

## Statewatch bulletin

### Vol 6 no 3 May-June 1996

#### "Statewatch" application splits EU Council

##### **Eight EU governments vote for secrecy - seven back openness**

An application for access to European Union Council documents by UK journalist and *Statewatch* editor Tony Bunyan has split the Member States of the European Union down the middle.

Member states split 8 votes to 7, both in COREPER (the Brussels-based Committee of permanent representatives of each EU government) and in the Council of Ministers, to refuse access to nine sets of Minutes of the K4 Committee - which coordinates policy on policing, immigration and asylum and legal cooperation under the "third pillar" and services the Council of Justice and Home Affairs Ministers.

The gulf between the Member States quickly emerged when the Working Party on Information, comprised of the Press Officers from each of the 15 permanent delegations in Brussels, met to consider an appeal against the release of only 5 of the 14 documents requested. According to Mr Hans Brunmayr, of the Secretary-General's Department of the European Council, there was a five hour discussion at the Working Party on Information meeting and, even more unusual, a two hour discussion at the main COREPER meeting. This application for access to documents became, in effect, a test case with France, Belgium and Spain leading the opposition to ending secrecy.

The seven governments voting in favour of greater openness on this occasion were: Denmark, Ireland, Greece, Netherlands, Finland, Sweden and the UK. Denmark, Sweden and Finland issued declarations saying all the documents should have been provided.

Belgium and France issued an extraordinary declaration attacking the citizen's right to request access to Council documents. It said they said in a Declaration published officially by the European Council that:

"the applications by Mr Bunyan.. are contrary to the spirit of the 1993 decision and that they abuse the good faith of the Council in its willingness to be transparent."

Tony Bunyan commented: "The French and Belgian governments have a patronising view of the right of access to Council documents - it is apparently a democratic right which should not be used too often and certainly not regularly."

The issue in question was the interpretation by the General Secretariat of the Council of the term "repeat applications" in the Council's code of access to documents (agreed in December 1993). Tony Bunyan had asked for copies of 14 sets of Minutes of the K4 Committee which he had never applied for before. The reply, from Mr Bersani for the Italian

Presidency, said the request "constitutes a repeat application *similar* to those which you have made in the past." (emphasis added) The rationale appears to be that as he had already requested agendas of these meetings a request for the Minutes was a "similar" request. The patent absurdity of this response was openly rejected by 7 Member States. As, according to a slim majority of Member States, it was a "repeat application" then a "fair solution" could be applied under the rules and only 5 of the 14 documents requested were released.

This case is one of three resulting from confirmatory applications made by Tony Bunyan over the past six months (see *Statewatch* vol 6 no 2, and feature in this issue). Taking the three cases together it is possible to set out the battlelines over the issue of secrecy and transparency in the EU. The governments which have consistently voted against openness in these cases are: Germany, France, Belgium, Luxembourg, Spain, Italy and Austria. Denmark, Sweden and Finland have taken the lead in calling for an end to secrecy, supported by Ireland, the Netherlands, Greece and the UK.

Addressing a seminar on "Openness and Transparency" organised by the Socialist Group of MEPs in Brussels on 13 June Mr Brunmayr said that the "Bunyan cases" had forced the Council to make several changes in the way the rules governing access to documents were applied. Three changes have so far been made (see feature page ....).

## EUROPE

### EU

#### **Whatever happened to the Trevi network?**

When the Maastricht Treaty came into effect on 1 November 1993 the Trevi group (terrorism, policing and customs) founded in 1976 and the Ad Hoc Group on Immigration started in 1988 were replaced by the new EU Council of Justice and Home Affairs Ministers, the K4 Committee, three Steering Groups and their Working Parties. The counter-terrorism work of Trevi Working Group 1 continued as a Working Party under Steering Group II. However, during the discussions on the planned remit of Europol under the new Convention the operational side of EU counter-terrorism is not to be considered until at least two years after the Convention comes into effect - which will be into the next century. This begged the question of what happened to the EU-wide Police Working Group on Terrorism (PWGOT) comprised of the then 12 EU states plus Finland, Norway and Sweden set up in 1979? The answer is that it is still operating outside of any accountability to the Council of Ministers.

The European Liaison Section (ELS) of the Metropolitan Police Special Branch was set up in 1976 to liaise with their counterparts in other EU states. In 1977 the Trevi Net was set up to provide secure e-mail and fax communications system. At this point the role of the ELS was formalised and given its "own independent national responsibility for the

coordination of links on the police net." The official Trevi Central Liaison Office in the UK is based at, and staffed by, MI5. The ELS works in collaboration with MI5 in its dealing with Europe - though when it comes to who is in charge MI5 always takes the lead.

1988 saw the first of a series of bilateral exchanges of liaison officers between the UK and France under an agreement signed on 19 May 1988. On 1 April 1992 the success of this experiment was formalised with the posting of "counter-terrorism liaison officers" (CTLOs) being posted from the UK to France, Germany, Luxembourg, Belgium and the Netherlands. The CTLOs were funded as a common police service and comes under a committee comprised of representatives from the Home Office, the Association of Chief Police Officers and the Metropolitan Police Special Branch. Detective Chief Inspector John Franks, writing in *Policing Today* says: "In practice, each CTLO enjoys a degree of autonomy rare in a disciplined service."

The CTLOs are strictly "non-operational" providing information and advice and are in "regular and frequent" contact with internal security services in the countries where they are posted. CTLOs do not work out of UK embassies which is the usual location of liaison officers but in the national police headquarters. Counter-terrorism work these days also covers it appears "animal rights extremism" and "skinhead" activity by racist groups. Since the end of the Cold War internal security agencies across Europe have become involved in combating organised crime as well as counter-terrorism. CTLOs too have taken this "natural step" and deal with organised crime as well.

It is unlikely that Europol, when it is finally operational in the years to come, will ever replaced the informal and unaccountable groups, arrangements, exchange of liaison officers which has been built up over the last 20 years. "Euro Enthusiast", by DCI John Franks in *Policing Today*, vol 2 no 1, April 1996.

## Europe - in brief

**Switzerland:** negotiations between the EU and Switzerland over a series of agreements started to move again when the Swiss Federal Council (government) proposed a three phase approach to the introduction of free movement of persons. In phase one Switzerland is offering equality of treatment to EU nationals already residing there; phase two, after two years, they would abolish priority for national workers in employment; and after five years, phase three, would begin negotiations on the scrapping of annual immigration quotas. *EU General Affairs Council*, 13.5.96; *Agence Europe*, 9.4/96; *Statewatch* vol 5 no 6.

