

Statewatch bulletin

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IMMIGRATION AND ASYLUM

Safe country list

In April 1995, the Home Office Asylum and Special Cases Division announced a pilot scheme for a shortened asylum determination procedure, to start on 15 May. Some asylum-seekers from Ghana, Nigeria, India, Pakistan, Sri Lanka, Romania and Poland were to be interviewed immediately on making their asylum claim, and were to be given five working days after the interview to submit documentary evidence in support of their claim. A decision on their claim would then be made, and no further evidence arriving after that date would be considered.

The idea behind the scheme is to weed out obviously unfounded claims for asylum by speedy processing of claims from countries which, in the view of the Home Office, produce few refugees. The pilot follows an earlier experiment in which asylum-seekers from Ghana, Romania and India were interviewed instead of being given self-completion asylum questionnaires. But refugee and human rights organisations are very concerned that once again, asylum rights are being cut in the drive to save money. They point to the fact that, of the countries selected for the pilot by the Home Office, Nigeria, India, Pakistan and Sri Lanka have all been the subject of recent condemnation by Amnesty International and others for their human rights abuses, and there is evidence of persecution of minorities such as Gypsies in Romania and Poland. Northern Sri Lanka, Punjab, Kashmir and the oilfield regions of Nigeria are all experiencing civil war and/or severe repression.

They also complain that the Home Office is not playing fair. The Refugee Council has lodged a complaint that the Home Office has broken an undertaking that it would discuss the findings of the earlier, more limited scheme before embarking on further pilots. Instead, the Council says, the Home Office has justified the new scheme by claiming that the earlier one "was successful in speeding up the procedure without reducing the quality of the decisions" - without saying by whom and how it was

monitored.

If decisions were generally of reasonable quality, there would be less cause for concern. But, as a recent report from Asylum Aid, "No reason at all", reveals, the reasoning deployed in refusing asylum claims ranges from the dishonest to the bizarre. A Zairean who claimed to have escaped to Congo by canoe across the river Zaire was told that he could not have done so because of the "size, strength and considerable dangers posed by the river such as shifting sandbanks and crocodiles". Asked to produce evidence for this assertion, the Home Office withdrew the line of reasoning. Another Zairean told the Home Office that soldiers raided his house, arrested his father and shot his brother. The Home Office "noted your claim that the soldiers were firing wildly within the house, and considered that the shooting of your brother was not necessarily a deliberate act. He further noted that they did not shoot your father, who was the most politically active member of your family." Another example of perfect logic, encountered by a Colombian asylum-seeker in May, was: "Your enemies have had ample opportunity to kill you, but they have not done so."

These examples disclose the reasoning of the Asylum Unit when it is not under pressure of time. As UNHCR warns, "The more accelerated the procedure, the higher the risk of mistake." A week is simply not long enough to allow an asylum-seeker to gather evidence. An appointment with the Medical Foundation for the Care of Victims of Torture, important for an asylum-seeker who claims to have been tortured, takes a month to six weeks to set up. In all but name the Home Office has produced a safe country list, such as Germany operates. Nationals from these countries are assumed not to be persecuted in the absence of compelling evidence to the contrary. All the more reason why they should have a proper opportunity to produce such evidence.

Appeals squeezed

To criticisms such as these the Home office counters that all rejected asylum-seekers have a right of appeal to the

independent appellate authorities. Apart from the shoddiness implicit in such an argument (the quality of our decision doesn't matter, you can appeal) it ignores the costs, in time, stress and money, of not getting it right first time. There is no legal aid for representation on appeal, so asylum-seekers must either pay privately or go to a free representation body. The main such body is the Refugee Legal Centre (RLC), which, despite its total reliance on Home Office funding, is completely independent - too much so for the Asylum Unit, perhaps, which is demanding huge increases in productivity (ie in throughput of cases) for the same manpower, and refusing to provide adequate funding. As a result, RLC had to close its doors in April to all new cases, and opened again in May with a much more limited service.

Part of its problem is that unrealistically short time limits for hearing asylum appeals were prescribed in the 1993 Asylum and Immigration Appeals Act. Fast-track appeals (against removal to a "safe" country of transit) are supposed to be heard within a week under the Act. The timetable is an impossible one for appellants and appellate authorities alike, and in fact fast-track appeals are lucky to get heard within two months. Thus a huge backlog has been created, and the system is about to collapse under the strain. Money is being injected for the recruitment of more adjudicators and more Home Office staff, but no corresponding increase for legal assistance to asylum-seekers is forthcoming. If RLC cannot cope with its increased workload, which will shortly be further swollen with fast-track refusals of those on the unofficial "safe list", the Home Office will doubtless carry out its threat to remove oral appeal hearings in some fast-track cases, thus weakening still further the protection of appeal rights.

The clandestine development of accelerated procedures for a list of "safe countries", combined with the squeezing of the appeals system, is a recipe for appalling miscarriages of justice. The problem is, information about the fate of rejected asylum-seekers is very rare: they tend to disappear, and their countries of origin do not issue bulletins of extra-judicial execution or torture. But the Home Office's choice of some of the countries most disfigured by civil strife as safe countries must itself provoke alarm, concern and outrage such as to prevent the adoption of the scheme.

Correspondence between Home Office and Refugee Council, April 1995; "No Reason at all", Home Office decisions on asylum claims, by Asylum Aid, 244a Upper Street, London N1 1RU, April 1995.

Detention damned

A damning Amnesty International report on the detention of asylum-seekers in Britain discloses that the Home Office routinely breaches international human

rights standards, as well as its own guidelines. Despite Home Office assurances that detention is a last resort, the report shows, with reference to fifty case studies drawn at random from the detained asylum-seeking population (which stands at around 600 at any given time), that it is often a first resort, used apparently arbitrarily and irrationally, and without adequate legal remedies.

To the claim that those detained will be patently bogus applicants, Amnesty replies that in its sample of 50, seven were granted asylum at the end of the process, either by the Home Office (four) or on appeal (three): 14% compared with just over 3% of all asylum-seekers. Detained asylum-seekers were therefore more, not less likely to be genuine refugees than those not detained. Those granted asylum had spent over four months in detention before their claims were recognised. One was the only asylum-seeker at Edinburgh prison for over 500 days. One, with medical evidence of torture in Algeria, spent 241 days at Wandsworth prison. Of those at liberty during the processing of their claim (98% of all asylum-seekers), only 0.59% absconded.

Broken promises

Despite Home Office promises to get asylum-seekers out of prisons, in April 1995 they were in Winson Green, Brixton, Manchester, Wandsworth, Greenock, Bristol, Exeter, Armley, Belmarsh, Risley, Wormwood Scrubs, Birmingham, Norwich and Strangeways prisons, in remand centres in the Wolds and Hindley, and at Brinsford young offenders' institution (YOI) as well as in police cells, ports and immigration detention centres. Asylum-seekers were transferred to prison as punishment for disciplinary offences, without representatives being informed. Often no reasons were given for detention, or non-specific reasons. The Home Office refuses to give written reasons for detention, saying it would be too expensive.

Applications for bail are not available automatically as of right, but only in specific circumstances. There is no presumption in favour of bail, and adjudicators usually require two sureties to stand guarantor for £2,000 each, which for two-thirds of the sample effectively prevented bail applications, since they knew no-one and had no potential sureties. The remedy of habeas corpus is useless since it looks only at the legal power to detain (and the Home Office has almost unlimited power) and not at the merits of a decision to detain. The High Court will only consider bail as an adjunct to other relief, and then only if a detention decision is "manifestly unreasonable" (which, in a 1980s case, nine months detention was not).

Amnesty concludes that the government is in breach of the UN Body of Principles for the Protection of All

Persons under any form of Detention or Imprisonment in respect of the lack of an effective remedy for detention, the lack of reasons, and the obstruction of access to legal representatives caused by "ghosting". Further condemnation of the practice of detaining asylum-seekers came from several quarters. In its report "Zairian asylum seekers in the UK: their experiences in two countries", the Medical Foundation for the Care of Victims of Torture reiterated findings of an earlier report, "A betrayal of hope and trust", that the vast majority of those asylum-seekers seen by its doctors had visible evidence of torture, and condemned the practice of detention of torture victims. The Home Office commented that its port medical inspectors could not be expected to find evidence of torture in their examinations, which were conducted only to see if passengers had infectious diseases, and that asylum-seekers should produce their own medical evidence of torture. But, as the Medical Foundation knows, such evidence is rarely accepted by the Home Office, whose usual response is that the scars and injuries found could be accidental.

The National Audit Office report on the immigration service (see below) issued a timid recommendation that the service should "consider developing minimum standards of care" for detainees, "consider setting minimum standards for facilities in detention centres", and "consider improving procedures for keeping detainees informed about the progress of their case". The report recorded that standards of accommodation were generally poor, and environmental health and health and safety officers were concerned at conditions in some port detention buildings, including the Beehive at Gatwick and the basement at Manchester airport, where detainees are held in conditions with no natural light, and a leaky ceiling. It did not deal with prison detention. Judge Stephen Tumim issued a critical report on Campsfield detention centre in April, saying that the majority of inmates were suffering from stress and that medical care needed a complete overhaul.

Teaching new dogs old tricks

The Home Office is, however, far more interested in its new dogs than in the welfare of the asylum-seekers in its care. On 18 May a press release praised the work of "Billy, Millar, Jake and Bruno... lively animals, very friendly springer spaniels... naturally curious and full of energy, which makes them ideal body detection dogs". The dogs' job is to sniff out illegal immigrants who hide in lorries and cars at Dover, and in the last year they have detected 176 people. They have been so successful that they are to be joined by Chester, Duke, Sam and Buster, and the scheme is to be extended to cover Harwich, Felixstowe, Newhaven, Portsmouth, Poole and

Southampton as part of a "rolling surveillance programme". The programme also includes regular forays by immigration officers up the A2 with night vision equipment, to detect illegal entrants transferring from containers into cars to get to their final destinations. *Prisoners without a voice: Asylum-seekers detained in the United Kingdom*, Amnesty International, 2nd revised and updated edition, May 1995; *Zairian asylum seekers in the UK: their experiences in two countries, and A betrayal of hope and trust*, Medical Foundation for the Care of Victims of Torture, 96/98 Grafton Road, London NW5 3EJ; *Adding Insult to Injury*, Asylum Aid, April 1995; *Entry into the United Kingdom*, National Audit Office, 22.2.95; *Independent* 21.4.95; *Home Office Press release* 18.5.95.

Deportee death verdict

In June an Old Bailey jury acquitted three police officers of the manslaughter of deportee Joy Gardner. The jury heard how officers from the Aliens Deportation Group and the Extradition Squad handcuffed Ms Gardner to a belt around her waist, strapped her thighs and ankles together with two further belts and then, as she lay trussed up on the floor, wound thirteen feet of adhesive tape wound round her head and face as a gag. Neither Ms Gardner nor her solicitors had been told that the latest representations to the Home Office pleading for her to be allowed to stay had been rejected or warned that she was to be removed, and when Ms Gardner tried to use the phone, an officer unplugged it.

The Aliens Deportation Squad was unheard of until Joy Gardner's death in August 1993. It transpired that the group had operated for years to support immigration officers in the removal of "potentially violent or disruptive" deportees, and had developed a little arsenal of "restraint" equipment, including the makeshift gags, which were still in use years after a warning that their use outside an aircraft was probably unjustifiable.

Independent 16 & 18.5.95.

Private "control and restraint"?

The announcement that Group 4 Security is to set up a riot squad to deal with disorder in immigration detention centres came just a week before the start of the Joy Gardner trial. Detention orderlies currently earning £4 per hour are among Group 4 personnel will be able to earn an extra 50 pence per hour forming "tactical units" to respond rapidly to outbreaks of disorder. They will undergo training in control and restraint techniques and use of shields and possibly batons, according to a Group 4 spokesman. Immigrant, refugee and human rights groups reacted with alarm, pointing to the complete lack of safeguards to prevent unaccountable racist brutality.

Observers point to the poor vetting which could allow the inadvertent recruitment of violent racists and neo-nazis and to the basic nature of the training, as well as to the inherent immorality of allowing companies to make profit from the control and restraint of immigration prisoners and asylum-seekers.

Guardian 10.5.95

SPAIN

Refugees in Spanish enclaves

Refugees seeking asylum from Central Africa are living in appalling conditions in the two Spanish enclaves of Ceuta and Melilla on the northern coast of Morocco. In Ceuta around 250 refugees are living in a former disco without electricity and water, little food, and without "papers". The first of these refugees arrived four years ago and about three more people a week are joining the group. Nobody is taking responsibility for them and there is little chance they will be able to enter the Iberian Peninsula. The authorities in Ceuta first refused to assist the refugees and then tried, unsuccessfully, to deport them - most are political refugees. Pressure on the Spanish government delegation obliged them to undertake some minimum measures but the Ceuta town council refuses to help. It says that if they improve living conditions more refugees will come and says it is a problem for the central government in Spain.

In Melilla, the second Spanish enclave, 15 refugees who went on hunger strike were finally given housing. These refugees claiming asylum had been living on the streets for nine months. Their asylum claim has been refused and they have been told they are to be deported. The delegate of the Spanish government in Melilla is known for taking a hard line: in 1992 he ordered riot police to break up a meeting of 100 Central-African people and put them into the inter-frontier zone between Melilla and Morocco where they had to live for almost two months without aid in the desert.

Kontrola Kontrolpean, Donostia, Euskadi (Spain).

Government promises new law on aliens

At a meeting between the Spanish President, Felipe González, the Minister for Social Affairs, Cristina Alberdi, and representatives of the trade unions and immigrant associations González promised to amend the Law on Aliens. The associations and trade unions called for changes to family reunification, the length of permits, and the right to vote in local elections.

