of Staatsschutz investigations that originated from Verfassungsschutz and other intelligence services steadily declined from 2.4% in the early 1970s to 0.3% in 1985 (no later figure is available). Werkentin concludes that such an ineffective organization had best be liquidated by the Treuhand, which has vast experience in closing down factories in the former GDR.

Berlin Tageszeitung, 30.3.92.

Conference: police and intelligence

On June 19/20, 1992, the Swiss organization 'Komitee Schluss mit dem Schnueffelstaat' (which translates roughly as 'Committee to End the Prying State') is organising a Europe-wide meeting of researchers, civil liberties activists and others interested to exchange information and views on developments in policing and intelligence in Europe. The committee was founded in 1989, when the Swiss discovered some 900,000 people were registered by their security service. They are now protesting against a new bill on security services, and take the opportunity to start a European initiative against security services under the title 'Widerstand gegen Europol' ('Resistance against Europol'). Contact Catherine Weber at ++41 31 454858, fax ++41 31 452258, P.O. Box 6948, 3001 Bern, Switzerland.

Security & intelligence: new material

The case for dismantling the secret state, Tony Benn. *New Left Review*, no 190, 1991, 127-130. Review article of 'Smear' by Robin Ramsay and Stephen Dorrell.

Access to information allegedly held by the security services. *Human Rights Law Journal*, Vol 12, nos 6-7, pp282-284. Summarises the decision of the European Court to uphold a complaint against the Netherlands government.

The role of the Yugoslav Intelligence and Security Community, Marko Milivojevic in *Yugoslavia in Transition: choices and constraints: essays in honour of Fred Singleton*, edited by John B Allcock, John J Horton & Marko Milivojevic. Berg, 1992.

Death in the Highlands, Amanda Mitchison. *Independent magazine*, 28.3.92, pp24-29. Looks at the mysterious circumstances surrounding the death of Willie McRae, a radical Glasgow lawyer, in 1985. McRae was found slumped in his car with a bullet through his head. The authorities decided it was suicide and the Lord Advocate of Scotland decided that there should not be a Fatal Accident Inquiry (the Scottish equivalent to a coroner's inquest). The article concludes that if the official view is to be believed McRae, in a fit of despair, was driving too fast and came off the road. He then 'dematerialised his two briefcases' (which were later returned by the police) and then 'unconscious and brain-dead, threw his revolver away into the night'. In the background of the case is the Special Branch interest in his political activities and similarities to the 1984 murder of Hilda Murrell, who like McRae opposed the development of nuclear power.

POLICING

Chief Constable's 'racist joke'

Tony Judge, the editor of *Police*, the magazine of the Police Federation, has criticised the decision of the Strathclyde police authority to take no action over allegations of racist remarks by their Chief Constable Mr Leslie Sharp. The comments were made at a dinner hosted by Prestwick Cricket Club in Ayrshire at which Mr Sharp was the guest speaker. Mr Sharp is reported to have told a 'crude joke' referring to experiments with robot cricket umpires but cricketers had complained that the bright white colour of the robot blinded the batsmen. 'It was suggested they paint it black', Mr Sharp was reported to have said, 'But they said that they had once and it was no good because it started smoking pot, mugging old

ladies and robbing shops'.

Chairman of the Police Committee, James Jennings, said that Mr Sharp's comments had been indiscreet but that he had apologised and given assurances that he supported the council's anti-racist policy. The Committee accepted Sharp's apology and plan no disciplinary action.

The editor of *Police* says: 'Some may ... contrast the lack of action in Mr Sharp's case with what has happened to officers of much lower rank'. This is a reference to Inspector Peter Johnson who retired from the police three days after making a remark about 'Nig-nogs; our coloured brethren...' in 1985; and to a Commander in the Metropolitan Police briefing officers for the Notting Hill Carnival who spoke of 'coons' - he promptly went sick and after many months retired on a pension. As *Police* observed Mr Sharp, head of the second largest police force in the UK, is no stranger to the issue of relations between the police and the black community, 'he was, after all, Deputy Chief Constable of the West Midlands when half of Handsworth went up in flames in 1985'.