**Questionnaire to CCEE:** the countries of central and eastern Europe were sent a 165-page questionnaire covering 23 areas of EU cooperation at the end of April in prepared for entry to the EU - the date of which still has to be set. One chapter on justice and home affairs had to try and define the *acquis* which is officially set by the EU Council of Justice and Home Affairs Ministers alongside the needs of the

Schengen Agreement which are at variance on a number of points. *European Voice*, 2.5.96.

**Czech Republic: anti-Roma citizenship law changed:** On 26 April the Czech parliament agreed an amendment to the citizenship laws, introduced after the break-up of Czechoslovakia, which made thousands of Roma stateless. The law said that a person wanted to get Czech citizenship had to prove permanent residence and a five-year clean criminal record, this has now been withdrawn. *Prague Post*, 1.5.96.

## Europe - new material

**Policing Europe.** *EP News* 11.3.96. pp2-3. Feature on Europol that examines the organisation and looks at what it is supposed to do.

**Black people: trapped in Fortress Europe,** Paul Okojie. *The African* No. 3 (March) 1996, pp7-9.

**Racism, xenophobia and anti-semitism.** European Commission. Proposal designating 1997 as European Year Against Racism. Brussels, 13.12.95, COM(95) 653 final.

**Britain and Germany in the New Europe.** Wilton Park Paper no 113. Richard Latter. HMSO, 22 pages, £5.00.

## Parliamentary debates

**Intergovernmental Conference** *Commons* 21.3.96. cols. 513-601

**European Council** *Commons* 1.4.96. cols. 21-34

**European Communities (European Court)** *Commons* 23.4.96. cols 198-204

## CIVIL LIBERTIES

### NETHERLANDS

#### Same-sex marriages allowed

The Dutch parliament has agreed to allow same-sex marriages. The lower house passed a draft law which gives lesbian and gay couples who register their relationship the same rights as heterosexual married couples. This proposal places The Netherlands far in advance of any other EU country.

However there appears to be mounting opposition to the draft law from conservatives and catholics, who have even suggested that Queen Beatrix might choose to withhold the royal assent from the legislation. The Dutch government also appears to be lukewarm towards the proposal, worried that it could damage Holland's image. The government is not obliged to implement the law but it will face serious opposition if it is seen to flout the will of Parliament.

The proposed legislation has implications beyond the Netherlands. Under EU law legal marriages recognised in

one state are automatically registered in another. The Times quotes a spokesperson from the British campaigning group "Stonewall", who reckons that up to 1,000 gay couples from Britain might choose to get married in The Netherlands. *Times*, 17.4.96.

### **Journalists able to protect sources**

After the European Court's judgement (Goodwin vs. UK) in March this year, the Dutch Hoge Raad (Supreme Court) revised its decision of 10 May in the case of Van den Biggelaar against journalists Dohmen and Langenberg of "De Limburger" daily newspaper. It has now granted journalists in principle the right to the protection of their confidential sources. A journalist's usual responsibilities regarding defamation and slander remain intact. Only in exceptional situations involving the need "to obtain a goal necessary in a democratic society" could a judge force a journalist to disclose his sources.

### **Civil liberties - new material**

**Flexing anti-union muscles.** *Labour Research* Vol. 85, no. 6 (May) 1996, pp11-12. Results of a Labour Research survey, updating 1992 research, that shows a near doubling of trade union derecognition by employers.

### **Data protection directive: options from the Home Office.**

#### *Data*

*Protection News*, no 25, Spring 1996, pp15-24. Examines the Home Office interpretation of the new EU Data Protection Directive on UK law.

**Journal of Civil Liberties.** Volume 1, March 1996. New academic journal to be published three times a year. Subscription details from: Managing Editor, Abby Cathcart, Legal Services Unit, University of Northumbria, Newcastle upon Tyne, NE1 8ST.

### **Parliamentary debates**

**Sexual Orientation Discrimination Bill** *Lords* 27.3.96. cols 1806-1816

**Sexual Orientation Discrimination Bill** *Lords* 1.5.96. cols 1731-1739

**Westminster City Council** *Commons* 14.5.96. cols 772-870

## **LAW**

### **Terrorism is "non-political"**

The House of Lords decided in May that a refugee from Algeria could not claim the protection of the Geneva Convention because of his involvement in an attack on a civilian airport, in which ten people were killed, and in an attack on an army barracks, in which one person died. Both of these acts constituted "serious non-political crimes", they

said, excluding the actor from international protection.

The judgement sees the Lords rummaging through legal, political and philosophical history, trying on and discarding various criteria for the definition of "non-political" before lighting on a never-ratified 1937 League of Nations Convention on Terrorism. From it they take a definition of "acts of terrorism": "criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public". Armed with this definition, they characterise the bombing of a civilian airport, fairly uncontroversially, as "terrorist" and so "non-political". The difficulty arises when they characterise an attack on a military barracks as "terrorist" and so "non-political"; we begin to see that the definition is so wide as to include any act of violence directed against a state, thus excluding from international protection anyone committing any such act.

In the last century, the courts refused to apply the political exception to the extradition of an anarchist who had assassinated a politician in his own country. Despite the certainty that the man would be executed, the court held he could be returned, as the act was a non-political crime; anarchists wanted to get rid of all government and were therefore "anti-political". Perhaps in the next century this month's House of Lords decision will seem as absurd as that. *T v Immigration Officer*, 22.5.96.

### **Appeal hearing postponed**

The appeal of European PKK leader Kani Yilmaz against his extradition to Germany, due to start in May, was postponed again amid confusion and anger over a last-minute change of venue. The hearing was due to take place on Monday 20 May in the High Court, which is where all such hearings occur. On the Thursday, supporters were told that the hearing had been moved to Woolwich Crown Court, adjacent to Belmarsh prison in Woolwich, for "security reasons". The Woolwich court staff knew nothing about the move, but the High Court staff claimed it was on the judge's personal instructions. It would be unprecedented, and, in the view of the campaign, a serious interference with the principles of open justice, to transfer the case to such an inaccessible and little-known spot, and is particularly bizarre since appellants are invariably not brought to court anyway.

The attempt had all the hallmarks of another political interference with Kani Yilmaz's civil and human rights. He has now been in top-security Belmarsh prison for over 18 months, ever since his arrest on his way to a House of Commons meeting for which he had been invited to Britain. The evidence presented by the German state in support of his extradition is extremely tenuous and discloses no direct involvement in any offences. If extradited to Germany, Yilmaz is likely to be bundled back to Turkey rather than tried, according to supporters who have observed the close cooperation between the Turkish and German governments. The current policy of the German government, which has banned the PKK in Germany, is to exclude all PKK activists from refugee protection and to return them to Turkey.

Around 2,000 demonstrators braved the cold English spring to march from Hyde Park on 18 May to draw attention to Yilmaz's case and to the situation of Kurdish refugees in western Europe.