Minister Alberdi said that the quota for immigrants to enter Spain would rise from 20,600 in 1994 to 25,000 in 1995, which is "sufficient to meet labour needs". She conceded that in addition to one year permits there would be ones for 3 to 5 years, and that during the

Spanish Presidency of the European Union (starting on 1 July) the government would support family reunification and "integration" measures.

The government strategy is to "integrate" immigrants legally living in Spain while closing the frontiers, toughening the asylum laws, and ignoring the *Caritas* estimate of 150,000 migrants living in Spain without "papers".

Kontrola Kontrolpean, Donostia, Euskadi (Spain).

BELGIUM

Zairian asylum-seeker dies

A thirty year old Zairian woman has died in Kinshasa in what the Belgian newspapers are describing as "mysterious circumstances" after being deported from Belgium. The case has led to sharp attacks by Belgian politicians on asylum policies.

According to the Agalev party, Marie-Louise Shingila Issomoko arrived at Zaventem Airport on 28 August 1994 with her two children, aged 5 and 2, after having been held in a Zairian prison since April, following her arrest whilst attending a meeting of the Zairian opposition group, UDPS. She was then held for a month at an unknown location before phoning her sister in Holland on 27 September to tell her that she was being deported. Shingila was then deported on 29 September when she was put on a plane for Zaire. Her family never saw her again.

The family finally found out what had happened to Mrs Shingila when a worker in a mortuary recognised her because of a necklace she had been wearing with her name on it. The mortuary worker told the family that she had died as a consequence of infected wounds after she had been tortured and raped by soldiers. The whereabouts of the children are still unknown.

According to the lawyer representing Mrs Shingila's sister, there were obvious political reasons why the Zairian regime would have wanted to kill her. Her father was a leading member of the Zairian opposition. He was also the organiser of the meeting at which Mrs Shingila and other members of her family were held by the Zairian army.

The case has raised a number of questions in relation to Belgian and European asylum rules. It appears that, because Mrs Shingila travelled without any papers, the Sabena airline company handed her straight over to the Belgian security forces without allowing her to make a claim for political asylum. This is linked with the law which allows the government to fine any company allowing people to travel without the relevant travel documents. It would also appear that Belgium security forces are increasingly inclined not to allow anyone entering the country without documents to claim asylum. As the Agalev senator Frans Lozie puts it:

"There are two official procedures that a persons file must go through before asylum is granted, however in addition to these two - the first admissibility procedure at which point 90 percent of the applications are rejected and the more detailed background research - it would appear that there is a third hurdle. More and more asylum seekers fail to even deliver their file to the relevant institutions, because they are headed off by the security services or the gendarmerie at the border".

According to Lozie at least part of the blame for this new phenomenon must be put at the door of Belgium's new laws on "carrier liability" through which transport companies are liable to be fined if they carry passengers without valid travel documents, laws which are now widespread throughout the EU.

De Morgen 6.5.95

Former Yugoslavs sent back

The Belgian government has decided to deprive up to 7000 citizens of the former Yugoslavia of their "displaced persons" status. The net effect of this will mean that many who have benefitted from easier access to Belgium will now be facing deportation.

The news emerged from a circular sent to all local authorities from the Minister of Internal Affairs, Johan Vande Lanotte, in which he stated that most of the problems in the former Yugoslavia are now over. The circular does exclude Bosnians, Kosovans and Krajinan citizens, but even they will be vulnerable if they have in any way misbehaved or have "threatened public order", or if they have spent a lengthy period of time in a third country.

According to government sources the impact on the former Yugoslavs living in Belgium will be relatively limited: "a maximum of thirty percent of ex-Yugoslavs currently resident in Belgium will lose their status and be forced to return home". However Senator Lozie of the Agalev party attacked the new policy claiming that this meant "the end in our country for the policy of accommodating people who have fled from ex-Yugoslavia".

De Morgen 5.4.95

In brief

Accidental death verdict: Coroner Sir Montague Levine was critical of immigration procedures after an inquest jury brought in a verdict of accidental death on 31-year-old Nigerian Joseph Nnalue, who fell to his death as he tried to escape police and immigration officers during a raid in October 1994. As he lay dying on the floor outside the flat, his eight-months pregnant

widow, Grace Abrahams, was questioned about her own immigration status. Sir Montague said immigration officers should have had more information on the couple when they went round on an anonymous tip-off. *Times* 5.4.95.

Germany: Deaths in custody: According to the German government, six asylum seekers or refugees have died in police custody or during deportations over the past year. The statement was made in answer to a parliamentary question placed by the PDS (Party of Democratic Socialism) group in the national parliament (Bundestag). Of the six deaths, four occurred in police custody, one in custody of the Federal Border Guard and one during a deportation. Details of the causes of death were not given. *Berlin Anti-Racist Information Network*.

Vietnamese hostel residents fight Berlin police: A hostel for Vietnamese immigrants in the Marzahn area of Berlin was the scene of heavy fighting on 5 May. Residents reacted angrily to the violent treatment by police of traders selling groceries in the hostel courtyard. According to newspaper reports, police are alleged to have beaten one of the traders unconscious. Hostel residents sealed the entrance to the courtyard and pelted the 30 or so police officers present with stones and household objects (including microwave ovens). Police are said to have replied with teargas and baton charges. Teargas is also said to have been used inside the hostel itself, which houses infants and young children. Seven residents were officially reported injured in the fighting, including one child with head wounds. According to the police, 25 police officers were injured, and six hostel residents arrested. The confrontation lasted over 3 hours. *Berlin Anti-Racist Information Network*.

Germany: Asylum for Turkish Christian minority? On 25 April the German Supreme Administrative Court (Bundesverwaltungsgericht) ruled that the minority Syrian-orthodox Christian community suffer persecution in Turkey, a decision which - in theory at least - considerably increases their chances of gaining political asylum in Germany. Lower courts had already come to the same conclusion, but in each case the Federal Commissioner for Asylum Affairs had intervened to appeal against the verdict. This final success for the Syrian-orthodox community could mean that "all asylum cases still pending should get a positive decision", according to Sigrid Tepfer, the lawyer representing Mr Binyamin Aykurt, the refugee who originally brought the case. *Berlin Anti-Racist Information Network*.

Sweden: Conduct unbecoming: The Swedish government is proposing to introduce new immigration

rules which will deny residence permits to refugees who are perceived as dishonest or who do not conduct themselves properly. The new rules will not be applied to those who qualify under the Geneva Convention as refugees but most refugees are granted residence permits on humanitarian grounds. The amendment to the law refers not only to criminality but also serious complaints about their way of life which can be used to deny them a permit. *Swedish Text-TV*, 20.4.95.

Immigration - new material

The love that dare not board a plane. *No one is illegal* 19:2-3, 1995. Article on lesbian and gay relationships and immigration controls.

New threats to asylum seekers. *Exile* 85 (April) 1995, p 1 & 3. Piece on new government measures to tighten asylum rules and rights.

Bordering on racism, Don Flynn. *Chartist* May-June 1995, pp16-17. Piece on the benefits of immigration in Europe.

Control of immigration: statistics UK third and fourth quarters and year 1994. *Home Office statistical bulletin* 9/95 (HMSO) 1995.

The accountancy of asylum. *CARF* 26:4-6 (June/July) 1995. This article looks at the economics of immigration and asylum practices and concludes human rights and democratic principles are sacrificed to save money.

Control of immigration: Statistics UK: third and fourth quarters and for year 1994. Home Office Statistical Bulletin, May 1995.

Free movement and British citizenship, Mahmud Quayum and Mick Chatwin. *Legal Action*, April 1995, pp17-18. Looks at the position of EEA nationals living in the UK who want to apply for naturalisation or establish their UK-born children as British citizens.

Access to legal assistance for asylum-seekers, Prakash Shah. *Immigration & Nationality Law & Practice*, vol 9 no 2, 1995, pp55-58.

Detention of asylum-seekers: A continuing cause for concern, Ragnhild Witherow. *Immigration & Nationality Law & Practice*, vol 9 no 2, 1995, pp59-63.

Turkish immigrants in Europe: a literature and case review, Bulent Cicekli. *Immigration & Nationality Law & Practice*, vol 9 no 2, 1995, pp67-69.

Parliamentary debates

Employment of illegal immigrants *Commons* 16.5.95. cols. 175-178

CIVIL LIBERTIES

ID card debate starts

At the end of May the Home Office produced its long-awaited Green Paper on identity cards (ID cards). It proposes either: 1) using the new photocard driving licence or a voluntary ID card for use as a travel document and to "confirm identity" or a combination of the two or 2) moving over to a national ID card system with two options: a) a "multi-function Government card" - a "smart" card for use as an identity card and for other uses such as bank transaction or b) a compulsory identity card - either a simple identity card or a multi-function card.

The key questions the Green Paper poses are: should an ID card system be introduced? If it is should it be voluntary or compulsory to have one? Would a "voluntary" really be voluntary if it has to be produced for a multitude of transactions? If compulsory should it be compulsory to carry it at all times? How much information should be held on it? If it uses "smart" card technology should it also carry other information like bank details?

Liberty have come out against the introduction of ID cards and argues in the latest issue of its magazine *Agenda* that threatens the right to privacy, would increase the harassment of black people and young people, and that the arguments for ID cards, for example, it could cut down crime cannot be shown. The "worst case" scenario presented in the Green Paper is: a compulsory ID card (with fines or imprisonment for failure to register) with "smart" technology (allowing police officers to check it by running it through a decoder on the street; and the ability for information to be amended) and new police powers:

"The most obvious power would be to allow the police to ask for proof of identity without giving any reason. Such a power might assist as a general deterrent to criminals or illegal immigrants."

Identity Cards - A Consultation Document, Green Paper. HMSO, 24.5.95, £8; "Identity Crisis", *Agenda*(Liberty), June 1995, pp10-11; *Identity Cards Revisited*, IPPR/Justice, May 1995, 29 pages; *Home Office press release*, 21.6.95.

Gay Soldiers Lose Case

The case brought by four lesbian and gay ex-servicemen and women in an attempt to overturn the ban on homosexuals serving in the British armed forces was rejected by the High Court on 8 June. Their argument was however strengthened by comments made by one of the judges, who said that "the tide of history" was moving in their favour.

The case was brought by the four following their dismissal solely on the grounds of their homosexuality. All of the four had outstanding service records, a point raised in their favour by the judges. However the court decided that their jurisdiction over MoD policy was secondary and the case was a matter primarily for parliament and the government.

Britain stands almost alone in its outright ban on lesbians and gays serving in the military. Most European armies have had homosexuals in their ranks for a number of years, Australia and Canada have recently changed their position and the US has adopted the now notorious "don't ask, don't tell" policy. This allows lesbians and gay men to serve in the military as long as nobody finds out about their sexuality.

The ex-servicemen and women now intend to appeal to the House of Lords and the lobbying group "Stonewall" who are helping the four have declared their intention to appeal to the European Court of Justice if necessary. This could take up to seven years (see "Review" below).

Sara Thornton granted appeal

Sara Thornton has won an important victory in her five year campaign to have her conviction, for killing her violent alcoholic husband, referred back to the Court of Appeal. The Home Secretary, Michael Howard, (who refused to reopen the case in August 1993), granted her appeal in, what is widely seen as, an attempt to pre-empt a High Court application for judicial review of his original decision.

Ms Thornton is serving a life sentence in Holloway Prison for killing her abusive ex-policeman husband. She had sought help from friends, her doctor and solicitor, the police, Alcoholics Anonymous and a psychiatrist before she stabbed him to death. He was due to appear in court for attacking her when she killed him. Her case attracted widespread sympathy when she went on hunger-strike after learning that the court where she was jailed had given a man, convicted of the manslaughter of his drunken wife, a two year suspended sentence.

Her solicitor, Gareth Peirce, said that Ms Thornton's case had "provoked for the first time an awareness and understanding of the issues that surround domestic violence".

Guardian 5.5.95

Civil liberties - new material

Review: *We Can't Even March Straight- Homosexuality in The Armed Forces*, Edmund Hall. Vintage, 1995, 180pp, £7.99. The publication of this book is useful because of the recent interest in the issue of homosexuality in the armed forces following a court case in which lesbians and gay men have been sacked under the Ministry of Defence's blanket ban. Bill Clinton's failed campaign to change the ban in America and the recent firming up of Labour Party policy against the ban adds to its timeliness. It is well argued and researched, providing a useful explanation of the current position as well as a powerful rebuttal relying on both personal experience and on case studies of service men and women who have been forced out of the Armed forces because of the ban. It also reveals the level of ignorance and bigotry which still exists at the heart of the military establishment. Highly recommended.

The Free Market Myth, Noam Chomsky. *Open Eye*, issue 3, 1995, pp8-13. With the Cold War forgotten, "flexible free markets" and "human rights" are eagerly sought policy objectives for politicians of left and right.

CILIP 50th issue. Anniversary issue from CILIP (Berlin) which started in 1978. Special articles looking at the work of human rights and civil liberties groups. 105 pages, German (with synopses in English), from: CILIP, c/o FU Berlin, Malteserstr, 74-100, 12249 Berlin, Germany.