Guardian 17.3.92; *Police Review* 27.3.92; *Police*, April 1992.

Hackney police guilty of assault

Following allegations of racism and corruption and demands for a judicial inquiry into Hackney police (see *Statewatch* Vol 2 no 2) the force has come under further criticism following the award of £50,000 to a black woman, Mrs Marie Burke at Croydon Crown Court.

Mrs Burke, a 73 year old grandmother, was assaulted, maliciously prosecuted and falsely imprisoned by the police after her husband was arrested at the family home in east London following a minor traffic accident in January 1989. The accident was reported by a family friend who claimed he was driving the car at the time but the police, when they arrived at the Burke's home, accused Mrs Burke's husband of being the driver and arrested him. Marie Burke was pulled to the ground and held down by three officers when she tried to give her disabled husband his diabetes tablets.

At the police station Mrs Burke was searched and charged with assault although her husband was not charged with any offence. The charges against her were dropped two days later and she sued the Metropolitan Police in a civil action. Her award (which included £20,000 for the assault, £15,000 for malicious prosecution and £15,000 for false imprisonment) is one of the highest made against the Metropolitan Police.

The Burkes are the grandparents of Trevor Monerville, a young black man who was arrested by Stoke Newington police in 1987 and who subsequently 'disappeared' only to be located in Brixton Prison four days later, where he was found to have a blood clot on his brain. Following surgery, which left him with a loss of memory and suffering from fits, he was subjected to a series of controversial arrests, none of which resulted in conviction.

Following the award Scotland Yard issued a statement saying that no action was to be taken against the officers involved in the assault because '...no allegations against officers were substantiated.' In a letter to the *Guardian* newspaper Chief Superintendent Bernard Taffs, of Hackney and City Road Police Stations, wrote: 'Much compassion was shown by individual police officers towards Mr and Mrs Burke at the time and later in court.'

In a separate incident a black man Rodney Pilgrim, and his cousin Valerie Marche, accepted £20,000 in an out-of-court settlement from the Metropolitan Police following their arrest and detention at Dalston Police station in December 1988. The couple were being driven in a car which was stopped for speeding when police accused Mr Pilgrim of throwing cannabis out of the window. At the police station he was strip-searched and arrested for possession;

when she protested Ms Marche was charged with obstruction. The charges were later dropped.

There are a number of other civil actions against police in the area still pending and it is estimated that they have already paid over £125,000 in awards so far this year.

Hackney Gazette 21.2.92; *Guardian* 18.2.92, 20.3.92, 6.4.92; *Independent* 20.3.92, 21.3.92

Police jailed for beating black man

PC Alec Mason, known among his colleagues as the 'King of the Beat', was jailed for two and a half years at the Old Bailey following a vicious attack on an innocent black motorist in Tooting, south London in January 1990. A second officer, PC Gavin Larter, who was present during the attack, was jailed for four months after pleading guilty to perverting the course of justice by falsifying his record of the incident. Two other constables, PCs Toby Fletcher and Kevin Lucking received three month suspended sentences. Other officers, of senior rank, took part in the cover-up but were not prosecuted according to Judge Lawrence Varney.

The motorist, 25 year old Harold Benn, was initially stopped for speeding but when a breath test proved negative he was arrested on suspicion of having a stolen car. Reinforcements were called and about 20 police officers surrounded him when he protested his innocence. He was handcuffed and thrown face down into the back of a police van where PC Mason repeatedly stamped on his head and shouted racist abuse. During the journey to Tooting police station he was repeatedly kicked, punched and stamped on. Mr Benn was eventually released after he was found to be the legal owner of the car. He immediately lodged a complaint.

After the event PCs Mason, Larter and Fletcher conspired to falsify their notes of the arrest by accusing Benn of trying to bite them and omitting any mention of the attack.

Following the verdict at the Old Bailey Benn claimed that there were other officers present when he was arrested who didn't appear before the court. He also observed that: 'You have to look into the police force and get rid of crime there, before you can tackle crime on the street.'