### **Black man awarded £302,000 for police assault**

A young black man was awarded record damages of £302,000 against the Metropolitan Police on Friday 26th April 1996 for being hit by a constable with a truncheon after he had been handcuffed. It is believed to be the highest award by a jury against any police force.

Daniel Goswell, 29, was stopped and questioned by police officers in Plumstead, south-east London, on 11 November 1990. Police officers had gone to Ancona Road following a report that a stolen car was being raced up and down the cul-de-sac. Mr Goswell accepted that he shouted at the police officers, because the stop followed an arson attack on his home which he had reported to the police and which could have resulted in his death. He always felt that the police had been less than enthusiastic in investigating his complaint, and viewed this contact with the police as an opportunity to vent his sense of grievance. "Why are you hassling me when you couldn't be bothered to find the person who set fire to my flat" he asked the officers. When he continued to voice his complaint he was grabbed and handcuffed by three police officers, all much bigger than him. One police officer, PC Trigg an ex-guardsmen, then struck him on the forehead with his truncheon causing a wound which required five stitches. PC Trigg said that he feared that he might be attacked. Mr Goswell subsequently suffered from headaches and blackouts and became an alcoholic as a consequence of the depressive state he developed.

Mr Goswell was charged with a public order offence and with two assaults on police officers. He was convicted of all three charges in the Magistrate's Court. He successfully appealed against the two assault charges to the Crown Court. He also complained to the Police Complaints Authority. For once some action was taken and PC Trigg was sacked from the police force. PC Trigg then appealed to the Home Secretary, Michael Howard, who appointed an appeals tribunal which counted amongst its members the ex-chief constable of Greater Manchester, Sir James Anderton. This tribunal chose to overturn the decision of the Commissioner of Police to sack PC Trigg.

When Mr Goswell began his action against The Commissioner it was accepted by the police that PC Trigg had used excessive force. Despite that admission and despite the fact that The Commissioner had found, on the criminal burden of proof - a higher standard than that required in a civil trial - that PC Trigg had truncheoned Mr. Goswell after he was handcuffed, they still defended the action. Indeed PC Trigg said in court that he felt no regret for what he had done and that the thought of apologising to Mr Goswell had not crossed his mind.

In addressing the jury at the close of the case Mr Courtenay Griffiths, counsel for Goswell, told the jury that their award should "land on the Commissioner's desk with a bang and

force him to question the propriety of a man like PC Trigg, whom he had sacked, still policing the streets of London." The all-white jury obviously felt that a message had to be sent to the Commissioner and to the Home Secretary, and by their award they have certainly done that.

### **Law - new material**

**Juries on Trial**, Marcia Hutchinson. *Chartist* 160 (May-June) 1996, pp14-15. This article "questions the fairness of the British Criminal Justice system for black defendants."

**Police right of entry to private premises**, Michael Griffiths. *Police Journal* Vol. LXIX No. 2 (April-June) 1996. Article on the power the police have to enter private premises without a warrant that concludes: "It is quite clear that there is a right enjoyed by police to enter any premises if they anticipate a breach of the peace is about to occur."

**Disclosure and admissibility of evidence in the magistrates' court**, Jo Cooper. *Legal Action* June 1996, pp17-19. This article considers recent cases.

### **Parliamentary debates**

**Sentencing Commons** 3.4.96. cols 389-404

**Crime and Sentencing Lords** 3.4.96. cols 343-356

**Offensive Weapons Bill Commons** 26.4.96. cols 669-723

**Crime: sentencing policy Lords** 23.5.96. cols. 1025-1076

### **NORTHERN IRELAND**

#### **Northern Ireland - new material**

**An obsession with security**, Gareth Peirce. *Troops Out* Vol 18, no 5 (Winter) 1995-1996, p15. Thoughtful article on the hardships, often deliberately inflicted, on Irish Republican prisoners and their families.

**The habit of secrecy**, David Cook. *Fortnight* 349 (April) 1996, pp 18-20. Cook was sacked, with journalist Chris Ryder, from the Chairmanship of the Police Authority for Northern Ireland; here he argues for the Authority to be as "open and accountable as possible."

**Constitutionally, can police officers be replaced by soldiers in times of crisis?**, Inspector N Baxter. *Police Journal* Vol. LXIX No. 2 (April-June) 1996, pp119-25. The author, a member of the RUC, discusses the role of the police and military in Northern Ireland.

### **Parliamentary debates**

**Prevention of Terrorism (Temporary Provisions) Act 1989 (Continuance) Order 1996 Lords** 19.3.96. cols 1226-1243

**Northern Ireland: Elective process Lords** 21.3.96. cols

1374-1386

**Northern Ireland (Emergency Provisions) Bill** *Lords* 21.3.96. cols 1386-1411

**Elective Process (Northern Ireland)** *Commons* 21.3.96. cols 497-508

**Terrorism** *Commons* 1.4.96. cols 35-45

**Prevention of Terrorism (Additional Powers) Bill (Allocation of Time)** *Commons* 2.4.96. cols 156-208

**Prevention of Terrorism (Additional Powers) Bill** *Commons* 2.4.96. cols 209-299

**Prevention of Terrorism (Additional Powers) Bill** *Lords* 3.4.96. cols 290-343

**Northern Ireland (Entry to Negotiations, etc) Bill** *Commons* 18.4.96. cols 851-936

**Northern Ireland (Emergency Provisions) Bill** *Lords* 18.4.96. cols 848-856

**Northern Ireland (Entry to Negotiations, etc) Bill** *Commons* 22.4.96. cols 23-168

**Northern Ireland (Entry to Negotiations, etc) Bill** *Commons* 23.4.96. cols 205-338

**Northern Ireland (Entry to Negotiations, etc) Bill** *Lords* 25.4.96. cols 1254-1330

**Northern Ireland (Elections)** *Commons* 1.5.96. cols 1231-1251

**Elections (Northern Ireland) Order 1996** *Lords* 2.5.96. cols 1801-1807

**Forensic Explosives Laboratory: Contaminated Equipment** *Lords* 15.5.96. cols 504-512

## PRISONS

### New Director General of Prison service

Richard Tilt has been appointed Director General of the Prison Service. His salary, for a job that has been described as a "poisoned chalice", will be £77,000 per annum. It is thought that the recently established Home Office advisory board will impose severe restrictions on the scope of Tilt's decision making. He will be the first Director General to have actually run a prison. Tilt replaces Derek Lewis, who was sacked after a row with Home Secretary, Michael Howard, over responsibility for prisons following the breakout of five IRA prisoners from the "Secure" Unit at Whitemoor in 1994 and the escape from Parkhurst of three life prisoners in January 1995. The escapes prompted a critical report by sir John Learmont that cost Lewis his job. Earlier this year the Home Office effectively admitted that he had been wrongfully dismissed when it paid him £220,000.