Parliamentary debates

Domestic violence *Commons* 29.3.95. cols. 937-958

EUROPE

SCHENGEN

Austria joins, Bulgaria protests, Schipol fiasco

Austria became the 10th member of the Schengen Agreement on 28 April joining Belgium, the Netherlands, Luxembourg, France Germany, Spain and Portugal who have implemented the Agreement. Italy and Greece have signed the Agreement but not implemented it yet (partly because they are not yet linked to the computer database, the Schengen Information System, SIS). Denmark has observer status and Finland applied for observer status on 5 April. The admission of Denmark, Finland and Sweden is dependent on an agreement being reached that the

Nordic Passport Union can be maintained - this includes Norway which rejected EU membership in a referendum last year and Iceland. A Nordic Union official commented: "In reality the Nordic countries have had Schengen cooperation for 40 years". Of the 15 countries in the European Union (EU) only the UK and Ireland (which is tied to the UK position because of a common travel area) are neither members or trying to join the Schengen Agreement. The Agreement is based on the removal of internal border controls "compensated" by external and internal controls on immigration, police cooperation, and the Schengen Information System.

At the meeting of the Schengen Executive Committee in Brussels on 28 April it was agreed to create a second communications network between the Schengen countries - SIRENE Phase II - because of the rapid growth of demands for exchanging police and immigration information. The meeting also discussed the situation of Norway and Iceland who are precluded from formal membership of the Schengen Agreement because they are not members of the EU (Article 140). Mr Robert Urbain, the Belgian Minister for European Affairs, who chaired the meeting said this did not stop "us from seeking appropriate associate partners" providing they had "full respect for the Schengen acquis", accepted they could not take part in the work of the Executive Committee and gave "absolute agreement for the functioning of the Schengen Information System". He concluded that this was a concession to the existence of the Nordic Union "but does not mean that the member states of Schengen would be prepared to undertake this type of "a la carte" enlargement to Eastern countries". On 16 June an agreement was reached between the Nordic Union and Schengen which will allow Norway and Iceland to become associate members. The next meeting of the Executive Committee on 29 June will review the 1 July deadline for the removal of ground-based border controls - the French Senate having voted for a six month extension on 21 June.

At the meeting of the Bulgarian-EU association council in Brussels on 4 June the Bulgarian Foreign Minister, Georgi Pirinski, protested that the implementation of the Schengen Agreement at its border with Central and Eastern Europe has led to unacceptable delays, questioning, and visa procedures. Bulgaria is one of six countries in the region with "associate" status with the EU.

The Polish government refused a request from Germany to create a two-tier system on its side of the border - a fast lane for EU citizens in line with the Schengen Agreement and a slower one for other people. The Foreign Ministry in Warsaw said: "The fast lane will stop at the Polish frontier barrier. We will not agree to Poles being treated as second-class citizens". German frontier controls require all non-Schengen entrants to be

checked with the SIS central computer. One of the first to be refused entry to Germany was a Polish person who had a criminal record in France.

The German Minister of the Interior, Manfred Kanther, told the *Berliner Morgenpost* newspaper that Italy was disregarding the "spirit of Schengen" by letting in hundreds of illegal immigrants into the EU daily from the former Yugoslavia, Albania and Turkey. Mr Kanther said: "A week later we meet these people again in France or southern Germany. It is not right that on one side Schengen is made to function with great amounts of effort and money and on the other side streams of refugees are allowed into and through the country against the spirit of Schengen". He added that Italy was the only country which had not imposed visas for those leaving the former Yugoslavia. On 5 May the Italian government sent 500 troops to its southern Adriatic coast to help the police apprehend migrants.

Briton declared "undesirable"

A British holidaymaker, Mr Benn, was shuffled backwards and forwards between Malaga in Spain and Manchester airport because he was wrongly identified as being "undesirable" after a computer check on the Schengen Information System (SIS).

Mr Benn, who has visited Spain for the past 16 years, was separated from his wife who was allowed to enter, told he was "undesirable" and hustled back on board the same Air 2000 jet which had just flown him out from Manchester. An Air 2000 official at Manchester said:

"The message we got was that one of our passengers was "unacceptable". He had shown up on the Schengen system and was put back on our plane home from Spain".

Back in Manchester Mr Benn was interviewed by immigration officials and Special Branch officers who established he was neither an "illegal" immigrant or an international criminal. He was then allowed to fly back to Malaga to start his holiday.

Schiphol not ready for Schengen?

After the Schengen Agreements were finally put into practice with the lifting of internal border controls on 26 March, there was great confusion at Schipol airport. The airport is currently undergoing a major renovation during which it is apparently not feasible to physically separate non-European Union and non-Schengen passengers from those travelling within the Schengen area. The solution that airport management came up with was a rather primitive magnetic access card system.

"Schengen" passengers were issued a card to pass

through turnstiles, while others had to go through passport control in the usual way. The result was predictable: many "Schengen" travellers did not understand the system, threw away their cards and went through by showing their passports as they always had done. Others seeking uncontrolled access to the Schengen area picked up the non-personalized card and passed the electronic "border guard" with no trouble.

Members of parliament and journalists tried and succeeded in entering without a passport, and an emergency session of parliament was arranged to discuss the matter urgently. The temporary solution agreed was that the magnetic cards would have a limited validity of two hours and the border police (marechaussee) would deploy extra personnel. Meanwhile, there have been complaints that the Schiphol corporation has always resisted "Schengen" because it fears losing UK passengers and that the current situation almost amounts to sabotage.

After the two week trial period, the Dutch cabinet decided on 21 April to put an end to the border control regime with magnetic cards. The system's vulnerability to fraud committed by non-Schengen travellers who could easily obtain the non-personalized magnetic cards, appeared to be unsolvable. From 1 May, all passengers once again have to show their passports to enter the Netherlands at Schiphol. Members of parliament expressed satisfaction over the decision, but at the same time expressed surprise and irritation over the "flop" which caused some international embarrassment and left Schiphol with a useless access control system worth 10 million guilders.

Belgian Interior Minister Robert Urbain was questioned by the Civil Liberties Committee of the European Parliament in April on checks carried out by the Belgian airline Sabena for intra-Schengen flights. MEPs were told that the check of identity cards and tickets was to see if the ticket holders and passengers were identical - there were, he said, no personal controls and this was therefore compatible with Schengen.

France to maintain internal border controls

The French Minister of the Interior, Jean-Louis Debré, and the French Senat have both announced that they want the trial period, during which France has been exempted from abolishing internal controls at land borders until 30 June, extended for another six months. They say that controls on immigration and drug trafficking are insufficient. The Senat stated that France was the only country regularly feeding information into the Schengen Information System (SIS). Spain, for instance, had only registered the theft of two cars. The German Interior Ministry maintains that the system is working well and is calling for the unconditional

implementation of the Schengen Agreement.

German Bundestag rejects controls over Schengen

Manfred Such, Green member of the German Bundestag, proposed that the parliament should be regularly informed of decisions taken by the Schengen Executive Committee which would be binding. He put forward an amendment to a legislative protocol on the relation between Schengen and the Dublin Convention (Bonn Protocol) to introduce a procedure similar to that obtained by the Dutch and Belgian parliaments when they ratified the Schengen Agreement. They have gained the right to be given all draft decisions of the Executive Committee - which has powers to develop the Agreement - and can object to them within a two week period. However, the Bundestag voted down this proposal by a large majority arguing that it was not their role as a legislature to control the execution of an international agreement.

Reuters 15 & 31.5.95; 4.6.95; *Agence Europe*, 29.4.95; *Balkan News*, 28.4.95 & 7.5.95; *Warsaw Voice*, 2.4.95; *Agence France-Presse*, 15.5.95; *Times*, 18.5.95; *Süddeutsche Zeitung*, 20.6.95.

Toward a European Security Communications Network

One of the many operational problems that the Schengen countries had to deal with was that the participating countries' police forces use different radio frequencies, and thus could often not communicate with their counterparts while performing cross-border pursuits and covert surveillance missions. The Benelux countries and Germany had to acquire a special radio infrastructure for the border areas which is referred to as the "KTS-net" ("Short Term Schengen" net). However, now preparations are well under way toward a common European standard for all security-related and public order radio traffic, including data communications.

The European Standardization Institute, ETSI, has been preparing a second standard in addition to the GSM mobile telephone protocol. This "Tetra 25" standard for professional users comprises a common European digital trunking protocol to be used between 380-400 Mhz. It will include secured mobile speech and data communications as well as "open channel" group traffic (eg: for use during disasters), optional priority calls and a "Direct Mode" in which walkie-talkies can contact each other independent of the infrastructure.

The "Tetra 25" is an "open standard", which allows multiple vendors to produce compatible hardware. A number of major companies already have signed a Memorandum of Understanding, committing themselves to support "Tetra 25's" further development and

implementation and withholding support for competitive developments.

Most EU countries have already expressed their support for "Tetra 25". The UK Home Office is preparing to build a nationwide infrastructure based on "Tetra 25" by 1998, and the Belgian and Dutch governments aim to start implementing it by mid-1997. The Germans however prefer to wait until "Tetra 25" complies with their technical requirements, and the French have decided to make do with the infrastructure supplied by Matra and installed nationwide a number of years ago.

AUSTRIA

Data Protection Registrar resigns

The senior Data Protection Registrar of Austria, Ernst-Eugen Veselsky resigned at the end of April after criticising the government for regarding data protection as nothing more than an unnecessary duty. He said that following Austria's accession to the European Union problems in the job had increased. The day before his resignation he said that an amendment to the law on security services - which would lead to the telephone tapping of uninvolved third parties - would only be introduced "over his dead body". The Registrar had called for greater citizen access to data but the Schengen Agreement pulled in completely the opposed direction. *Juridikum*, no 2, 1995.

Europe - new material

Policing and counter-insurgency in the Basque country, Keith Maguire. *Police Journal* LXVIII(2):137-150, 1995. This article claims to examine "the problems of policing and counter-insurgency in the Basque region of Spain". Its failure to consider the GAL allows it to conclude that the "security forces can implement covert policies without letting such groups get out of control".

Defend the Kurds: defend human and civil rights in Britain and Europe. Defend the Kurds Campaign pp34, £2.50. This discussion document looks at the case of the PKK's European representative, Kani Yilmaz who was arrested in London last October. It also considers the treatment of Kurdish people in Germany and Turkish state activities in London. The campaign can be contacted on 0171 586 5892.

A new era for police telecommunications, Dominic Suc. *International Criminal Police Review* 446:1-6 (January-February) 1994. On Interpol's changeover, at the beginning of 1994, from radio transmissions to electronic communications using the X.400 network.

Schengen Co-operation (Part I), Serge A Bonnefoi. *International Criminal Police Review*, January-February 1994, pp7-15. Reviews the Schengen Agreement for the Interpol magazine.

The 1996 intergovernmental conference and the future of the third pillar, Simon Hix. Churches Commission for Migrants in Europe, briefing paper no 20, pp36. 6ECU.

Parliamentary debates

Former Yugoslavia *Commons* 9.5.95. cols. 582-650

MILITARY

Southern WEU force established

France, Italy and Spain will establish two joint military units under the umbrella of the Western European Union. A joint army unit will be called Euroforce and a navy unit Euromarfor. The new units are a southern european counterweight for the Straatsburg Eurokorps in which France, Germany, Spain, Belgium and Luxembourg take part. However, Euroforce with headquarters in Florence will not have its own troops. Only in crisis circumstances will units of the three countries that take part be organized as a rapid deployment force. Euromarfor will in time of crises be commanded from an aircraft carrier. It is expected that in the future Portugal will also take part in Euromarfor. Besides the Eurokorps (50.000 soldiers) that will become operational this autumn, the WEU has at its disposal a French-British air force, a Dutch British amphibious unit and a ground Station for spy-satellites in Torrejon in Spain
NRC/Handelsblad 9.5.95.

Military - new material

West shows way for Baltic peacekeepers. *Jane's Defence Weekly* 4.3.95. Troops from Estonia, Latvia and Lithuania are being trained by UK Royal Marines commandos at the former Russian Adazi Camp in Latvia for UN "peace keeping" duties in the tri-national Baltic Battalion.

Military network now handles DOD Humint. *Jane's Defence Weekly* 11.3.94 - The US Defence Intelligence Agency (DIA) now runs a network of personnel who collect military intelligence both clandestinely and openly from human sources outside the USA. This new clandestine network works apart from the publicly acknowledged Defense Attach system.

The Spanish Rapid Deployment Force. *Raids* No. 39, February 1995. The Spanish Army is currently raising a rapid deployment force, the Fuerza de Accion Rapida (FAR) that will be made up exclusively of career soldiers and deployed in NATO or UN intervention forces.

Turkey's Kurdish conflict. *Jane's Intelligence Review*, April 1995. Turkey's military planning in the offensive against the Kurds that started in March 1994 and the PKK's strategy and tactics.

Germany establishes peacekeeping HQ. *International Defense Review*, February 1995. Lacking a general chief of staff due to historical circumstances the Bundeswehr has now set up a joint tri-service Fhrungszentrum (command and control centre) to overview future out-of-area missions.

Winter campaign in Kurdistan. *International Defense Review*, February 1995. Evaluation of the new strategy of the Turkish army that consists in the razing of complete Kurdish villages and massive deployment of special forces commando teams.

Ireland edges towards EU security identity. *International Defense Review*, April 1995. The Permanent Defence Force (PDF) that used to concentrate on internal security along the border with Northern Ireland is now reorienting towards a more active involvement in EU operations such as the Monitoring Mission in Former Yugoslavia.

Towards a European Space Based Observation Centre. Document 1454 of the Assembly of Western European Union, May 1995. Report submitted on behalf of the Technological and Aerospace Committee.

Collective Security Revisited. Draft Interim Report AM 107 of the Working Group on Transatlantic and European Organizations from the North Atlantic Assembly, May 1995.