Guardian 28.3.92; *Independent* 17.3.92, 28.3.92; *South London Press* 31.3.92.

Conference: policing in Europe

IHESI, the French government's Institut des Hautes Etudes de la Securite Interieure, is organizing a conference on systems of policing and police cooperation in Europe. The conference will focus on the challenges to policing posed by the profound changes taking place in the EC and the democratization of political regimes in Eastern European countries. The conference will provide a forum for dialogue between field police officers and researchers in Europe and also an occasion for an exchange of views with North American experts on the future of policing. Three topics will provide the basis for discussion: 1) A comparative study of the strengths and weaknesses of different conceptions of policing (Germany, UK and France); 2) An analysis of the changes that affect Western police organizations and of how these organizations mobilize their various resources to achieve maximum performance; 3) An assessment of the cooperation between the police of Europe and of their capacity to meet successfully certain major challenges, such as transnational collective violence, terrorist threats, new forms of crime related to computerization and to the pollution of the environment, the policing of borders and the control of immigration, and assistance to Eastern European police organizations. The conference will take place in Paris on December

1-4, 1992. Official languages are English, French and German. Registration fee is 900 FF. For more information contact IHESI colloque, 19, rue Peclot, 75015 Paris, France, tel. ++33 14530 5070, fax ++33 1 4530 5071.

Policing: In brief

* **Baton test:** The Association of Chief Police Officers has announced that police are to test a side-handled baton. The baton, which is two feet long with a side handle six inches from the end, is similar to one used by police forces in the United States. The tests will take place later this year when the batons will be issued to a number of officers for a six month period.

In Birmingham, West Midlands police officers have been carrying a martial arts weapon, the kubotan, which the force had tested and found unsuitable for issue. The kubotan is a bar of metal or bamboo measuring up to six inches long. It has been reported that West Midlands Chief Constable, Ron Hadfield, has granted an amnesty against disciplinary action for possession of the weapon in order to discover the extent of their use, which has been described as 'widespread'.

Guardian 29.2.92; *Independent* 23.3.92

* **National Criminal Intelligence System:** the name of the National Drugs Intelligence Unit (NDIU), which is being incorporated into the National Criminal Intelligence System (NCIS), is being changed to the NCIS Drugs Division.

There is a fine line between intelligence-gathering (the official role of the NCIS) and operations (which it said not to be undertaking). A spokesman for the NCIS said: 'Members of the NCIS will be allowed to cultivate informants and carry out static observations but will not undertake mobile surveillance; for this they will have to rely upon co-operation from operational units'.

Police Review, 27.3.92.(see also Statewatch Vol 2 no 2).

* **New PCA Chairman:** Sir Leonard Peach has been appointed as Chairman of the Police Complaints Authority. The appointment will take effect from August 1 when the current Chairman, Judge Francis Petre, retires.

Downing Street press notice, 9.3.92;

Policing: new material

Left realist criminology: strengths, weaknesses and the feminist critique, M Schwartz & W DeKeseredy. *Crime, Law and Social Change*, Vol 15 no 1, 1991, pp51-72.

The Berlin Police: an overview, O Thomas Bernsdorff. *CJ Europe*, Vol 2 no 2, 1992, pp5-7.

Terrorism in the 1990s, Richard Latter. Wilton Park Paper 44, HMSO, £7.50, pp28.

Al Capone and the Internal Revenue Service: state sanctioned criminology of organised crime, James D Calder. *Crime, Law and Social Change*, no 17, 1992, pp1-23. Calder examines the secrecy surrounding the records of Al Capone.

Hillsborough's new view, Claire Casey. *Police Review*, 6.3.92. Looks at the policing of Hillsborough nearly three years after the disaster.

Carrying the card, Claire Casey. *Police Review*, 31.1.92. Looks at the new scheme to end years of confusion between the police and

the NUJ.