Tilt had been acting Director General since October 1995. He joined the Prison Service in 1967 as a Assistant Governor at Wellingborough Prison. He served as Governor of Bedford and Gartree and was Deputy Regional Director for the West Midlands between 1987-1989. Between 1992-1994 he was head of finance and resources in the Police Department on secondment to the Home Office. He became Director of Services in 1994 and Director of Security and

Programmes after a reorganisation in January 1995. *Home Office news release* 1.4.96.

### Prisons - new material

*Prison Privatisation Report International*. No 1 (June) 1996, 4pp. First issue of a Prison Reform Trust new journal which will "report news of international developments in prison privatisation; monitor the performance of the privatised sector; describe the growth of the "penal industrial complex"; and analyse new government initiatives."

**Prison Watch Newsletter.** *Prison Watch* May 1996. This newsletter records 22 known death in prison between January and early May 1996; an appendix reviews recent death since then. Press releases 166-174 review various other deaths in prison.

**Holloway - increased security = increased neglect**, Clare Barstow. *Fight Racism, Fight Imperialism* April/May 1996, p12. This article, by a woman who was in Holloway prison during 1995, documents the break-down in a prison regime that leads to increased security measures and the "depression, self-harm, violence.. characteristic of a repressive regime"

**Wolds remand prison - an evaluation**, Keith Bottomley, Adrian James, Emma Clare & Alison Liebling. *Home Office Research and Statistics Directive Research Findings* No 32 1996, pp4. Wolds remand prison was the first private remand prison run under the management of Group 4.

**The imprisonment of women: some facts and figures.** *Penal Affairs Consortium* (March) 1996, pp4. This report records a 57% increase in the number of women prisoners since 1992. Of the 4,406 sentenced women in 1994 33% were imprisoned for fine defaulting. Of the 3,714 women remanded in custody in 1994 only 29% subsequently received custodial sentences.

**Projections of long term trends in the prison population to 2004.** *Home Office Statistical Bulletin* Issue 4/96 (April) 1996, pp12.

**In debt and in prison**, Rona Epstein. *Legal Action* May 1996, p8. This piece summarises ongoing research into people who are imprisoned because they cannot afford to pay their debts; it focuses on women in Holloway prison in north London.

### Parliamentary debates

**Buckley Hall Prison** *Commons* 27.3.96. cols 994-1001

**Women in Prison** *Commons* 28.3.96. cols 1281-1288

**Prisons (Northumberland)** *Commons* 23.4.96. cols 339-346

**Prisoners' Earnings Bill** *Commons* 26.4.96. cols 724-731

## **SECURITY & INTELLIGENCE**

### **BELGIUM**

#### **Minister under attack after spy network disclosure**

A Belgian Minister faced fierce criticism in the Belgian senate following the disclosure of the existence of a regional spy network. The existence of the network was first revealed by the "De Morgen" newspaper on 24 April. It alleged that the Belgian intelligence service, the "Algemene Dienst Inlichtingen en Veiligheid" (ADIV) had decided to create regional networks based in the various army barracks around the country in order to spy on the activities of Belgian citizens.

In the debate which followed these revelations both the activities of the ADIV and the apparent powerlessness of the Belgian government to do anything to control them was severely criticised by MPs. Mr Deleuze of the Agalev-Ecolo party pointed out that this was not the first time that Belgian intelligence had attracted unfavourable publicity: "In 1987 they spied on a meeting of Green MEPs. At the end of 1995 General Georis admitted that the service had tapped telephones, in flagrant violation of the law. Then there was the confiscation of the "Nijvel gang" dossiers by military intelligence. On top of all of this came the revelations surrounding the Gladio network that was created without any involvement from ministers and that was eventually exposed in Italy."

Other MPs were equally critical. One MP from the governing coalition stated: "I understand that not all military operations can be revealed but we should know what the various services are doing".

In response Minister Poncelet, the Defence Minister, claimed that the relocation was nothing more than a rationalisation of resources. He also spoke of his "respect for human rights and fundamental freedoms".

### **NETHERLANDS**

#### **BVD annual report**

The Dutch Binnenlandse Veiligheidsdienst (BVD, annual budget Dfl 67 million, 539 personnel), the Dutch security service, has brought out its 66-page annual report for 1995. It says that the Iranian intelligence services continue to harass and intimidate the exile community in Holland, and coerced refugees to infiltrate and destabilize opposition groups. The BVD has been given a permanent seat on the international s European Conference of security services. Members of this international forum, which has held annual meetings since 1994, are Austria, the Benelux countries, Czechia, Denmark, Hungary, Poland, Slovakia and Slovenia.

### **NORWAY**

#### **Judicial inquiry into secret surveillance**

On 1 February 1994, the Norwegian Parliament appointed a commission, chaired by supreme court judge Ketil Lund, to carry out an inquiry, into public allegations concerning illegal surveillance of Norwegian citizens. Other commission members were a professor of history, an attorney, a high ranking military officer and the Ombudswoman for equality. The inquiry followed years of allegations about presumed illegal surveillance activities undertaken by the Norwegian surveillance police, responsible for internal security, as well as by the military intelligence agencies. The commission published its 1,185 page report on 28 March 1996.

While the report acquits the military of most allegations, the criticism of the Norwegian Surveillance Police is crushing. The report documents concretely, a wide range of blatantly illegal and/or unacceptable surveillance activities on the part of the Surveillance Police between the late 1940s and the late 1980s.

Between the late 1940s and the late 1960s, Norwegian communists were exposed to extensive room tapping, which was and is illegal in Norway. They were also exposed to widespread illegal telephone tapping. Their headquarters and meetings were tapped, and a large number of individuals were registered (had files opened on them).

During the 1970s and 1980s, a new Marxist-Leninist group, which established the Workers' Communist Party in 1973, was exposed to similar widespread illegal and/or unacceptable surveillance activities. Their party headquarters and summer camps were under close surveillance. In the summer camps, children from the age of eleven were registered with the Surveillance Police. Informants were extensively and systematically used in schools to surveil pupils down to 9th grade. The Socialist People's Party has also been exposed to extensive surveillance. A large number of nongovernmental organizations with links to the parties in question have been under surveillance.

Throughout the period there had been close contact and cooperation, collusion, between the Surveillance Police and the Norwegian Labour Party. Key figures in the Labour Party took concrete initiatives to organize surveillance, including extensive illegal room tapping, and large amounts of information were exchanged. The Labour Party, it should be mentioned, was in power in Norway during a large part of the period in question. There have also been triangular relationships between the Surveillance Police, the Labour Movement and various industries important to Norway's defence, in order to avoid the employment of communists. The commission concludes that "the participation of the Surveillance Police in the extensive cooperation concerning exchange of information, to a considerable extent obtained by illegal room tapping, is a serious case of illegal state administrative activity, altogether perhaps the most serious case ever revealed in this country".