Useable and relevant: the Territorial Army beyond the 90s, Major General George Kennedy & Brigadier Richard Holmes. *RUSI Journal* 140(1):50-55, 1995. Piece on the territorial Army that sees them as a link "between society and the army.

The new terror weapons. *Open Eye*, issue 3, 1995, pp19-21. Looks at US military's development of so-called "non-lethal" weapons.

N-Base Briefing. Produced by NENIG (Northern European Nuclear Information Group) for the past seven

years; published 10 times a year. Now redesigned and expanded it covers UK civil nuclear and related issues including reprocessing, waste storage and disposal, nuclear transport by land, sea and air, marine and atmospheric discharges; national, European and international regulations and conventions plus recent UK and European publications and articles from specialist magazines. Also provide subscribers with faxed photocopies of cuttings from the N-Base library. Subscription rates: Individuals: £15, Voluntary and academic organisations £30, Local and national government £100 (cheques payable to NENIG. From: N-Base Briefings, NENIG, Bain's Beach, Commercial Street, Lerwick, Shetland, UK.

Parliamentary debates

RAF Bentwaters *Commons* 27.3.95. cols. 800-808
Chemical weapons *Commons* 24.4.95. cols. 634-642
Royal Air Force *Commons* 4.5.95. cols. 453-534

POLICING

Bradford arrests spark riots

Hundreds of Asian youths battled with police in full riot gear in the Manningham area of Bradford, west Yorkshire, over the weekend of 9-10 June. The riots were triggered when police arrested 19-year old Shazad Majid and a 16-year old juvenile for playing football in a cul-de-sac on Friday evening. Eye witnesses described how Majid's foot was run over by the patrol car before he and the juvenile were detained and locked in the police vehicle.

At this point angry Asian youths shouted at the police who responded by chasing 16-year old Parvez Iqbal into his house. The youth said that the police kicked his front door in, dragged him outside, and handcuffed him to a gate. When his sister protested they assaulted her, and the baby she was holding, tearing her clothes; their mother was also hit with a truncheon when she attempted to intervene. Local youth explained that the initial incident would have been overlooked, but that the assault on women was unforgivable, but also typical, of the police harassment that they have been complaining about for years.

The arrests sparked a protest outside the local police station which saw another five people arrested, including a local schoolteacher. Inside the police station local councillors claim that they were assured that all those arrested would be released; police officers said that this was not the case as the arrangement had not been cleared. Community leaders later explained that if the police had not broken their promise, the youth would

have dispersed. Instead the first night of rioting began and cars were set alight and windows were smashed.

The following night angry Asian youths, frustrated at the total lack of police accountability, took to the streets demanding that the charges against those arrested be dropped and that the two officers involved in the initial arrests be immediately suspended. Several hundred youths gathered outside the police station faced by ranks of police officers in full riot gear. Objects were thrown and windows smashed as police with dogs arrived on the scene and observation helicopters flew overhead. Running battles broke out in side streets as police set up road blocks; cars were torched to create counter blocks to police movements.

In the aftermath of the riots, which are estimated to have caused over £1 million worth of damage, the police public relations machine moved into operation blaming a generation gap in the Asian community which has led to young Asians being alienated from their parents and community leaders. In fact, young Asians and their elders were united in condemning the police who were accused of failing to listen to advice which would have defused the situation.

Their advice was belatedly taken up, several days after the disturbances, when the two police officers alleged to have assaulted Parvez Iqbal's sister and her baby were "moved to other duties"; Assistant Chief Constable Lloyd Clarke, who announced the decision, stressed that the redeployment was not a suspension. West Yorkshire Police have also voluntarily referred complaints, alleging assault, abuse of authority and damage to property, to the Police Complaints Authority. This falls far short of the independent inquiry demanded by the local community.

Nearly two weeks after events of June 9 and 10 police dropped charges against eight people; proceedings against another four are continuing.

Guardian 12.6.95; *Police Complaints Authority press release* 14.6.94; *Militant* 16.6.95.

Creeping towards a police state

When the chairman of the Criminal Bar Association claims that "We're in serious danger of creeping down the road towards a police state", as Richard Ferguson QC does, we should listen. The Labour opposition front bench nodded through the abolition of the right to silence last year and now claim the credit for proposals announced in May by Home Secretary Michael Howard for mandatory pre-trial defence disclosure of its case, including names and addresses of witnesses, while the prosecution's duty of disclosure is to be further lightened.

The celebrated miscarriage of justice cases of the Guildford Four and Judith Ward hung on failure of the prosecution to disclose evidence which helped the

defence: corroboration of alibi evidence, for example. In the aftermath of these cases the prosecution was told it must disclose all documentation relating to a case to the defence. There were immediate protests from senior police, who claimed that they would have to withdraw cases rather than disclose all the background material. In the case of the M25 Three, the Court of Appeal began to retreat from the duty of total disclosure, and set out a system where a prosecutor could see a judge in an private hearing to argue for non-disclosure. The 1993 Royal Commission on Criminal Justice, set up to prevent further miscarriages of justice, went the way of its predecessors, recommending more rights for prosecution, fewer for defence, including a narrower duty of disclosure on the prosecution, which was to depend on specific requests by the defence.

What Howard's proposals would mean, however, is that prosecution documents need never be submitted to the Crown Prosecution Service by the police. They would be obliged to disclose to Crown lawyers only those documents which they believed relevant in the light of the defence disclosure. Thus, the burden of proof is effectively reversed. As Ferguson says, "Traditionally, one could rely on Labour to oppose such measures. But now, obsessed as it is with being seen as the party of law and order, there is a danger that this will not be tested in parliament at all".

Independent 20.4.95; *Observer* 21.5.95

Greenpeace raid

Ministry of Defence police raided the headquarters of the environmental group Greenpeace in May. About fifty policemen descended on the offices, in Islington north London, and seized computer records and documents belonging to the group.

The raids followed two actions by Greenpeace in April when about 250 demonstrators stormed nuclear establishments in a protest against plutonium production. In one of the protests, at the Aldermaston Atomic Weapons establishment, in Berkshire, they cut off a 12-mile pipeline that carries effluent - contaminated with minute quantities of plutonium - into the River Thames. The protestors filled an inspection hatch with concrete and welded it shut. Sixty-one people were arrested for participating in the protests at Aldermaston and at the Sellafield processing plant in Cumbria.

Following the incidents the MOD police dismissed them as a minor, but they now say they amounted to criminal damage. It is thought that the delay in taking any action against Greenpeace was to avoid publicity during the nuclear non-proliferation talks in New York.

Other groups targeted recently include the Green Anarchist group which was raided in March by the Hampshire Special Branch and had their computer files

confiscated, and the Freedom Network which lost a data base in mysterious circumstances.

Guardian 18.4.95, 18 & 20.5.95.

Justice for Brian Douglas

A 33-year old black man, Brian Douglas, died on 8 May, five days after being arrested by Kennington police officers in a car in Clapham, south London. Witnesses to the arrest claimed that Brian was beaten about the head by policemen using the new US style telescope baton. A friend of Brian's, Stafford Soloman, had his arm broken allegedly protecting his head from blows in the same incident.

The two men were then taken to Kennington police station where Brian collapsed and slipped into unconsciousness. Despite being visited four times by doctors it was 15 hours before he was taken to a hospital, where he died.

The police have claimed that the two men had a knife and CS gas spray cannister, but there is no evidence that they had the items on them when arrested. All the indications are that they were found later, when the police searched their car. It is worth noting that Stafford Soloman has only been charged with driving offences and possession of cannabis.

Friends and family of Brian have formed the "Justice for Brian Douglas Campaign and are calling for an independent inquiry into his death. They have also called for the two police officers involved in Brian's killing, PCs Harrison and Tuffey, to be suspended; at the moment they are on compassionate leave.

On the 14 May the Campaign called a picket of Kennington police station for which nearly 1000 people turned out to express their anger. In June 2000 angry people, led by Brian's brother Donald and other members of the family, marched through south London to protest at the killing; a minutes silence and moving wreath laying ceremony took place outside the police station.

The Justice for Brian Douglas Campaign can be contacted at 77a Atlantic Road, London SW9. Tel. 0171 733 7790 or 0956 430124.

GERMANY

Amnesty accuse police of brutality

A clear and worrying pattern of police ill-treatment of foreigners and ethnic minorities is emerging in Germany Amnesty said in a report issued in May.

"At a time when foreign nationals and ethnic minorities in Germany need to feel the police are there to protect them, many have felt instead a police officer's fist, boot or baton".

The report says from January 1992 to March 1995 Amnesty had received information of over 70 separate incidents in which German police allegedly used excessive or unwarranted force in restraining or arresting people, or deliberately subjected detainees to cruel, inhuman or degrading treatment or punishment.

Medical evidence showed that victims have suffered broken teeth, sprains and bruises, and in several cases broken bones - injuries consistent with complaints that they were punched, kicked, beaten with batons or subjected to excessive force during arrest. In at least two cases the injuries were so severe that Amnesty referred to them as cases of ill-treatment amounting to torture.

Most of the victims of this treatment were foreign nationals, including asylum-seekers and refugees, or members of ethnic minorities. "This is a particularly alarming fact when viewed against the backdrop of anti-foreigner sentiment and racist violence which have scarred Germany since unification", says the report. The ill-treatment appeared, in many instances, to have been racially motivated, with victims being subjected to racist abuse by officers. Over half of all cases have involved officers of the Berlin police force.

Although criminal investigations were opened into all the cases many of the officers involved have escaped prosecution and few, if any, have faced disciplinary sanctions.

Whilst Germany's Interior Minister Manfred Kanther (CDU) rejected the claims and the Berlin authorities called them "simply absurd", Jurgen Bugla of the BAG Kritischer Polizistinnen und Polizisten (National Working Group of Critical Police Officers) welcomed the report, saying that there exists "a thoroughly aggressive climate" against "foreigners" amongst police officers and that the report represented just "the tip of the iceberg".

Federal Republic of Germany - Failed By the System: Police Ill-Treatment Of Foreigners", AI index: EUR 23/06/95, Amnesty International, May, 1995; see Review in New Material section.

SPAIN

Annual Report on Torture

Torturaren Arkako Taldea, TAT (Association against Torture) presented its 1994 annual report in March in which it records 114 cases of torture or ill-treatment, 14 cases of assaults on prisoners, and 29 cases involving the police. While the number of reported cases against the Guardia Civil and the Spanish police force is unchanged there has been a considerable increase in cases involving "autonomous" (local) police forces and the municipal police.

The TAT lawyer, Begoña de la Cal, criticised the Judicial Administration and pathologists and called for: detainees to be brought before the courts at the earliest opportunity; only statements made to the court to be valid; the abolition of people being held incommunicado; and for specific legislation for the prosecution of crimes of torture.

Kontrola Kontrolpean, Donostia, Euskadi (Spain).

NETHERLANDS

Dutch police the EU's largest cannabis supplier?

News has come to light of another "controlled delivery" operation that went wrong and led to some 20,000 kilos of cannabis being distributed on the market through a police informer, and 5 million guilders in "controlled" drug profits still unaccounted for.

This appears to be a follow-up on the IRT affair. The original IRT affair started in December 1993, when the Amsterdam police discovered a huge narcotics operation run in complete secrecy by the so-called Interregional Recherche Team (Interregional Detectives Team), a police unit installed years earlier to combat organized crime. The IRT allowed an informant to organize a cannabis importing pipeline from Colombia which brought an estimated 40,000 kilos onto the European market, 30,000 kilos of which were lost and sold on the streets. This amount equals the annual consumption of soft drugs in Holland. In the months following, a scandal broke out in which two ministers lost their jobs. An investigation by the Wierenga Commission in March 1994 had concluded that "nothing illegitimate" had happened because nearly all of the cannabis had been confiscated. This conclusion still remains the official line in the Hague, but two weeks after the Wierenga report appeared, the Amsterdam public prosecutor responsible, Mr Monte Van Capelle, wrote a confidential report to then-minister Mr Ernst Hirsch Ballin in which he admitted that about 25,000 kilos of soft drugs had indeed disappeared in the operation. Mr Hirsch Ballin later refused to answer questions in parliament about the amount of drugs involved.

Police software reveals unlikely conspiracy

In the aftermath of the "Opstand" affair, in which journalist/activists Jan Muter and Hans Krikke were arrested on 28 March and released on 3 April this year, more details have become available on the trail that led police investigators to them and the "evidence" that was produced to obtain the arrest warrants (see *Stawatch* vol 4 nos 5 & 6).

The police team with some assistance from the BVD security service has attempted to unravel the history of the Dutch radical left since the early 1980s in order to be

able to reconstruct the origins of the "Rara" group and the backgrounds of its supposed members. Specially developed "Octopus" analytical computer software enabled the detectives to weed through many tens of thousands of seemingly insignificant details that had been fed into a massive database to come up with those elements that appeared to be related. While the public prosecutor approved the house searches and arrests, the police team were ridiculed for its far-fetched reasoning once details of the "evidence" became known among lawyers and journalists.

The case against the two suspects was based on the following "suspicious" facts. First, there was an anonymous tip in the form of a letter stating that one of the suspects had been present at a party where money for the Rara was said to be collected. Second, during earlier raids against suspected Rara members in a squatted house in 1988 a paper was confiscated mentioning the "Opstand working group", years before the Opstand Foundation was established. Third, someone had written a letter to one of the suspects in the mid-1980s which ended with the slogan "No pasaran". Rara in one of its communiques later used the same words (originally a Spanish Republican battle cry during the Civil War). Fourth, an "illegal" Turkish tomato picker had been arrested who was believed to be a Dev Sol sympathizer. In his address book, the telephone number of Mr Krikke's girlfriend was found. Fifth, the "Octopus" analysis came up with a list of several dozen words the police deemed to be unusual, which figured both in Rara press statements and in pieces written by the two journalists. Most of this concerned jargon related to racism, exploitation of illegal immigrants and an assortment of current radical left terms and concepts. Lastly, there were some articles written by Telegraaf daily journalist Joost de Haas in 1993 in which he exposed the alleged links between radical leftists, Kurdish activists and respectable NGOs working on Third World issues that had inspired the Hague police team.