House of Commons debates

Police National Computer, 3.2.92, Cols 104-114

Terrorism, 24.2.92, cols 689-736

CIVIL LIBERTIES

Homosexual acts legalised

The House of Keys, the lower chamber of the Isle of Man government, has voted to legalise homosexual acts in private between consenting adults who are over 21. It was the third debate on the issue in the past three years and brings the island's laws in line with the European Convention on Human Rights. In February police made a series of arrests of gay men, charging 21 with gross indecency; one of those charged, Kevin McCauley, 21, later committed suicide. A second man, Darren Wild, who it was alleged had been harassed by police because of his contacts with gay activists, shot himself when police arrived to question him.

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.

Dignity without liberty: a report on lay visiting to Lambeth Police stations, Sean Creighton. Bristol Centre for Criminal Justice, 1991, 70pp, £5.50.

An evaluation of the live link for child witnesses, Graham Davies & Elizabeth Noon. Home Office, Nov 1991, 145pp.

Employment in prisons and for ex-offenders. Employment Committee, House of Commons, (30 (session 1991-92) and HC 495i-iv (Session 1990-91)) HMSO, 1991, 106pp, £17.65.

Judicial activism in comparative perspective, Kenneth M Holland (ed). Macmillan, 1991, 220pp, £40 (hb).

Prisons Policy. Home Affairs Committee. House of Commons, (Minutes of Evidence: 11.12.91) HMSO, 1991, 21pp.

Law reform: a programme for action, Irvine, Alexander. Society for Labour Lawyers, 1992, 37pp £2.00.

Racial justice at work: the enforcement of the Race Relations Act 1976 in employment, Christopher McCrudden, David Smith & Colin Brown. Policy Studies Institute, 1991, 301pp, £35 (hb).

The UN Convention and children's rights in the UK, Peter Newell. National Children's Bureau, 1991, 219pp.

Reassessing civil rights, Ellen Frankel Paul, Fred D Miller & Jeffrey Paul Paul (eds). Blackwell, 1991, 222pp, £12.95 (pb)

The child witness, Nancy Walker Perry & Lawrence S Wrightsman, Sage, 1991. 288pp.

Interim report to members, 1990-91. Privacy International: NSW, Australia, Nov 1991, (140pp). Includes overview of the state

of the world's privacy.

1992 Race Equality Fact Pack, Race Relations Unit. Birmingham City Council, Dec 1991. Pack of 13 Fact Sheets.

Immigration and nationality law handbook, Sue Shutter. JCWI, 1992, 275pp. £8.99 (pb).

House of Commons debates

Protection of fundamental rights and freedoms, 12.2.92, cols 991-993

Child abuse victims, 28.2.92, cols 1302-1308

RACISM AND FASCISM

'BNP brutality' at top security hospital

A government inquiry, chaired by Louis Blom Cooper, QC, set up to investigate reports of abuse on patients at Ashworth top-security hospital in Merseyside has heard that a campaign of intimidation has been carried out by a group of Prison Officers' Association (POA) nurses who are also supporters of the fascist British National Party (BNP).

Witnesses informed the inquiry that one patient had his head submerged in a kitchen sink; another, who had undergone a frontal lobotomy, found pictures of brains in his locker. A third patient was sent a live snake in a parcel and another had his hand held on an electric hotplate by a nurse. An interim report by the inquiry reported that women patients had been stripped naked and locked in solitary confinement.

The witnesses also told of death threats to members of staff who belonged to a different trade union. Dr David Dines, who spent a week at Ashworth on behalf of the Inquiry, said that a group of 8-14 POA members were the ringleaders of the campaign of intimidation.

Guardian 10.3.92; *Independent* 26.3.92

Far-right gains in European elections

There was a dramatic shift to the right in two regional elections held in Germany during April. In the south the Republican Party won 11% of the poll (gaining 530,000 votes) in Baden-Wuerttemberg giving them 15 seats in the state parliament. The ruling Christian Democratic Union gained 39% of the vote, down 10% on the 1988 elections, and lost their overall majority. The Social Democrats received 30% of the vote (down 3%) in second place. In the north, in the Schlesweig-Holstein election, the neo-nazi German People's Union (DVU) unexpectedly got 6.5% of the poll (93,000 votes), finishing in third place and securing 6 seats. This result follows on from their success in neighbouring Bremen in last years election. The governing Social Democrats barely held on to their majority and saw their support drop by 9% from the 1988 elections to 46%. The Christian Democrats finished second with 40%. Both of the far-right parties targeted refugees and immigrants during their campaign and it seems likely that the mainstream parties will rapidly introduce even more stringent measures to deal with so-called 'economic refugees' in light of their defeat.