The courts are also scrutinized. In Norway, telephone tapping requires a court order. The courts are heavily criticised for their handling police requests for telephone tapping. In the capital city of Oslo the judge, after receiving

the request, simply walked over to the police headquarters and signed a pre-written document permitting telephone tapping. Permission were routinely renewed without any scrutiny of the development of the investigation or new evidence. Other control mechanisms, such as the Control Commission, are strongly criticised. In numerous instances, individuals had their work-telephones in political parties and organizations tapped, and extensive surplus information about general organizational activities has been stored. This is illegal in Norway.

After receiving the report, the parliament decided to downgrade it and make it public. The report has caused great public alarm and debate. Leaders of almost all party groups have been strongly critical of the surveillance activities revealed. Today's leaders of the Labour Party have also been critical, though they have attempted to condone or understand the illegal and unacceptable activities in the light of the historical circumstances, and the Cold war, after World War II. The commission points out that this defence can hardly be used for the extensive illegal surveillance in the 1960s, when the traditional communists had been reduced to a minor and insignificant political group in Norway. Likewise, it has been pointed out that the Cold War can hardly be used as a defence in relation to the Marxist-Leninists in the 1970s and 1980s, who developed a strongly anti-Soviet standpoint. Finally, it has been emphasized that regardless of external threats, broad scale blatantly illegal surveillance is unacceptable. The Labour Party Prime Minister, Mrs Gro Harlem Brundtland, has refused to express her regrets on the part of the state to the victims of illegal surveillance. She wants to wait and see parliament's reaction. The leaders of all of the opposition parties, including the Conservatives, have criticised this stance. Drawing comparisons with the Stasi files in the former East Germany, the demand has been voiced that the large number of people who have been registered should be given permission to review their personal files. Parliament is currently scrutinizing the report. The possibility of impeachment will no doubt be considered.

[Solidarity statement from Swiss committee]

The Swiss Committee against a state protection law was shocked to hear about the state protection scandal in Norway. The similarity to the Swiss scandal in 1989/1990 is obvious. Critical groups and above all politically active foreigners have come under suspicion for their activities or for simply being in opposition to government policies. More than 900,000 persons and organisations have been observed and registered by the political police up to late 1989 - not only as a consequence of the "cold war".

The Swiss committee therefore "calls upon all concerned persons, political parties and social groups in Norway to immediately demand access to their state protection files. Only complete transparency can give back a minimal compensation for the moral and material damage this secret observation has caused to the concerned people."

Experiences in Switzerland, says the committee, shows that

only strong public pressure on the Swiss government in 1990 and 1991 forced it not to destroy the files but to give access to the documents. More than 35,000 people received their registration cards and more than 5,000 of got, in the end, access to the whole files, some of these weighed 25 kilos!

The Swiss political police had placed under surveillance all people and organisations who were critical of government and mainstream politics or were thought to be. This covered members of the communist party and left organisations and critical journalists and writers, teachers, lawyers, trade unionists, members of human rights organisations such as amnesty international, refugee committees, peace committees. Every kind of means was used: telephone tapping, mail-opening, undercover agents, denunciations and contacts with employers. Many of these secretly observed people suffered by being refused jobs or marginalized in society.

"To fight for the access to the state protection files is - even if they are censored photocopies like the Swiss "model" - is very important in order to rewrite the history of the Cold War - in Norway as well as in Switzerland", says the Committee.

*Komitee Schluss mit den Schnüffelstaat, Berne, 10.5.96.*

## SPAIN

### **The GAL affair: Guardia Civil general held**

Judicial investigations into several alleged cases of state terrorism involving the so-called Anti-Terrorist Liberation Groups (GAL) led to the remand in prison of Guardia Civil General Rodríguez Galindo for the kidnapping, torture and murder of two young Basques, Lasa and Zabala. The impact on police and military morale was considerable, not only because he was the highest-ranking officer to be imprisoned since the February 1981 coup attempt, but because he was the most decorated officer leading the anti-terrorist campaign of the Guardia Civil for the past 15 years. The Partido Popular government has refused to set up a parliamentary commission of inquiry into the GAL, despite having advocated this when in opposition. It is also stalling over several judicial requests for the disclosure of various documents of the intelligence agency, CESID; the documents, which had been withheld by the former PSOE government, are thought to be essential to the prosecution of the GAL cases. The importance of the prosecutions has led to calls from several political figures for a blanket amnesty, something so far resisted because of its association with the *punto final* laws of the Argentinean and Chilean dictatorships.

### **Security & intelligence - new material**

**Security services in civil society: oversight and accountability.** Report on a conference held in Warsaw in summer 1995. 60 pages. Available from: Helsinki Foundation for Human Rights, ul. Bracka 18 m.62, 00-028 Warsaw.

## Parliamentary debate

**Security Service Bill** *Lords* 14.5.96. cols. 394-432

## IMMIGRATION

### BELGIUM

#### Asylum bill nearly law

The lower house of the Belgian parliament has approved a controversial new asylum bill designed to further restrict asylum rights. Although the bill must now be taken to the senate its passage is virtually inevitable.

It will restrict the rights of asylum seekers in three main areas. Firstly it increases the powers of the Belgian state to hold asylum seekers from two months to six months, while allowing for two renewals enabling asylum seekers to be held in custody for up to 18 months. Those asylum seekers who are granted asylum will no longer be entitled to Belgian social security, instead they will be held in so-called open centres where their basic needs will be taken care of, but they will lose entitlement to benefit.

Students will also be caught in the new legislation. Non-EU students who are no longer able to financially support themselves will be ejected from the country after three months. This measure has aroused the opposition of academics, who have pointed out that many students through no fault of their own will find themselves in temporary cashflow difficulties and face the threat of deportation.

The bill also proposes to restrict the help that Belgian citizens are allowed to provide to illegal immigrants. If someone knowingly allows an illegal immigrant to enter the country then they will face either prison or a fine.

However, the planned control on transport companies that would have forced them to check whether any individual entering the Schengen area posed a "threat to public order" has been watered down following protests from the national airline company Sabena and others. The airlines will now only have to prove that they followed the guidelines agreed in international conventions before issuing tickets.