It seems that De Haas obtained a good deal of his information from police sources. According to Mrs Ties Prakken, a lawyer defending Muter and Krikke, after the release of her clients De Haas reproached her for not giving the whole story at the press conference. He proceeded by mentioning details regarding the "Dev Sol link" referred to above that he could only have obtained from dossiers, access to which was restricted to the police and the public prosecutor.

According to the dossier presented to support the arrests in March, police suspicion was even further aroused when telephone taps after the house searches at the Opstand premises in September 1994 recorded Muter and Krikke discussing the possibility that the police action against them, which had been executed with no

specific reason given, could be related to the Rara investigations.

While the Opstand staff were held in custody, their offices were burgled on 31 March and office equipment, including a computer, were stolen. The offices of the Amsterdams Steun Komitee Vluchtelingen (ASKV), an organization that provides practical support for "illegal aliens" and those that have exhausted all legal asylum procedures, also had its offices broken into during the soccer match Ajax-Bayern Muenchen on 19 April. When an ASKV worker unexpectedly came by to pick up something at eleven in the evening, he found the files the ASKV had assembled on the Opstand affair spread out on a desk, and some administrative materials such as the cash book stolen. The ASKV was the only organization that refused to distance itself from the Rara bombings against the offices of the Inspection of illegal employment in 1993 when journalists approached all organizations to ask their opinion. Over the last few months police detectives have visited nearly every organization and individual somehow involved in working with "illegals", to press them for information on Rara activities and Opstand in particular. All those approached were asked to sign a statement declaring they dissociated themselves from Rara.

The Opstand investigation thus appears to be a textbook example of police and intelligence officers' imagination working overtime, stimulated and even carried away by powerful software that tolerates no coincidences, and indeed encourages jumping to conclusions instead of reflecting on the background and possible explanations of "suspicious" similarities.

Policing - In brief

Damages over van death: Police admitted liability in March for the death in 1990 of a mentally ill black man killed by a neckhold in a police van. Oliver Pryce, a 30-year-old man suffering a mental breakdown, threw himself across the bonnet of a slow-moving ambulance. Police called to the scene grabbed him in a necklock and bundled him face down into the van, where he died of asphyxia. In 1991, an inquest jury brought in a verdict of unlawful killing, but no police officer was ever charged or disciplined, and although "substantial" damages were paid to his family, there was no apology for killing him.

UK: permission to demonstrate: a resident of Brightlingsea, the site of demonstrations against the export of live animals, wrote to the *Guardian* that all residents had been informed by the police that only one demonstration a month would be allowed and that: "Each person wishing to attend this procession will have to fill out an application form each time. Everyone whose name is on the form will be held responsible for

anyone else's actions".

Raids net DNA samples: Police raided 1500 homes in their biggest operation against burglars in May. The raids were an extension of the London based Operation Bumblebee and involved 5000 police officers, from twenty-two forces. 911 people were arrested or cautioned and had DNA samples taken which will be used to build the national DNA database that was set up in April. The Association of Police Officers (ACPO) have said that 135,000 people are expected to be logged into the database by the end of the year.

Policing - new material

Review: *Hilfe, Polizei - Fremdenfeindlichkeit bei Deutschlands Ordnungshütern* (Help-Police! Racism amongst the keepers of law and order in Germany). Bürgerrechte & Polizei/CILIP/Otto Diederichs. Elefanten Press Verlag GmbH, Berlin, 1995. ISBN 3 88520 551 3. The police in Germany are increasingly making the headlines: images of Rostock and Magdeburg went round the world, showing a police force either unable or unwilling to cope with brutal racist violence directed at Vietnamese, Turkish and African people. This book consists of a series of essays by researchers who have studied police racism and reveals the brutal treatment migrants have received at the hands of the police in many German towns and cities. It shows that the police verbally and physically abuse migrants in the belief that their uniform protects them from any legal consequences. Included are reports from inside the police and comparisons with France and the Netherlands. The book makes depressing reading, even to someone who has closely followed the developments under discussion.

Copper and Black, Ronald Hope. *Policing* 11(1):36-45, 1994. This is an article on the origins and development of Britain's Black Police Association by its chairman.

Italy: Alleged torture and ill-treatment by law enforcement and prison officers. *Amnesty International*, April 1995, EUR 30/01/95, 44 pages. Reviews specific cases which have come to Amnesty's attention, a high proportion of which concern migrants.

Police stop and searches: who where and why, Kaushika Amin. *Runnymede Bulletin* 283:6-7 (March) 1995. Analysis of police stop and search figures that reveals that the "number of black people stopped and searched by the Metropolitan Police in London is more than double and often treble their number as a proportion of the population..."

Black & Blue, John Hadley. *Police Review* 5.5.95. pp22-23. Article on racist humour and the police following the Greater Manchester Police charity dinner featuring Bernard Manning.

Our House, Amanda Mitchison. *Independent Magazine* 20.5.95. Piece on motorway protesters in Leytonstone, east London.

The mentally disordered suspect at the police station, Judith Laing. *Criminal Law Review* May 1995, pp371-381. Considers the role of police, legal advisers and the medical profession have to play to ensure that mentally ill people are fully protected.

Questioning and identification: changes under P.A.C.E. '95, David Wolchover and Anthony Heaton-Armstrong. *Criminal Law Review* May 1995, pp356-370. This article reviews the changes, which came into force on April 10, to Code C of PACE on "detention, treatment and questioning of persons by police officers."

Reforming the police: from local service to state police, Barry Loveday. *Political Quarterly*, vol 66 no 2, April-June, 1995, pp141-156.

A foreign policy for democratic policing, David H Bayley. *Policing & Society*, Vol 5 no 2, 1995, pp79-94. Looks at when and how "democratic governments" should encourage "democratic policing".

The new police authorities. *Policing Today*, vol 1 no 4, April 1995, pp29-35. Survey of the composition and political affiliations of member of 26 of the new police authorities.

Organised crime. Home Affairs Select Committee, Minutes of Evidence and Memoranda, HC 18-II. HMSO, 1994, 254 pages, £26.10.

RACISM & FASCISM

AUSTRIA

More letter bombs injure three

Two more letter bombs injured three people on 9 June - one in Linz, Austria injured two women, the other sent from Austria to a television station in Munich injured an employee. The bombs were the latest in a series of 14 attacks over the last 18 months (see *Statewatch*, vol 3 no 6, vol 4 no 1 & 6, vol 5 no 1).

The bomb in Linz was sent to a bureau that arranges marriages and partnerships for migrants living in Austria.

Two Hungarian-born women were injured - one was taken to hospital with severe hand injuries, the other with shock. The second letter bomb exploded in the studio of the Pro Sieben television station in Munich and injured an employee. It had been sent to Arabella Kiesbaurer, daughter of Ghanian and German parents. She was a popular presenter on Austrian television before moving to Germany. The Austrian human rights movement SOS Mitmensch, of which Kiesbauer is a member, said: "she is an activist against racism, anti-semitism and anti-foreigner sentiments".

The head of the Austrian Interior Ministry explosives section said that the Linz device was similar to that of the ten letter bombs sent out in December 1993. It contained a letter signed: "Graf Ruediger von Starhemberg" (who defended Vienna against the Turks in the seventeenth century). The "Bavarian Liberation Army" claimed responsibility for the bombings as they did for the bomb that killed four Romas in February. The Munich police said that a letter signed: "Andreas Hofer von Tirol" and "Graf Ruediger von Starhemberg" had been enclosed.

Reuters, 9.6.95; *European*, 16.5.95.

SWEDEN

Skinheads attack migrant families

The village of Valberg in rural western Sweden has seen a series of racist-motivated attacks against a Lebanese family. Following a history of tension between the family and local youths, gangs of skinheads brutally attacked the home of the seven-member family at the end of April.

Up to 50 youths gathered outside the family's house to hurl abuse, and when the father went outside to chase them away he was attacked and beaten senseless with an iron bar. His wife was also injured during the assault. The attack was followed by threats from local skinheads that the family's home would be burnt down if they did not leave the area.

A few days later, just such an incident occurred in a Stockholm suburb when the apartment of an immigrant Chilean family was destroyed in a firebomb attack.

Eddy Weitzel, chairman of the Swedish Chilean Association, said many of his community living in Sweden felt increasingly alienated from society. The government, he went on, "tolerates organized racism" by refusing to ban extreme quasi-political right-wing groups like the White Aryan Resistance (VAM).

Interpress, 21.4.95.

FRANCE

Another FN murder

The Front National's (FN) presidential election campaign ended as it began: with the murder of a young migrant.

In Marseilles in February a young African was shot dead by FN members who were flyposting (see *Statewatch* 5:2), and on May 1, in Paris, a 29-year old homeless Moroccan, Brahim Bourram, was thrown into the River Seine by skinheads taking part in a FN demonstration in support of their leader and presidential election candidate, Jean Marie Le Pen.

Eyewitnesses said that they saw a group of skinheads break away from the back of the FN march to attack Brahim and then throw him into the Seine, where he drowned. The murderers then rejoined the march. Within 48 hours of Brahim's murder 30,000 people, chanting "Le Pen, assassin, marched through Paris in protest at the killing.

Le Pen's response was to deny that the FN were involved and, incredibly, he claimed that there was a plot against his party and that communists disguised as skinheads might have been responsible. His protestations of innocence are exposed as a lie when one looks at the violent history of the FN.

Concerning recent events, three FN members are in jail in Marseille for the killing of Ibrahim Ali in February. During March Le Pen's son in law, Samuel Marechal, and another FN member were given suspended sentences for an attack, with baseball bats and tear gas, on a group of students. In April two FN members were arrested for beating up a man in an eastern district of Paris.

Despite the violence of his campaign Le Pen still attained his best result, winning almost 5 million votes (15%). His support came largely from groups such as shop-keepers, the self-employed, manual workers and the unemployed.

Le Monde 24.4.95, 4.5.95; *Militant* 12.5.95; *Guardian* 17.4.95.

PORTUGAL

Angolan murdered by skinheads

Alcino Monteiro, a naturalised citizen from Angola died on 12 June after he was attacked by a group of skinheads in Barrio Alto, a Lisbon neighbourhood. The skinheads attacked a group of Africans which included Monteiro. Human rights organisations criticised the police for a two hour delay in responding to the attack. Nine people have been sentenced to three months preventive detention pending their trial on charges of premeditated murder. The President of the Portuguese Committee for Refugees, Maria Teresa Tito de Morais, said that: "situations of extreme racism are also beginning to be seen in Portugal similar to what has been occurring for some time in other European countries". *Interpress*, 13.6.95.

BELGIUM

Far-Right held in elections

The melt-down in support for the established parties that had been predicted in Belgian national and regional elections failed to materialise, with the votes for the parties of the existing coalition holding up well enough to allow the existing government to continue in office. Commentators who predicted a breakthrough for the far-right parties turned out to be unduly pessimistic.

However, the vote for both the Vlaams Blok and the Front National did hold up well, suggesting that whilst not yet able to make any serious bid for power the far-right have managed to consolidate the gains that were made last year in local and European elections. The Vlaams Blok got 7.8 percent of the national vote (up from 6.6 percent in 1991) winning 11 seats in the new chamber of representatives. In Flanders they polled 12.2 percent of the vote, 1.3 percent up on the vote that they achieved last time round. Their result was only marginally less than they scored in the elections held for the European Parliament. They also consolidated their position in Antwerp where they remain the largest single party with 27 percent.

The Front National also polled well in Wallonia, getting 5 percent of the vote and winning 2 seats in the chamber of representatives to actually increase their number in the national parliament (the Belgian parliament has been reduced in size as part of the shift towards a federal constitution). The FN also picked up 5 seats in the regional elections in Wallonia and 6 seats in the Brussels regional parliament.

Solidaire 24.5.95; *Socialist Campaign Group News*, June 1995.

Racism and fascism - new material

BNP forced into third place in south ward by-election. *Newham Monitor* no 7, Spring, 1995. Piece on campaigning against the fascist BNP in the Newham South by-election.

Kicking racism out of football. *Labour Briefing* 84(4):13-14, 1995. A look at the CREs "Kick Racism out of football" campaign which has won the support of the Professional Footballers Association but has had only a luke-warm response from the Football Association.

The enemy in our midst: exposing racism and fascism in Newham. *Newham Monitoring Project* pp24, £1. This excellent pamphlet looks at the activities of fascist groups in Newham, east London, past and present. It catalogues a history of violence, points the spotlight on the perpetrators and documents NMPs resistance to "the enemy in our midst since 1980.

Labour's pledge to Tower Hamlets. *CARF* 26:7-8 (June/July) 1995. Looks at Labour Party promises to combat racism in the aftermath of the BNPs campaign in Tower Hamlets, east London.

LAW

Legal aid shake-up planned

A Green Paper on the future of legal aid will restrict the provision of legally aided services to firms holding franchises and will impose national and local cash limits. The proposals would allow Citizen's Advice Bureaux to hold franchises and would give franchise holders more choice in how the money is spent, including an extension of legal aid to employment, social security, rent and immigration tribunals. Lord Mackay says he is trying to move away from a lawyer-led system which has led to a fivefold increase in spending on legal aid in ten years, to £1.2 billion in 1993/4, while simultaneously depriving more and more people of access to justice.