In France the National Front won 38% of the vote in the Nice (14th canton) by-election during February. With a 39% turn out their candidate, Jean Peyrat, finished 20% clear of his nearest rival from the Union for French Democracy.

During the March regional elections they polled an average of 14%, (up 4% on the 1988 national assembly election), after a campaign that was marked by clashes between demonstrators and right wing NF extremists. Rioting broke out in Paris and a 20 year old demonstrator was shot and wounded by National Front stewards in the southern city of Nimes. National Front leader, Jean Marie Le Pen, came second in the Provence-Alpes-Cotes d'Azur region with 23% of the vote; they finished in second place in Alsace (17.4%) and Ile-de-France (16.3%) also, but failed in their attempt to win control of targeted areas. The election was a disaster for the ruling Socialists who received only 18% of the vote and lost five departmental councils.

The Northern League, an umbrella party for the Lombard League and other rightwing federalist groups, made disturbing gains in the Italian general election in April. They gained nearly 9% of the vote to become Italy's fourth largest party. Before the election Umberto Bossi, the League's leader, was their only member of parliament; now they have 55 seats in the chamber of deputies and 25 in the senate. The League won almost a quarter of the vote in Milan but lost Brescia which they took from the Christian Democrats last year.

Guardian 6.4.92, 8.4.92; *Independent* 18.2.92, 23.3.92, 31.3.92, 8.4.92.

Far-right election flop

The British neo-nazi parties have failed to emulate the success of their colleagues elsewhere in Europe during the recent General Election. The two main parties, the British National Party (BNP) and the National Front (NF) stood 27 candidates between them, polling a total of just over 11,000 votes (with the BNP receiving 7000). The BNP received their strongest support in their heartland of east London where party leader, John Tyndall received 1107 (3%) votes in Bow and Poplar to finish in fourth place. Deputy leader, Richard Edmonds, received 1310 (3.6%) votes in neighbouring Bethnal Green and also finished in fourth place. Neither party was expected to do well in the elections and the BNP in particular has focused its attention in the months preceding the election on street violence.

Racism & fascism: In brief

* Concern has been expressed that members of the fascist White Aryan Resistance (VAM) are attempting to infiltrate the Swedish National Guard in order to obtain weapons. The fears have been disclosed following a series of gun attacks on black people, the most recent in Stockholm (see *Statewatch* 2:2). The National Guard, which is Sweden's civil defence force, have been warned to tighten their vetting procedures.

Racist attacks doubled from 41 during 1990 to 90 in 1991 in Switzerland. The number of petrol bomb attacks on homes for asylum seekers increased five times to 20. One man was killed.

European 26.3.92; 2.4.9.

* The German 'Antifascistischen Autorenkollektiv Berlin' published a book '*Drahtzieher im Braunen Netz, der Wiederaufbau der NSDAP*' (Berlin; Amsterdam: Edition ID-Archiv, 1992, ISBN 3-89408-022-1, 176 pp., dfl 26,80. Address: ID-Archiv im Internationalen Institut fuer Sozialgeschichte, Cruquiusweg 31, NL-1019 AT Amsterdam) on the growing extreme right movement in Germany and its international connections. The book provides many details and hundreds of names and organizations and it is richly illustrated with dozens of pictures of neo-nazi prominent figures and heavyweights.

NORTHERN IRELAND

Mass Strip Search at Maghaberry

On Monday March 2nd, every prisoner at Maghaberry women's prison (with the exception of one who was recovering from a medical operation) was subjected to a strip search. The move was unprecedented in two respects. Never before has a strip search been carried out on the whole female prison population at one time and never before has strip searching been conducted as part of a wing and cell search operation. Given the history of strip searching policy, it is probable that the governor sought clearance from the Northern Ireland Office before sanctioning the search.