*Parliamentary debate Belgian House of representatives, 3.4.96.*

### SWITZERLAND

#### Interpol rules bypassed?

The Zurich weekly *Vorwärts* has raised the case of a 26 year old Algerian asylum seeker who applied for asylum in November 1993 and whose application was turned down in February 1994. Ahmed F. was detained several times during police raids on the "open" drug scene in Zurich and sent to prison for five days on the dubious charge of handling stolen goods. His case also showed that the Immigration Department of the police (Fremdenpolizei) of the Zurich Canton used Interpol channels to check the identity of undocumented asylum seekers in order to aid deportation.

Usually the authorities have to approach the embassy of the country of origin. But the Algerian embassy is reluctant to give out information in deportation cases so it appears requests for information from the Zurich police are sent to the Swiss National Central Buro (NCB) of Interpol which is based in the Federal Office for Police Matters (Bundesamt für Polizeiwesen, BAP). The NCB sends on the request to its counterpart in the country of origin, and sometimes to the Interpol General Secretariat in Lyon. The BAP Press Officer, Mr Galli, confirmed that according to Interpol's statutes requests for identity checks could only be used if there was an ongoing criminal investigation. Moreover the BAP does not examine the compatibility of local police force requests with Interpol statutes and data protection regulations. It is suspected that in cases of illegal immigration and rejected asylum seekers there is an ongoing investigation on illegal entry in Switzerland.

On 8 May the Minister for Justice and Police said in a parliamentary answer in the Swiss Federal Council that the Federal Council denies information on "illegal" foreigners is generally given to the Interpol data system. But he confirmed that the fact of being "illegally" in Switzerland can be interpreted as a "criminal act" and that it is therefore possible and legally correct to give personal data on these "foreigners" to Interpol - an admission that it is routinely done. On 31 May Han Lätsch, the Vice-President of the Zurich cantonal foreigners' police (Fremdenpolizei) reconfirmed that they give personal details of foreigners detained in the "expulsion prison" in order to find out their identity and organise travel documents.

*Vorwärts, 23.2.96, 29.3.96, 31.5.96; Komitee Schluss mit dem Schnüffelstaat, Bern, Switzerland.*

### UK

#### Immigration rules challenge

New rules introduced quietly on 3 June are likely to deprive thousands of people of rights of appeal and turn them into inadvertent overstayers, according to lawyers challenging the Home Secretary in the High Court. The rules make it compulsory for immigrants in the UK who wish to extend their stay to use special forms and to send in all the supporting documentation with the application, making a change from the current position allowing an application to be made by simple letter, and supporting documentation to be sent later. An application not made in the prescribed form will be deemed invalid. Since it takes many weeks for the Home Office to respond to applications, many people will only discover that the letter they sent to extend their leave was useless after the leave has expired, by which time they will be treated as overstayers and liable to be deported.

#### No "immigrants"

Clauses in the Asylum and Immigration Bill which use the term "immigrants" (relating to employment, housing and child benefit) are to be reworded, according to Home Office minister Baroness Blatch, after concern was expressed that

the term could be taken pejoratively and could cause anxiety to black communities.

The original clause 8 made it an offence for an employer to employ an "immigrant" who does not have permission to work; clause 9 told local housing authorities not to house "immigrants" of a class specified by the minister; and clause 10 deprived "immigrants" of child benefit. Unfortunately, the Baroness's commitment to alleviating the anxieties of Britain's black communities did not extend so far as to withdraw the clauses altogether. Thus, employers will still find that they risk prosecution if they employ certain people defined by reference to their citizenship and immigration status; housing authorities will, under the amended clause, still have to refuse housing on the basis of people's immigration status; and child benefit will still be refused by reference to some immigration or citizenship-related formula. Black people will still find themselves having to produce their passports to prove their eligibility for many public services and for jobs. The CRE reported that employers were jumping the gun by telling black job applicants that they would have to get clearance from the Home Office to employ them.

### **Torture victims not "safe"**

A coalition of Liberal Democrats, bishops and others in the House of Lords defeated the government over the notorious "white list" proposals in the Bill, whereby any asylum-seeker from a country declared safe by the minister is deemed bogus unless able to prove otherwise. The peers inserted an amendment excluding those with a credible claim to be torture victims, or from countries with a recent record of torture, from the "white list" procedure. The amendment would have the effect of excluding all Indian, Pakistani and Kenyan asylum-seekers from the white list automatically. The Home Office complained that the amendment would defeat the object of the Bill, thus confirming what observers have said all along: that the intention of the Bill and its companion social security regulations was to abolish the right to asylum altogether.

*Guardian*, 24.4.96

### **Benefits: UK against the grain**

An EU proposal for minimum conditions for asylum-seekers has been met with caution by the Home Office. The proposal would commit member states to adopt social, health, educational and cultural measures "to ensure that the immediate human, social and cultural needs" of asylum-seekers are met and to preserve their personal dignity. Such measures could cover the provision of board and lodging, medical and psychiatric care, economic assistance, education and employment. In its accompanying memorandum, the Home Office notes that the proposal will have to take account of measures going through parliament to be acceptable. This response is somewhat understated, since the current policy of the Home Office, expressed in the Bill and the regulations, is to prevent asylum-seekers from obtaining

any of the listed reception measures. Elsewhere, the Home Office notes its reservations about measures having the effect of "integrating asylum-seekers into the community before a decision is made on their application". "In the United Kingdom", it adds laconically, "the large majority of asylum applications are refused."

The intention of the government is clearly to undermine or ignore the non-binding "joint action"; under the heading "Financial implications" the note reads, "Providing the government's concerns are met, there should be no cost implications arising from this proposal" - a response which would be impossible if the Home Office intended to make any of the provisions the document calls for.

*Presidency proposal for a joint action on the minimum conditions for the reception of asylum-seekers (9489/95) and explanatory note*, 1.2.96.

### **Short shrift**

The Home Office continues to "improve efficiency" in asylum determination procedures in ways which significantly impair asylum-seekers' ability to present their cases fully. From 25 March the short pilot procedure for dealing with asylum claimants from certain countries (see *Statewatch*, vol 5 no 3) has been extended in a rolling programme to almost all asylum-seekers arriving at Heathrow's international terminals. Under the short procedure, asylum-seekers are interviewed immediately on arrival or very shortly thereafter, and there is a deadline of a month to produce evidence in support of the claim (reduced to five working days when the asylum-seeker is detained). The timescale is just not long enough to obtain evidence from the country the asylum-seeker has just fled from, where enquiries usually have to be extremely discreet and indirect to avoid alerting authorities and exposing families to reprisals. Those excluded from the procedure are Iraqis, Iranians, Libyans, Liberians, Somalians, Rwandans, Algerians, Palestinians, those from the Gulf states, Bosnians, Croats and people from the former Yugoslavia. This appears to be on the basis that they are nationalities with a chance of actually getting asylum, or at least exceptional leave, and so have to be treated more carefully than the rest.