Critics argue that the proposals do nothing to end the duplication of work caused by a dual profession and do not tackle the overpayment of barristers in criminal legally aided work. Neither do they deal with anomalies which allow the hugely wealthy to qualify for legal aid in fraud trials. Thus, the Barlow Clowes trial, which lasted four months, cost £6.5 million in legal aid, and some barristers receive £2,000 per day, while since 1993 people wanting legal advice and assistance do not qualify under the legal aid scheme if their disposable income exceeds £61 per week.

Meanwhile, the Courts service is to charge daily hearing fees of £200 to £300 to litigants; there have been 10,000 complaints about the courts since the courts' charter was introduced in 1993 and £600,000 has been paid out in compensation; the retiring age for judges was reduced to 70 from 75 in April.

Independent 5.4.95 & 18.5.95; *Guardian* 20.5.95 & 4.4.95.

Stephen Lawrence - private prosecutions

The family of Stephen Lawrence, the black teenager murdered by racists in April 1993 (see *Statewatch* vol 3 no 3), have launched a private prosecution against four white men they believe murdered their son. The family were forced to take this action after the Crown Prosecution Service announced that it would not be taking any action on Stephen's case after rejecting new evidence.

Four men from southeast London, Neil Acourt, Luke Knight, David Norris and fourth man who cannot be named, have been arrested and appeared before

Greenwich magistrates court jointly charged with Stephen's murder. They were released on bail in May.

A private prosecution for murder is extremely rare in England, and has only come before the court three times in 130 years. It is also costly and, even though the Lawrences' legal team have offered their services for free, could cost the family in excess of £10,000. In light of this, Stephen's parents have launched an appeal for donations towards the family's costs. If you can help please contact the Stephen Lawrence Family Campaign, PO Box 3433, London SE18 3SS.

Law - new material

The CPS: an obstacle to justice. *CARF* 25:4-5, 1995. Article on the Crown Prosecution Service and its continuing failure to prosecute perpetrators of racial violence.

Gypsies, deprivation and the law, Derek Hawes. *Legal Action* May 1995, p8. Examination of the implications of the Criminal Justice and Public Order Act 1994 for travelling people.

Identity crisis, Sue Caldwell. *Socialist Review* May 1995, pp18-19. Discussion of DNA testing that argues that "genetic fingerprinting is scientifically unsound.

From Brixton to the Old Bailey: a prison governor speaks to judges, Andrew Coyle. *Criminal Law Review* April 1995. This article gives a prison governor's perspective on some of the problems of prison sentences.

The right to silence: defending at the police station under the new regime, Ed Cape. *Legal Action*, April 1995, pp12-14. Examines strategies for lawyers following the changes in the right to silence introduced by the Criminal Justice and Public Order Act 1994.

Parliamentary debates

Prosecution disclosure *Commons* 21.4.95. cols. 494-502
Criminal Appeal Bill *Commons* 26.4.95. cols. 860-952
Criminal cases (evidence disclosure) *Commons* 16.5.95. cols. 162-172

NORTHERN IRELAND

Collusion 1990-1994

The Relatives for Justice group have published a 60 page report on "Loyalist Paramilitary Murders in the North of Ireland". The pamphlet begins with an eight page summary of the evidence of the types of assistance

which loyalist groups (UVF, UFF, UDA) have received from the official forces (RUC, British Army and UDR/RIR). It notes that prior to the South African arms shipment, organised amongst others by loyalists Charlie Simpson and Brian Nelson (both of whom worked for British intelligence (see *Statewatch* vol 2 no 2 and vol 3 no 2), loyalist groups killed 71 people in the six years up to December 1987. In the following six years they killed 229 people. The report also notes that between 1990 and 1994 "51 serving and former Security Force members were charged or convicted of terrorist-related offences ranging from possession to murder". The rest of the pamphlet is a case by case description of each of the killings by loyalist groups since 1990, including details of collusion. The pamphlet (price £2.00) is available from The Art Shop, Falls Road, Belfast.

"Emergency" continues

Four months after the renewal of the Prevention of Terrorism Act, the Emergency Provisions Act was once again approved at Westminster on 12 June. First enacted in 1973 to replace the Special Powers Act, the EPA still contains the power to authorise internment without trial and is the legislative basis of the juryless "Diplock" courts, established on the recommendation of Lord Diplock's report on "legal procedures to deal with terrorist activities" of 1972.

The EPA was renewed following the government's receipt of John Rowe's report on the operation of the Act in 1994, published on 18 May, and his review of the EPA published in February. The British government believes the EPA is still necessary and so does John Rowe. In chapter 1 of his review, Rowe discusses the IRA ceasefire and records that he was urged to stop work and alter his approach:

"the point was made that to continue working, and to propose any provisions or powers such as are found in the EPA would send the wrong signal; there was now, it was said, an opportunity to take a new approach, and establish a human rights culture in a new statute..."

Rowe did not stop work until 1st October. By that date he had "read the United Nations Declaration of Human Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. He had also concluded that a new EPA was necessary. As he saw it:

"I should make it clear that I do not intend to send any signals; and my terms of reference do not include the making of any political gestures, or statements, and I do not wish to make any. I do not play any part in any peace process or negotiations. I am independent. I am not a

member of the Government; I am not bound by its policies".

Rowe's review stands in stark contrast to the Committee on the Administration of Justice's latest report, Emergency legislation related to Northern Ireland: the case for repeal. The argument of this report is simple: no emergency, no emergency law, although "CAJ has always taken the view that there is neither necessity nor justification for the panoply of emergency measures relied on by the authorities". CAJ's new pamphlet reminds us that there has rarely been a moment in the last two hundred years when Ireland was not governed under special coercion acts.

The British government, in July of this year, is due to appear before the UN Human Rights Committee for an assessment of its implementation of the International Covenant on Civil and Political Rights in the UK. It is already several months late in submitting its case to the Committee. The government's continued argument for derogation from the ICCPR with respect to seven-day detention powers would be surprising in current circumstances, even if in keeping with the inclusion of emergency laws in the list of "measures designed to promote human rights" in its policy document on "policy appraisal and fair treatment" (PAFT).

Review of the Northern Ireland (Emergency Provisions) Act 1991, London: HMSO, Cm. 2706.

Police Complaints Review

The Independent Commission for Police Complaints was established under the Police (Northern Ireland) Order of 1987 and replaced the Police Complaints Board. The ICPC is made up of people appointed by the Secretary of State and it supervises the RUC's Complaints and Discipline Branch which consists of about 120 officers of inspector rank or above. It is rare for complaints to result in disciplinary proceedings or prosecutions. Most complaints are withdrawn or dismissed as being incapable of investigation (60% in 1991). When cases are fully investigated, less than 10% are substantiated and result in some form of action, disciplinary or legal, against an officer. In 1991, the Director of Public Prosecutions brought only nine criminal charges as a result of complaints that year. Disciplinary charges were lodged in five cases only.

The ICPC is required to carry out a review of the complaints system at least every three years. The Commission's Second Triennial Review was published in March 1994 and one year later, the Secretary of State has responded to its recommendations. Two recommendations have been accepted in full. Firstly, a tribunal is to be established to hear disciplinary charges. It will be chaired by the Chief Constable supported by

two independent assessors drawn from a panel. Secondly there is to be a review of the use of the "informal resolution" procedure - about 10% of cases are dealt with in this way (compared to 30% in Britain). The Secretary of State has also accepted that the ICPC should be notified immediately of any deaths which may have been caused by a police officer, but not of injuries. He rejected, however, the recommendation that the Commission should be in a position to direct the Chief Constable to record a complaint where there is a dispute over its validity: "The autonomy of Chief Constables in discharging their responsibilities to maintain law and order within their areas is an important constitutional issue". The Secretary of State also rejected the proposal that the Commission should be given the discretion to concentrate its limited resources on those cases which are "of public concern and deserving of close scrutiny".

Peace Tour 1995

The Irish Peace Initiative is organising a Peace Tour, with Martin McGuinness, Mitchel McLoughlin and eight Sinn Fein councillors, to take place in early July. The tour is being arranged because of widespread concern that the Irish peace process is being stalled by the British government. It is hoped that it will provide an opportunity to encourage dialogue between people in Britain and the north of Ireland.

A series of public meetings will enable Sinn Fein councillors to meet directly with concerned groups and individuals and to give a new impetus to the peace process. It will also offer an opportunity for members of the Irish community, local politicians, trade unionists and community groups to offer their support and raise their concerns.

The tour will be launched with a public meeting at 8pm on the 28 June, at the Camden Irish Centre, 52 Camden Square, London NW1. It will be addressed by Sinn Fein National Chair, Mitchel McLoughlin. For further information contact the Irish Peace Initiative, Box 3, Roger Casement Centre, 131 St John's Way, London N19. Tel: 0171 609 1743

Northern Ireland - new material

Terrorism and the rule of law: a report on the laws relating to political violence in Great Britain and Northern Ireland, C A Gearty & J A Kimbell. *Civil Liberties Research Unit* (King's College, London) pp75, £6.99. This report concludes that "to the extent that the anti-terrorism legislation infringes the ECHR, it would seem at a technical legal level now also to be in breach of binding international human rights law.

Public schools, privilege and old men in wigs.

Common Ground 1:4, 1995. Examination of the northern Ireland judiciary.

Review of the Northern Ireland (Emergency Provisions) Act 1991, J J Rowe QC. *HMSO (Cm. 2706)* pp80, £11.30. This review includes 80 recommendations and conclusions concerning changes to existing provisions of the Act.

Republican prisoners protest in Full Sutton SSU. *Fight Racism, Fight Imperialism* February/March 1995. Article by Republican prisoners in Full Sutton Special Security Unit.

Gagging for it, Bill Rolston. *Fortnight* 340:18-20 (June) 1995. On the media coverage - or lack of it - in the propaganda war in Northern Ireland.

Making Ourselves Free. New video about the people of West Belfast, 50 minutes. Looks at the: "astonishing creativity and vitality of the people of West Belfast. By turns ignored and vilified by the state and the media, the people of nationalist West Belfast have taken their lives and society into their own hands". Price £10 (£40 institutions) from: Féile an Phobail, Cultúllann, 216 Falls road, Belfast BT12 6AH.

PRISONS

In brief

Scourge of Home Secretary to go: Chief Inspector of Prisons Judge Stephen Tumim, who has acted as an irrepressible scourge of Michael Howard in his regular and forthright condemnations of prison conditions, will not have his contract renewed when it expires in October. Appointed by Howard's predecessor Douglas Hurd as a safe, "establishment" man in 1987, Tumim delighted prison reformers and prisoners and infuriated politicians and officials with his refusal to be quiet on issues such as slopping out, overcrowding, access to drugs, lack of decent medical and educational facilities and prison suicides. Believing in prison as part of a rehabilitation process, he demands "immediate and intensive" education to deal with the large number of illiterate people in prison. In his seven years, he has given the public an immediate and intensive education on prisons from the inside. *Independent* 27.5.95

Spain: Prison hunger strike: A 48 hour hunger strike was carried out by 108 prisoners in Irunea (Pamplona) at the end of March. They were denouncing the living conditions in the prison, especially the lack of medical care and help for drug addicts. Such actions are rare and

may be accounted for by the fact that "normal" prisoners are living alongside hundred of "insumisos" (young people in prison for refusing to do military service). *Kontrola Kontrolpean, Donostia, Euskadi (Spain)*.

Prisons - new material

A joint manifesto for penal reform. *Penal Affairs Consortium* pp7, 1995. This manifesto includes sections on mentally disturbed offenders, women prisoners, prisoners rights and race and criminal justice.

The law relating to prisoners, Simon Creighton & Vicky King. *Legal Action* May 1995, pp13-15. Update on prisoners' rights dealing with mandatory life prisoners and drug testing in prisons.

The prison population in 1994. *Home Office Statistical Bulletin* 8/95 (27.4.95), pp23 and **Projections of long term trends in the prison population to 2002.** *Home Office Statistical Bulletin* 4/95 (30.3.95), pp16.

The Operation and performance of the prison service: minutes of evidence 18.1.95. *Home Affairs Committee* (HMSO) 1995, pp24 £7.70. Examination of Derek Lewis, Tony Butler and Richard Tilt of the Prison Service.

Prison Watch press releases 119 & 121. *Prison Watch* 10.5.95. Cover the inquests into Ian Mountford who was found hanged at HM Prison Shrewsbury in January 1994 and Kevin Nicholson who was found hanging in Norwich prison in February 1995.

British prisons - a different sort of crisis. *Fight Racism, Fight Imperialism* February-March 1995. On the "crisis in British prisons.

"Strengthening punishment in the community", Comments by the Penal Affairs Consortium on the government Green Paper, 4pp, from: 169, Clapham Road, London SW9 0PU.

Parliamentary debates

HM Prisons Blakenhurst and Leeds *Lords* 3.4.95. cols. 74-88

Probation officers: recruitment and training *Lords* 5.4.95. cols 186-199

Probation officers: recruitment and training *Lords* 5.4.95 cols. 212-242

SECURITY & INTELLIGENCE

UK

Security services reports

The number of warrants issued in England and Wales for telephone-tapping and mail-opening is slightly down at 947 in 1994 compared with 998 in 1993 - making it the second highest peacetime figure since the 1948 dock strike (973 warrants). These figures in the latest annual report from Lord Nolan - who took over from Sir Thomas Bingham in April 1994 - however only give part of the picture.