Strip searching of women prisoners first attracted criticism towards the end of 1982 when, in addition to the reception and discharge search which is applied to all prisoners, extra strip searches were introduced. These were applied to all prisoners leaving and returning to the women's prison (at the time, Armagh), and principally affected remand prisoners making court appearances in Belfast. Believing that routine strip searching constituted a form of sexual abuse and an intimidating violation of privacy, some prisoners refused to be searched.

The ensuing controversy led firstly to the introduction of random strip searching, and thus fewer searches, from March 1983, and secondly to a thorough inquiry into the issue by NCCL. The latter concluded that, 'the introduction of routine strip searches ... amounted to an ill-considered attempt to maintain authority in the prison following years of unrest in the prison community ... We are not convinced by the security arguments... Nor can we find a convincing justification for its continued enforcement'. The NCCL inquiry concluded that there were no grounds for the original change of policy in 1982.

The latest strip search took approximately ten hours to conduct. The morning began with prisoners being told that a security search was to take place. About an hour later, they were told that they were to be strip searched. The 22 women in the republican wing of the prison objected, and were then threatened with punishment. They continued to object.

Not long afterwards, according to the prisoners' own account, 'large numbers of female screws dressed in full riot gear entered the wings carrying shields and batons. Before long, the sound of screaming was heard throughout the gaol as one woman [...] was set upon by six of the riot squad, dragged down onto the floor of her cell and forcibly stripped naked.

The terror and revulsion felt by every other woman in the gaol was so overwhelming that most began to barricade their doors (using the bed and locker), in an attempt to prevent the same thing from happening to them. Cell doors were left wide open so that both male and female searchers on the landings outside could watch if they wished... Between 5 and 16 female screws in riot gear, their faces disguised with helmets, would burst into the cell, seize hold of the woman's arms and legs, and drag her down, pushing her face tightly into the floor. Women's mouths were covered in an attempt to stifle screams. While some women's arms were twisted up their backs, others were pinned to the floor above their head. Women were punched, kicked, scabbed, nipped and had their limbs twisted in various directions through out the ordeal..'

The prison doctor recorded the women's injuries later the same night and he sent [...] to an outside hospital the following day because of the extent of swelling and bruising down one side of her face. Many of the women were put on anti-inflammatory tablets, pain-killers, sleeping draughts, and one woman had a urine sample

taken as a result of back injury. Once stripped naked, some of the screws forced the woman's clothing back on again while still holding her down. Others left the victim lying naked or half naked on the floor... When the screws tried to gain entry to the cell [of...] they had problems unlocking the door. Male screws in riot gear worked at it for a long period of time, and when they did eventually get the door open, they stormed into the cell themselves... They grabbed [...] off the top of the bunk-bed upon which she was lying, and let her fall head first onto the floor. They then picked her up and carried her, face down with her head between their legs, to another wing where she was stripped by female screws.'

Commenting on the day's events, an article in *Just News* (the Bulletin of the Committee on the Administration of Justice) states: 'it is difficult not to dismiss the negligible security benefits (of strip searching) as intellectually and morally discreditable. One can only hope that this event and its subsequent justification in the tired old clichés of security jargon does not mark the return to the tried and failed confrontational style of prison management that marred the early 1980s.'

Just News, Vol 7 No. 4, April 1992. AP/RN 5 March 1992. National Council for Civil Liberties, *Strip Searching: An Inquiry into the Strip Searching of Women Remand Prisoners at Armagh Prison between 1982 and 1985*, London 1986. Tomlinson, M. and Rolston, B, 'The Challenge Within'. Prisons and Propaganda in Northern Ireland, in Tomlinson, M. et al (eds.) *Whose Law and Order? Aspects of Crime and Social Control in Irish Society*, Belfast: Sociological Association of Ireland, 1988, pp. 167-192.