*Home Office press release*, May 1996

### **Amnesty condemns UK asylum package**

Amnesty International has condemned the Howard-Lilley package as "the demolition of the right to asylum" in a hard-hitting report. AI's analysis of the Asylum and Immigration Bill and the social security regulations concludes that, taken together, the measures amount to an abdication of the UK's international responsibilities. Effective access to existing legal safeguards for refugees will be diminished and the denial of the means of sustenance may render meaningless such safeguards, it says, adding that the government has relied on bogus arguments and used bogus statistics to mislead parliament and the public. *Slamming the door: the demolition of the right to asylum in the UK*, by Amnesty

International UK, London, April 1996, 52pp.

### **Masari victory**

In the aftermath of Mohammed al-Masari's successful appeal over his attempted deportation to Dominica (see *Statewatch*, vol 6 no 2), the Home Office gave in and announced that the Saudi dissident could stay in the UK for four years in the first instance. They also said he could have his family join him immediately, which is unusual for someone granted exceptional leave to stay (as opposed to refugee status). Perhaps the Home Office believes that, with his family here, the doctor will have less time for his dissident activities.

### **Common visa list**

On 4 April fourteen countries were added to those where people will require visas to enter the UK in order to implement the EU Common Visa List. These countries are: Bahrain, Dominican Republic, Fiji, Guyana, Kuwait, the Maldives, Mauritius, Niger, Papua New Guinea, Peru, Qatar, Surinam, United Arab Emirates and Zambia. *Home Office press release*, 2.4.96.

## **GERMANY**

### **Police powers "unconstitutional"**

The Constitutional Court in the German Federal State of Sachsen (Saxony) has ruled that the prevailing police legislation is unconstitutional upholding a complaint by the Social Democrats and the Bundnis Greens. The Court ruled that the maximum two weeks' limit during which someone could be held in police custody in order to prevent an offence against public security should not apply to persons who were "in a helpless condition or in danger of committing suicide"; and also that the regulations for identity controls and for carrying out a police order to vacate a location were exaggerated and unconstitutional. The Court also found that methods of collecting information ("bugs", directional microphones, undercover agents), and the collection of information in cases of simple unorganised crime against property, were unconstitutional. The Court also ruled unconstitutional the bugging of private flats and houses belonging to persons not immediately suspected of potentially committing a crime.

The Court required the Police Law to be altered before the end of the current legislation period, otherwise the police will lose their right to collect information by electronic and undercover methods.

*Süddeutsche Zeitung*, 15.5.96.

### **Deportee suicides**

The German Government in answer to a parliamentary question from the Green Party concerning the number of suicides or attempted suicides between 1993 and 1995 amongst asylum-seekers under threat of deportation gave the following figures:

In Baden-Württemberg there were 18 attempted suicides.  
In Bavaria there were 11 suicides and 5 attempted suicides.  
In Berlin there were 4 attempted suicides.  
In Saxony there was 1 attempted suicide.  
In Thuringia there were 2 suicides and 1 attempted suicide.  
In Mecklenburg-Vorpommern there were 2 attempted suicides (by the same person).

These suicides and attempted suicides were related to deportations. In Hamburg, where deportations are not carried out on asylum-seekers who are in accordance with the Geneva Convention, there were no suicides or suicide attempts; however, a Kurdish asylum-seeker committed suicide in December 1995. The German government is not of the opinion that an improvement in the conditions of detention prior to deportation would have any effect on the number of suicides or suicide attempts.

### **Asylum law "constitutional"**

The Constitutional Court of Germany has ruled that the 1993 changes to the Right of Asylum are all constitutional. The changes included the list of "safe third countries" and the limitation on the appeals procedure. The Court ruled that the changes in the Asylum Law did not alter the principles laid down in the Basic Law of Germany. The ruling was passed by five votes to three; the Court President Jutta Limbach and two Constitutional Judges published a minority position. (*Frankfurter Rundschau*, 15.11.6.5.96)

## **EU**

### **Checking the fences: Immigration and asylum in the associated states**

The development by the member states of the European Union (EU) of bilateral and multilateral agreements which made the states of central and eastern Europe responsible for policing immigration through their borders into EU territory was evident back in 1993 (see *Statewatch*, vol 3 no 6). In 1995, the European Commission funded a study by former UK government employee, now freelance consultant A J Langdon, into the scope for more formal cooperation between the EU and the "Associated States" in immigration and policing issues (see *Statewatch* vol 6 no 2).

Ten buffer states have Europe Agreements with the EU: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia. These states are encouraged to "integrate" economically and politically in preparation for eventual accession to the EU, as is their "integration" in justice and home affairs issues (immigration and policing). They are offered financial support and training in the buffer zone role, and as a further incentive, the nationals of some countries (Bulgaria, Czech Republic, Poland, Romania and Slovakia) have been granted limited rights to set themselves up in business in EU countries.

The report indicates that an acceding state would be

expected to show that it could "adequately regulate its external frontier against the pressures of unauthorised migration and illegal trafficking", align with EU visa policy, sign up to the Dublin Convention (on determining the state responsible for dealing with an asylum claim), and have refugee determination procedures not too disparate from those in EU countries. It concludes that the associated states are on the whole a long way from achieving these targets.

"Structured dialogue"

There were two ministerial-level meetings in 1995 between EU Justice and Home Affairs ministers and their central and eastern European counterparts, as well as meetings at working group level on organised crime (including illegal immigration networks), immigration and asylum policy. Despite these meetings, the secrecy surrounding decisions taken by the Council of Justice and Home Affairs Ministers leads to a sense of exclusion among the associated states.

Another complaint among them is that little equipment and very little money has been forthcoming to enable them to perform their buffer functions, although there has been a lot of training offered within the framework of the Budapest Group on uncontrolled migration (which includes the EU, the associated countries, the USA, Canada, Australia, the Russian Federation, and international organisations on immigration). Although the feared "invasion" of immigrants from the east did not happen, the states of central Europe play reluctant host to a "transit population" of would-be asylum-seekers from Asia and Africa, trapped by strengthened borders between these states and western Europe - although IOM and UNHCR have helped with "voluntary return facilitation" for refused asylum-seekers and people trapped in transit countries.

The states' main demand is more help from the EU to strengthen what are effectively the EU's eastern borders. They want computers, transport, communications, equipment to examine documents, digitalised fingerprint registers. They want to be locked into the information systems that exist in the EU. The impression given by the reporter is that central and eastern European border control is in some cases at a level where fences would be of more use than computers - although it is very uneven, with Hungary, for example, a real "success" story with 2 million travellers refused entry in the past year.