Under Section 2 of the Interception of Communications Act 1985 warrants to intercept communications are meant to be applied for by the Metropolitan Police Special Branch, the National Criminal Intelligence Service (NCIS), Customs and Excise, Government Communications Headquarters (GCHQ), the Security Service (MI5), the Secret Intelligence Service (MI6), the Royal Ulster Constabulary (RUC) and Scottish police forces. However, the number of warrants issued by the Secretary of State for Northern Ireland (RUC and MI5) and the Foreign Secretary (MI6 and GCHQ) are not published.

The Tribunal set up to hear complaints received 37 new applications and yet again none were upheld - none have been upheld since the Tribunal was set up under the 1985 Act.

Total figures for warrants issued, England and Wales 1989-1994:

1989	458
1990	515
1991	732
1992	874
1993	998
1994	947

Total figures for Scotland 1989-1994:

1989	64
1990	66
1991	82
1992	92
1993	122
1994	100

This is the second highest figure for Scotland since they were first published in 1967.

The annual report from Lord Justice Stuart-Smith on the Security Service (MI5) is just two pages long and one of these is devoted to raising the issue of the police use of "bugs" in private homes - a practice not covered by the Interception of Communications Act. His concern arose out of a case where the police "bugged" a private

house and the only evidence in court against a defendant - on trial for drug dealing - was "the product of the device". The defendant was convicted and lost an appeal even though the prosecution accepted "the installation of the device was a trespass". The Court of Appeal in rejecting his application drew attention to the fact that there is no statutory provision governing "the use by the police of secret listening device on private property". Lord Justice Stuart-Smith expresses his support for the need to introduce a law to govern the police use of "bugging" devices. However, what is not at all clear is why Lord Justice Stuart-Smith devotes half his report to this question; his job is to report on MI5, it is Lord Nolan (above) who is the Commissioner responsible for dealing with interceptions - so is this because the case involved MI5 working with the police?

Unaccountable "metering"

If "bugging" is unregulated and ought to be monitored then the revelation by the *Scotsman* newspaper of unregulated "metering" being passed over to the police raises an even larger issue.

The paper says that the number of requests for lists of metered calls from the eight Scottish police forces has risen from 207 in 1992, 480 in 1993, and 937 in 1994. Metering allows the police and MI5 to get precise details of which numbers have been called, their duration, time of day and date from any phone without having to get authorisation from a judge or government Minister. British Telecom and the two largest mobile phone companies - Vodaphone and Cellnet - confirmed they provided information on request.

In November 1992 the Secretary of State for Scotland set out the guidelines governing police and MI5 requests. These state that:

"Applications for telephone metering or itemised billing should only be made in relation to the investigation of very serious crime; where no other method of investigation can be utilised; and where the facility is likely to provide essential information regarding the investigation".

A Scottish Office spokesperson said that the Secretary of State felt the guidelines were satisfactory as: "Metering does not involve listening to communications". Carole Ewart, director of the Scottish Council for Civil Liberties said: "These statistics show an enormous leap. It is extremely worrying because this has been portrayed as a technique to be used in rare or exceptional circumstances, yet these figures show it is much more routinely used, during a period when overall crime figures fell each year".

No figures for metering requests from the 43 police

forces in England and Wales or other agencies have ever been published. A Home Office spokesperson said:

"Our officials are quite adamant that there is no requirement to collect this information centrally or publish it. It is an operational matter for the police. It is really up to them if they want to publish this information locally or not".

John Wadham, Legal Director of Liberty, said that this left the Home Office in clear breach of Article 8 of the European Convention on Human Rights. A judgement in 1984 by the European Court of Human Rights has, he said, found that governments had the right to conduct surveillance but this had to be covered by laws which ensured basic safeguards. "It is clear that metering is completely unregulated", he concluded.

"Ring of secrecy"

The Intelligence and Security Committee, set up earlier this year, has issued an interim report which says that all its members have been notified of the Official Secrets Act and: "We are now operating under the "ring" of secrecy" (see *Statewatch* vol 5 no 1). Its job is to examine the financing and policy of MI5 (internal security), MI6 (overseas intelligence operations) and the Government Communications Headquarters (GCHQ). The report says that the Committee's first major enquiry will be into:

"how the Agencies have adapted in general to the new situations post-Cold War and, in particular, how tasks and the priorities attached to them have altered, and whether the resources now provided are appropriate to those tasks and used in a cost effective way".

Report of the Commissioner for 1994, Interception of Communications Act 1985. Cm 2828, HMSO, £2.90; Report of the Commissioner for 1994, Security Service Act 1989. Cm 2827 HMSO, £1.50; Interim Report of the Intelligence and Security Committee. Cm 2873, HMSO, £1.55; Scotsman, 1, 2 & 4.5.95; for previous years reports on telephone tapping see Statewatch, vol 1 no 4, vol 2 no 5, vol 3 no 5 & vol 4 no 3.

Jobs and director to go at GCHQ?

Sir John Ayde, director of the Government Communications Headquarters (GCHQ) at Cheltenham, Gloucestershire, is to retire in the autumn of 1996, three years before he reaches his official retirement age of 60. Ayde was responsible for signing the banning order that removed trade union rights at the intelligence gathering centre. Following the ban a largely toothless, government approved Staff Federation was set-up in its

place.

The issue of union rights at the centre arose in March with the announcement that four hundred jobs are likely to be lost when the government privatises engineering work. Staff at the centre believe that the work will be transferred to a private company, leading to the loss of jobs. A spokesman for GCHQ said that it would finish a study of operations in September "and any changes will be implemented as soon as possible afterwards".

In a separate development staff are demanding compensation for damage to their hearing after continuously monitoring the airwaves.

Guardian 23.3.95; 4.4.95.

SPAIN

Intelligence chief resigns

The head of the Spanish intelligence services, Lieutenant General Emilio Alonso Manglano, resigned on 15 June after revelations that the intelligence services had tapped the telephones of leading figures, including King Juan Carlos.

The newspaper *El Mundo* revealed that agents of the state security service intercepted and recorded mobile phone conversations by a number of leading figures from 1984 to 1991 without any legal authorisation. In addition to the monarch and other Spanish figures, various foreign dignitaries, including King Hassan II of Morocco, are reported to have had their phones tapped.

The intelligence service, known as the CESID, has admitted that calls were recorded, but argued that the activity was not illegal when it happened, that the calls were only picked up by chance and that the resulting recordings were never used. The use of scanning devices to record phone conversations was only made illegal last year. But legal experts point to the constitution that sets out safeguards for: "the secrecy of communications, especially postal, telegraphic and telephonic, except by judicial decision".

Manglano, 69, had been the head of the intelligence services for more than 14 years, taking on the job before the Socialists came to power in September 1982.

Agence France-Presse, 15.6.95.

Security and intelligence - new material

Staying Behind: NATO's terror network. *Fighting Talk* 11:15-17 (May 1995). This piece offers an overview of Operation Gladio.

FEATURE

The Stalker Affair

Another stage in the Stalker Affair ended on 26 June when Kevin Taylor, once a millionaire and supporter of the Tory Party, accepted an out of court settlement in his civil action against the former Chief Constable of Greater Manchester Police, Sir James Anderton. He had sued Anderton for malicious prosecution after charges against him for fraud had been dismissed in 1990. The basis of his civil action was that he was targeted for investigation to discredit his long time friend, John Stalker, then Deputy Chief Constable of the Greater Manchester Police. Stalker, who had been appointed to investigate six fatal shootings in Northern Ireland, had reached conclusions which were highly critical of the Royal Ulster Constabulary (RUC). Reasons had to be found to remove him and they therefore concocted the fraud charge against him to discredit Stalker.

The civil action began on 15 May was expected to last nine months. But it is understood that the Legal Aid Board had advised Mr Taylor that, unless he accepted money put into court by Municipal Mutual, his future legal aid might be in jeopardy. After the settlement Mr Taylor, who had already turned down £625,000 at the beginning of the case and was believed to be seeking £10 million, said I am not satisfied. It is a fraction of what my claim was. He claimed that the offer was made to prevent him from making serious disclosures.

The background

The story begins in May 1984, when Stalker was asked to undertake an investigation into three separate shootings: the deaths of Eugene Toman, Sean Burns and Gervaise McKerr, all shot dead in Lurgan on 11 November 1982; the death of Michael Tighe and the wounding of Martin McCauley in a hayshed just outside of Lurgan on 24 November, 1982; and the deaths of Seamus Grew and Roddy Carroll in Armagh on 12 December 1982. All six men had been shot by members of a special RUC unit.

Two years later, on 29 May, 1986, Stalker was removed from the investigation and suspended from duties in Manchester just three days before he was due to complete the last part of his investigation in Northern Ireland. Although he was not initially told of the allegations against him, he was under suspicion of associating with known criminals and misusing police cars. Colin Sampson, Chief Constable of West Yorkshire, replaced Stalker on the Northern Ireland investigation and was also asked to investigate the disciplinary allegations against Stalker.

Conspiracy or Coincidence?

Much of the press were highly critical of his removal and many supported the notion that officials were conspiring to pervert the course of justice. The affair has led to numerous books which deal with different aspects and suggest different interpretations of what actually occurred. Frank Doherty in *The Stalker Affair* (Mercier Press, 1986) places the events in the context of illegal operations by British intelligence and security services in cross-border activities. According to this view Stalker had to be removed before his investigation did irreparable damage to these activities. Doherty places his analyses against the backdrop of political intrigue and corruption in high places. He argues that MI5 was at the centre of the affair. If Stalker had been allowed to continue, their whole system of covert cross-border activity based around an informer network would have been threatened. MI5 were therefore heavily involved in Stalker's removal and the framing of Taylor.

The next book to be published was Peter Taylor's *Stalker: The Search for the Truth* (Faber and Faber, 1987). This book is based around his report for Panorama, *Conspiracy or Coincidence?*, which was shown on 16 June 1986, just three weeks after Stalker was suspended. The first part of the book describes the events in Northern Ireland and the second moves to Manchester and deals with the Quality Street Gang, the suspicions over Kevin Taylor's yacht, the *Diogenes*, and Taylor's and Stalker's downfall. Peter Taylor admits that: "All the circumstantial evidence seemed to point to a conspiracy at the hand of MI5". Yet he reaches the opposite conclusion. "...there was no conspiracy - at least not involving Northern Ireland". Instead there was a coincidence of two parallel sets of events: Stalker running into problems with his inquiry in Northern Ireland and investigations into his friendships in Manchester.

This was, of course, the same explanation put out by officials both in Britain and Northern Ireland. It is clear from Peter Taylor's analysis that he received unprecedented support from the police, customs and immigration services, and senior civil servants to obtain confidential information which began to emerge in the civil action. Taylor places considerable importance on

the twenty days in May leading up to Stalker's dismissal. He argues that the sequence of events over this period suggests that the impetus and mechanism for Stalker's removal came from Manchester and not from Northern Ireland.

Kevin Taylor and Stalker accounts

Kevin Taylor and John Stalker have both produced their own books on the affair. Stalker's book, simply entitled, *Stalker* (Penguin Books, 1988) is circumspect. He does not tell us what he knows about MI5's activities both North and South. We learn little of the detail of his interim report. We are told that he recommended that eleven policemen should be prosecuted. He also records that his report was not only critical of the RUC but also the Home Office Inspectorate. "Procedures and processes within some sections of the Force were in a sorry state. Dangerous practices, slackness, loose supervision and fundamental inefficiency, all of which should have been discovered long before I found them, remained unnoticed. It was not a happy story." He addressed a wide range of operational matters including "dubious practices within the Special Branch". But we are not told what these were and whether or not they were illegal. He criticised a number of other police practices. In particular, he expressed concern with the informer system and the potential for agent provocateurs and bounty hunters and he disapproved of the practice of allowing some policemen who had been involved in fatal shootings to continue on similar actions before their earlier activities had been critically examined.

Stalker informs the reader that Sir Philip Myers, Regional Inspector of Constabulary, obtained a "clandestine copy" of his report from him in March 1986. But it would be extraordinary if Myers had not seen it or at least knew the precise details before then. Sir John Hermon, Chief Constable of the RUC, had received it on 18 September 1985. Stalker suggests that the impact on Myers must have been similar to the effect of a cold douche. "Its contents did not merely threaten the stability and reputation of the RUC, they raised disturbing questions about the effectiveness of the political controls and supervision exercised over it. In March 1986 my interim report was seen for the first time as much more than just the result of a criminal

investigation; it had become a very damaging political document.”

Stalker has particularly harsh words about Colin Sampson's investigation into his own behaviour. He described Sampson's report, which was leaked to the media, as “repetitive and superficial”, one-sided and contained “selective and damaging arguments”. He concluded that “it was probably the most subjective file of papers I have ever seen submitted by a senior officer”.

Kevin Taylor in his book entitled *The Poisoned Tree* (Sidgwick and Jackson, 1990) is adamant that he was got at as a means of getting Stalker. In a fascinating book, he records the details of the massive police investigation into his life and affairs which dragged on for more than two and a half years before he was charged with conspiracy to defraud the Co-op Bank. He provides a powerful case to support his argument. First, the bank never complained; the police initiated the investigation. Second, on 12 March 1986 Orders of Access were issued under PACE in relation to his bank accounts and those of his businesses. Under this access, the police obtained two statements from American Express concerning Taylor's holiday with John Stalker in Miami - hardly relevant information for an investigation concerning a bank fraud. It was alleged in Kevin Taylor's trial that these Orders had been obtained by deceit.

Third, when Taylor's house was searched in May 1986, most of the search time was spent on family albums and photographs and the police took away three albums containing photographs of Taylor and his wife with the Stalkers. The search warrants, it was alleged, had again been obtained by deceit and the grounds related to an investigation into a bank fraud and not to collect family pictures.