Abortion, Ireland and of Europe

The future of the Maastricht Treaty is in question following the response of the Irish Attorney General and judiciary to the rape of a 14-year-old Dublin girl. The Treaty has to be ratified by all EC member states before it becomes law and in the case of Ireland this requires a referendum.

The referendum, now scheduled for the 18th of June, could result in a 'no' vote because both sides in the abortion debate fear that the Treaty will institutionalize a position which neither wants. The Church fears abortion will become easier because of EC guarantees of freedom of information and travel, while women's groups are worried that the Treaty will merely confirm the very limiting domestic legal judgements made following the rape. In addition, there is a sizeable lobby concerned that the Maastricht Treaty will diminish Irish sovereignty, in particular compromising Ireland's traditional neutrality with regard to NATO and other military alliances.

When the Treaty was finalized in December 1991, the Irish government asked for a special clause recognising Ireland's constitutional ban on abortion. Abortion has always been illegal in Ireland under the 1861 Offences Against the Person Act, but Catholic Church based pressure groups and the Church hierarchy itself sought to strengthen the anti abortion position through an amendment to the written constitution.

The 1983 'Pro-Life referendum' secured an amendment which declares that 'The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and as far as is practicable, by its laws to defend and vindicate that right.' During the extremely bitter and divisive campaign on the Pro-Life referendum, opponents warned that the amendment would lead to the closure of advice and counselling services, and even to individual women being stopped from boarding boats or having to prove they weren't pregnant before getting on planes to London. Indeed, having secured the amendment, the anti-abortion groups have initiated a series of court

cases. These have resulted in the closure of two women's health clinics, the removal of books on women's health (such as *Our Bodies, Ourselves*) from the shelves of public libraries, and the printing of special editions of British women's magazines excluding advertisements which might provide information to those seeking abortions. As the *Observer* and *Irish Times* columnist Mary Holland put it, 'information about abortion is now only available through the kind of underground network that existed in Britain before 1967'.

In February, the parents of the rape victim went to the police to report the crime. They also said they were taking their daughter to England for an abortion. Apparently, the police then contacted the DPP's office to arrange for the British authorities to sample the foetal tissue for DNA testing. This, they assumed, would secure the conviction of the culprit. On hearing the parents' intentions, the Attorney General applied for and was granted an injunction preventing the parents from taking their daughter to England, even though they were already there. Fearing prosecution for contempt, the parents returned.

The High Court ruled that, although the rape victim had been sexually abused for some two years by an 'evil and depraved man', and was contemplating suicide, the threat to the life of the unborn was overriding. The case then went to the Supreme Court. Here the application of EC law on freedom of movement, as well as the interpretation of domestic law was put to the test. In a three-to-two majority ruling, domestic law on the right to life of the unborn was judged to take precedence over the right to freedom of movement between EC member states. Nevertheless, on an interpretation of the constitution, the Supreme Court ruled that the rape victim could travel to England for an abortion because the threat to her life was more important than the life of the unborn child.

The Irish government's first response to the Supreme Court ruling was to seek a further change to the Maastricht Treaty which would make it clear that Ireland would respect EC law on freedom of movement and information. This was refused. The government then made a public declaration and commitment that EC rights would not be undermined by Ireland's special protocol in the Treaty, but there is no legal force behind this and it does nothing to clarify either domestic law on abortion or the contradiction between domestic and EC law.

The government is hoping to win a 'yes' vote on the Maastricht Treaty before moving on to the possibility of a referendum on the constitution, or a legal change making the constitution clearer. Following Maastricht, the government will need to deal with both the issues of freedom to travel/information and the issue of abortion within Ireland.

Observer, 16.2.92; 23.2.92; 19.4.92. *Irish Times*, 7.3.92. *Abortion in Northern Ireland: The Report of an International Tribunal*, Belfast: Beyond the Pale Publications, 1989,

Northern Ireland: new material

Fear and loathing on the Falls Road, Malachi, Suzanne Breen & Francis Mooney. *Fortnight*, March, 1992, pp23-25.