Fourth, it emerged during Kevin Taylor's trial, which lasted sixteen weeks before the charges were dismissed, that the police appeared determined to obtain a conviction irrespective of the rule of law. It was alleged that they coerced witnesses into making statements, crucial information was withheld, files went missing and two police officers were pulled up before the judge for contempt.

Kevin Taylor v Sir James Anderton

There has been very little coverage of Kevin Taylor's

civil action in the Liverpool High Court despite its obvious political importance. At the start of the case, Stalker, who had first met Taylor in about 1972, when their children attended the same school, was subpoenaed as a witness for Mr Taylor. But Sir Patrick Mayhew, the Northern Ireland Secretary, moved to stop much of Mr Stalker's evidence. It was claimed that it would be contrary to the interests of public security and it could endanger the peace process. When Stalker did appear he was asked why he thought that he was removed from the inquiry. He told the court: “I think it was evident and obvious that I was getting very close to the end of an investigation which would be extremely damaging not only to the Royal Ulster Constabulary - a force I have enormous admiration for - but also to some of the senior officers. My presence had become an embarrassment. People who asked me to investigate had no idea what was to be found. Frankly, at the end, I think I had become an embarrassment”.

Referring to the Northern Ireland Chief Constable, Sir John Hermon, he replied: “If he had fired me it was probably the worst thing he possibly could have done. In my view the removal had to be done by stealth - a smear campaign that made my report and personal integrity suspect”. He went on to say that he didn't think the removal was in Northern Ireland, except possibly in the Northern Ireland Office. “I think the architects of the removal were on this side of the water”.

Stalker concluded that politicians and civil servants with the “acquiescence” of the regional Inspector of Constabulary, Sir Philip Myers, and the Chief Constable James Anderton were the architects of the decision. “It was a whispering campaign that eventually came to a head, to protect individuals as much as the Northern Ireland Office”. He said that a confidential document, which he had seen, suggested a high-level decision had been taken to remove him in 1986. Those that received the document were identified only by their initials, and he said that he could not be certain who began moves which led to his suspension. But the initials DH or TK on the document could have referred to Douglas Hurd, then Home Secretary, and Tom King, then Northern Ireland Secretary. RA might have been Sir Robert Andrew, a Senior Civil Servant in the Northern Ireland Office. “Politicians no matter how powerful cannot remove an investigating officer from an investigation.

Only other police officers can do that”, he said. “Sir Philip's role straddled the politics of policing and policing itself”.

The Court heard that a special unit, called the Drugs Intelligence Unit (DIU), was set up to investigate Taylor and his connection with a group of criminals known as the Quality Street Gang. The court heard that the DIU was a cover for a group of police officers investigating Stalker. Although second-in-command of Britain's largest provincial police force, Stalker was not informed of its existence. “This was an appalling decision. It suggests that it was investigating me”. It emerged that Mr Taylor's luxury home in a converted Napoleonic cotton mill was searched for drugs in just under 40 minutes. Mr Stalker said that it should have taken at least a day. “It suggests there was never any real belief that drugs were there and the visit was for some other purpose”, Stalker said.

The court heard that Mr Taylor was eventually charged, not with drug offences, but with defrauding the Co-op-Bank of £250,000. But the case collapsed in 1990 amid allegations that the police fabricated evidence. Taylor's counsel Roger Farley told the court that that Sir James Anderton showed a personal interest in the investigation and that the discussions about Stalker's fate assumed that Kevin Taylor would be charged. In July 1986, only eight days after Detective Superintendent Peter Topping, operational head of CID, had discussions with the DPP, Mr Anderton visited the DPP. Taylor's counsel, described the contents of a note, prepared by Anderton, prior to his visit to the DPP, which listed arguments to support the prosecution of Taylor. A number of which related to the nature of the alleged evidence against Taylor, but others concerned adverse publicity, rumour and innuendo.

When asked about the investigation into Taylor, Stalker said that the level and rank and resources involved in the probe was “wholly disproportionate” to the amount of money in the alleged fraud. When cross-examined by Mr Anderton's Counsel on documents prepared by the DIU, Mr Stalker, drew attention to the fact that “report after report is not dated”. He was then asked if he was suggesting that someone had instructed them not to be dated. Stalker replied that it was either gross incompetence or an instruction. After further questions and answers he was asked if he was saying

“anything more sinister”. Stalker responded that he could not say. All he could say was that the documents from the DIU were not dated in contrast to other documents. Defence Counsel then suggested that the DIU was a small unit and the documents were produced for internal use. Stalker replied that this was a very narrow view. “It has a duty to others”, he replied. Stalker argued that the information used to bring disciplinary charges against him were based on a “histrionic and self-justifying report” compiled from rumour and gossip by Topping. Mr Stalker told the court that neither Topping, nor his superior, Assistant Chief Constable Ralph Lees, had experience of conducting criminal investigations.

While in Northern Ireland, Stalker learnt to his dismay that the presence of freemasons in the CID was increasing. Competent detectives in the fraud and drug squads were being removed, he said, and replaced “almost insidiously” by officers who were freemasons. Mr Stalker told the court he sought an explanation from Mr Topping. Topping replied that “He was very proud to admit he was a freemason”. Stalker pointed out that “My criticism was not of his membership of freemasonry but how it affected his departments”.

The unanswered questions

The abrupt ending of the civil action has added further support to the view that there was a conspiracy to pervert the course of justice. This would not be the first occasion when such a suggestion had been made concerning cases arising from the Northern Ireland conflict. The Birmingham Six, the Guildford Four and the Maguire Seven have all made the allegation that in their case there was a conspiracy at the highest level to pervert the course of justice. Only a tribunal of inquiry could now get to the truth and answer some of the long list of questions which are outstanding.

Who was involved in the decision to remove Stalker? Who were BS, DH, TK and RA on the confidential document? Were MI5 involved? Who initiated the intensive investigation into Taylor which started in 1984 and involved, at a conservative estimate, some ten years of police time? Why were none of the DIU documents dated? Were the police involved in the burglary on Taylor's office? Did police officers lie under oath to obtain Access Orders to Taylor's bank accounts and those

of his businesses? Did the police lie under oath to obtain search warrants to search Taylor's house? Was the Magistrate in error in issuing a warrant for the search of a solicitor's office, since all the material was subject to legal privilege? Was Taylor's phone tapped without an application? Why was crucial evidence apparently withheld from the file which was sent to the DPP? Why did a member of the Official Receiver's Office ask Taylor questions for the police? Why, as alleged, were a number of witnesses pressurised into giving statements, some of which were inaccurate statements? On how many occasions did the police visit the DPP in an attempt to secure a prosecution against Taylor? What was the alleged influence, if any, of the Freemasonry in the Greater Manchester police?. What happened to the police files which were lost? How could, as alleged, police notebooks belonging to senior officers go missing? Why did some of the judiciary make decisions against Kevin Taylor in favour of the police and prosecution? Finally, what has been the total cost to the taxpayer of the investigation into Taylor, the various police inquiries arising from the case, Taylor's trial and the defence and out of court settlement of the civil action?

Until there is a full scale public inquiry into the whole affair many will believe that there was political, police and judicial corruption at the highest level and that, as Frank Doherty put it: "Stalker is to British intelligence and its political masters what Watergate was to the Americans and Rainbow Warrior was to the French."

Guardian 17, 18, 19.5.95 & 27.6.95; Independent 19.5.95 & 27.6.95; Daily Telegraph 27.6.95.

EU: Justice & Home Affairs Council

(Luxembourg) The meeting of the Council of Justice and Home Affairs Ministers on 20-21 June failed yet again to agree on the text of the draft Europol Convention. However it did manage to resolve all the outstanding disagreements except that concerning the role of the European Court of Justice (ECJ). At the Cannes Summit of EU Prime Ministers it was agreed on 26 June to send the Convention to the 15 EU national parliaments for ratification minus the Article on "Jurisdiction" of the

ECJ. With 14 EU states in favour of a role for the ECJ and one against, the UK, it was agreed to return to the question of the ECJ at the end of the Italian Presidency in June 1996 (after the UK general election).

Netherlands, Belgium and Luxembourg- have already said they would not ask their parliaments to ratify the Convention until the role of the ECJ had been resolved. The same view may well also be taken by the EU Committee of the German Bundestag.

The Convention as agreed by the Cannes meeting allows for a period of 11 months in order to implement it after the 15 EU parliaments have ratified it - a process which may well take two to three years. The Dublin Convention agreed in 1990 still awaits full ratification.

On the Council's agenda on 20 June were three draft Conventions - Europol, the Customs Information System (CIS), and one of the protection of the EC's financial interests - linked by the central issue of disagreement, whether or not there should be any role for the European Court of Justice (ECJ), based in Luxembourg. In all the draft Europol Conventions in circulation between November 1993 and November 1994 (of which there were some seven versions) the ECJ was included as the final court of appeal for disputes involving Europol staff and disagreements between two or more EU states, Article 37.

The key protagonists were the UK which adamantly maintains its opposition to the involvement of European Community institutions - the ECJ and the Court of Auditors - in any of the inter-governmental Conventions under consideration (see below). On the other side, equally adamant, were the Benelux countries - Belgium, Netherlands and Luxembourg - supported by Germany who argued that the creation of a EU-wide police institution requires legal recourse to the only court with the necessary powers and jurisdiction, the ECJ. The meeting on the main agenda, which started at 2.30pm and unusually lasted late into the evening (10pm) without any resolution to the problem.

The UK Ministers - Home Secretary Michael Howard and Minister of State Mr Fraser - tried to introduce a number of ploys to exclude the ECJ. First they argued that if a court was needed to decide on disputes it should be the European Court of Human Rights in Strasbourg. This was rejected because its jurisdiction was limited to individual cases while the ECJ could embrace the whole

body of law in coming to a judgement directly related to the European Community. Second they put forward the idea that Article 182 of the 1957 Treaty of Rome (which created the European Community) could be used to resolve disputes between two EU members. This idea produced a hiatus - for about an hour - while the legal advisers dug up the clause. This too was rejected partly because it did not cover the individual's right of appeal to a court and it only referred to "matters related to this Treaty" not intergovernmental cooperation which is outside the Community structure. Nor has the EU agreed to adopt the European Convention on Human Rights. The French Presidency then proposed a "compromise", to deal with disputes for Europol staff and between EU states. After a "cooling off" period of six months a two-thirds majority could agree to send a dispute to the ECJ. The "compromise" immediately encountered not just the UK government's opposition to the ECJ but equally its opposition to any idea of majority voting. Mr Howard told the meeting that: "if countries want to include the ECJ for individual rights that is up to them". After nearly 8 hours the Ministers were no nearer a solution and suggested the matter should be taken up at the Cannes Summit marking the end of the French Presidency. The position of the Benelux countries on the exclusion of the ECJ is as deep-rooted as the UK's opposition to its exclusion. They argue that if the ECJ is excluded from this Convention then it will not be in the other Conventions in the pipeline which is totally unacceptable.

The issue of judicial control being exercised by the ECJ was one of the main points raised in the report from the House of Lords Select Committee. It stopped short of writing in the right of the individual to appeal to the ECJ, which the Benelux countries and others want to include.

Other decisions

The Council in addition to its traditional six-monthly report on the "Assessment of the terrorist threat" to the EU (internal and external) agreed without debate to adopt the following: the Europol Drugs Unit budget for 1996, the resolution on minimum guarantees for asylum procedures (strongly opposed by many NGOs), and the French Presidency's "Recommendation on harmonising means of combatting illegal immigration and illegal

employment and improving the relevant means of control" - this proposal was twice amended and downgraded from a Joint Action, which is binding, to a Recommendation which sets policy to be incorporated into national legislation (see Statewatch, vol 5 no 2). The Recommendation is the subject of an inquiry by the UK House of Lords Select Committee on the European Communities, and despite protestations to the contrary some of its measures are expected to be incorporated into a new Asylum and Immigration Bill in the autumn.

The usual meeting of the "Troika" (past - German, present - French and next - Spanish Presidencies) took place after the Council meeting with the USA, Canada, Cyprus and Malta to inform them of decisions.

Meeting with the "buffer states"

The whole morning of the first day of the Council meeting was devoted to a meeting with around 48 Justice and Interior Ministers plus their officials from Central and Eastern Europe - the Czech Republic, the Slovak Republic, Rumania, Poland, Hungary, Bulgaria, the three Baltic states plus Malta and Cyprus. The meeting's agenda covered: readmission agreements and visas; the formation of the Police Academy in Budapest (set up by the FBI); and international organised crime.

The Hungarian Interior Minister set out the steps already taken to harmonise their laws with those of the EU. The Council of Europe Conventions on Extradition and Mutual Assistance in Criminal Matters were adopted in October 1993 and they were planning to ratify the European Convention on the Suppression of Terrorism and that on Money Laundering. On extradition they had additional agreements with several Asian countries and had a bilateral agreement with Austria to speed up procedures.

The FBI opened its first training academy outside the US on 24 April in Budapest. The FBI and Secret Service are to start by training 33 Hungarian, Czech and Polish police officers at the International Law Enforcement Academy.

Background & Press release Council of Justice and Home Affairs, 16 & 21.6.95; Draft Europol Convention, Restricted, Ref: 10324/4/95. Rev 4, EUROPOL 112, dated 26.4.95; Recommendation on harmonizing means

of combatting illegal immigration and illegal employment and improving the relevant means of control, Ref: 7972/95 ASIM 188; Speech by Hungarian Interior Minister and position paper, 20.6.95; AP, 24.4.95; Europol, House of Lords Select Committee on the European Communities, HL 51, £23.80.