Nicky Kelly - the case that refuses to go away. *Irish Times*, 17.2.92 & 30.4.92. Sixteen years after the robbery for which he was jailed, and nearly eight years after his release on humanitarian grounds, Nicky Kelly learnt that the Irish Minister of Justice is recommending that he be given a Presidential pardon.

House of Commons debates

Northern Ireland (Security), 20.1.92, cols 19-29

Security (Northern Ireland), 6.2.92, cols 478-488

Northern Ireland (prison management), 4.3.92, cols 313-319

Northern Ireland, 5.3.92, cols 496-535

BOOKS RECEIVED

All books received are listed on the on-line database with chapter headings and short summaries.

The State or the market, edited by Martin Loney, Robert Bocock, John Clarke, Allan Cochrane, Peggotty Graham, & Michael Wilson. Sage, 1991, pp360, £9.95, pk.

American hegemony and the Trilateral Commission, Stephen Gill. Cambridge University Press, 1991, pp304, £14.95, pk.

The Racial State - Germany 1933-1945, Michael Burleigh and Wolfgang Wippermann. Cambridge University Press, 1991, pp386, £12.95, pk.

Policing the Empire - government, authority and control, 1830-1940, edited by David M Anderson and David Killingray. Manchester University Press, 1991, pp260, £40.00, hd.

The Politics of Crime Control, edited by Kevin Stenson and David Cowell. Sage, 1991, pp226, £10.95, pk.

Reading the Riot Act - the magistracy, the police and the army in civil disorder, Richard Vogler. Open University Press, 1991, pp206, £14.99, pk.

The English Police - a political and social history, Clive Emsley. Harvester Wheatsheaf, 1991, pp253, £35.00, hd.

European security - towards 2000, Michael C Pugh (editor). Manchester University Press, 1992, pp196, £10.95 pk.

The amateur military tradition 1558-1945, Ian F W Beckett. Manchester University Press, 1991, pp340, £35.00.

From Churchill's secret circle to the BBC: the biography of Sir Ian Jacob, General Sir Charles Richardson. Brassey's (UK), 1991, pp304, £29.95.

The frontiers of citizenship, edited Ursula Vogel and Michael Moran. MacMillan, 1991, pp210.

Race, nation, class - ambiguous identities, Etienne Balibar and Immanuel Wallerstein. Verso, 1991, pp232, £10.95 pk.

Secret war: the story of SOE, Britain's wartime sabotage organisation, Nigel West. Hodder & Stoughton, 1992, pp305, £20.00.

Troubled Times: Fortnight magazine and the Troubles in Northern Ireland 1970-1971, edited by Robert Bell, Robert Johnstone & Robin Wilson. The Black Staff Press, 1991, pp224, A4, £9.95.

Power and policy in liberal democracies, edited by Martin Harrop. Cambridge University Press, 1992, pp304, £12.95 pk.

The rebirth of private policing, Les Johnston. Routledge, 1992,

pp251, £11.99 pk.

Regulating covert action: practices, contexts and policies of covert coercion abroad in international and American law, W Michael Reisman & James E Baker. Yale University Press, 1992, £18.50 (hd), pp250.

The future of Whitehall, Oonagh McDonald. Weidenfeld & Nicolson, 1992, £19.99, pp212.

The Dark Side of Europe: the extreme right today, Geoffrey Harris. Edinburgh University Press, 1992, £12.95 (pk), pp213.

The Butcher's Empire: the Philby conspirators in Washington, Verne W Newton. Macdonald, 1992, £14.95 (hd), Warner (pk) £4.99 (July), pp448.

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Background document files

The following background files are available:

The Schengen Agreement: *Statewatch briefing* full text of the Agreement plus an introduction, European Parliament resolutions, and a select bibliography. Cost: £5.00 inc p&p (Europe £6.00; outside Europe \$15 or £7.00 sterling).

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

Official secrecy in the European Community? *Statewatch briefing*, May 1992. Cost: £3.00 inc p&p (Europe £3.50; outside Europe \$10 or £4.00 sterling).

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