In the field of asylum, the associated states want access to EU assessments of asylum-seekers' countries of origin and transit. But the Baltic states have so far failed to ratify the Geneva Convention, while Hungary limits its operation to European refugees, and some countries which have all the international instruments in place have no assessment procedures. A few months ago a train-full of asylum-seekers was literally shunted between Lithuania and Russia, neither country being willing to take them. These factors make it difficult for western governments to present the countries of eastern and central Europe as "safe" for asylum-seekers.

The states of western Europe need the cooperation of the buffer states to the east to keep immigrants and asylum-

seekers away from western Europe. At present, eagerness to accede to the EU, with all the trade benefits implied, guarantees that cooperation; it is the immigrants and asylum-seekers, trapped behind the lines in no-man's land, hidden from view, who are paying the price.

*Justice and Home Affairs Cooperation with Associated Countries*: report by A J Langdon, October 1995, adopted by the Commission as SEK (96) 86.

## NORWAY

### One asylum seeker granted asylum in 1996

During the first four months of 1996, one - 1 - asylum seeker was granted asylum in Norway. In addition, 425 were granted residence on humanitarian grounds. The number of applicants was 1,114. During 1995, only 29 asylum-seekers were granted entry. 1,909 were granted residence on humanitarian grounds. The number of applicants was 4,357.

Critics argue that the documentation required by the authorities is so extensive that almost no asylum seekers are able to meet the requirements. They also argue that there is a major difference between asylum and residence on humanitarian grounds, in that the latter status leads to right wing allegations that Norway is too open and lenient towards foreigners. This in turn leads to a more restrictive policy.

At present about 70 refugees who have been denied asylum, most of them Kosovo-Albanians, remain in refuge in Norwegian churches, where the police according to tradition do not have access. The Head Bishop and many ministers demanded an amnesty for them on 17 May, Norway's national holiday. The prime minister refused, arguing that this would lead to new groups making similar demands.

The extremely restrictive Norwegian policy in asylum matters has brought international attention with the UN High Commissioner for Refugees (UNHCR) announcing a review of Norwegian asylum policy.

### Immigration - new material

**Moroccan workers in Gibraltar**, International Centre for Trade Union Rights. *ICTUR* 1996, pp24 £3. This is a report of an ICTUR delegation to Gibraltar in 1995 which concludes that the Moroccan workforce in Gibraltar "face systematic discrimination in most areas of their lives". Available from ICTUR, 177 Abbeville Road, London SW4 4700.

**Refusal rates rise again**. *Exile* No. 92 (May/June) 1996, p3. Statistics for the first three months of 1996 indicate that while applications for asylum have stayed the same the percentage of those being refused stands at a 10-year high of 81%

**Migrants Against AIDS HIV** Vol 1, no. 2 1995. This is a new monthly European newsletter about migrant, refugee and black communities AIDS activism. Available in the UK

c/o Migrant Media, 90 De Beauvoir Road, London N1 4EN.

**Refugee kids - no escape from fear.** *Labour Research* Vol. 85 no. 4 (April) 1996, pp17-18. On the government's Asylum & Immigration Bill and the detrimental effects it will have on migrant children, particularly their education.

**Asylum-seekers in Europe 1985-1995.** *Statistics in Focus*, 1996/1, Eurostat, 12 pages. Shows that asylum applications in the EU reached a peak in 1992 and has been dropping ever since.

**The roots of racist immigration in Britain,** Alfred Banya. *The African* No. 3 (March) 1996, pp11-12. This piece focuses on how both Labour and Conservative governments have played the race card for electoral purposes.

**Ghosts in the fortress.** *Migrants Against AIDS HIV* Volume 1, no. 3 (May) 1996, pp1-3. Thoughtful piece on the plight of North African migrants, who are forced into acting as drug couriers or prostitutes, in Holland and France.

### **Parliamentary debates**

**Asylum and Immigration Bill** *Lords* 23.4.96. cols 1027-1128; 30.4.96. cols 1476-1544; 30.4.96. cols 1558-1642; 2.5.96. cols 1752-1801; 2.5.96. cols 1807-1854; 9.5.96. cols 216-264; 9.5.96. cols 269-316.

## **MILITARY**

### **Breakthrough for European military operation with NATO support**

At the spring meeting of the Military Committee NATO chiefs of staff have cleared the way for a restructuring of the alliance

giving more weight to European members and enabling them to launch their own operations. Many adjustments in NATO's command structure were made as a result of French demands. One of the key decisions was the creation of Combined Joint Task Forces (CJTF) agreed in principle in 1994 but until now not realised due to embarrassing American-European quarrels. CJTF implies that Europeans can use NATO staffs, equipment and headquarters, including US capabilities in operations that the US do not choose to participate in. This is relevant for the Bosnian situation after retreat of US ground troops at the end of the year. Another element of the reforms would be to increase the European presence throughout the NATO military chain of command. In a separate development security policy was for the first time on the agenda at talks between EU officials and the US government at a meeting in Washington DC in April.

## **SPAIN**

### **Indefinite ban on export of anti-personnel mines**

The Spanish cabinet meeting of 8 March imposed an indefinite moratorium on the export of anti-personnel mines. The ban affects undetectable, non-self-destructive types of mine, which may not be exported to any country. It also prohibits the export of any type of anti-personnel mine to countries which are not party to the 1980 Convention on Prohibitions and Restrictions of Use of Certain Conventional Weapons which may be Deemed to be Excessively Injurious or to have Indiscriminate Effects.

### **Conservatives undertake to abolish conscription**

Among other compromises required to secure parliamentary approval of its minority government, the Partido Popular (PP) has undertaken to professionalise the Spanish armed forces, necessitating the abolition of compulsory military service. Although no timetable has been set the process is likely to take at least six years, depending on budgetary constraints. Legislation on the matter is to be tabled during the present parliamentary session. The change of position by the PP, which during the election campaign promised only a reduction in the period of service to six months, is thought to have been influenced by the announcement by French President Jacques Chirac of plans to professionalise his country's armed forces within six years.

## **BELGIUM**

### **NATO officers attend far-right ceremony**

The Belgian newspaper *De Morgen* and the French television channel TF1 are alleging that NATO officers attended a gathering of the Templars order, together with far-right activists from France, Belgium, United Kingdom and the USA. The officers, who are stationed at the NATO Headquarters at Evere, near Brussels, are alleged to have attended the ceremony together with police officers and "high office holders".

When asked about this in the Belgian Senate Minister of Defence Poncelet, stated that an enquiry had been launched into the allegations. He also claimed that "the intelligence services of the army keep me closely informed about the connections of certain officers with extremist groups".

*Parliamentary Report Belgian Senate*, 6.6.96

### **Military - New material**

**The IGC: committed to creating a common foreign capability.** *Jane's Defence Weekly*, 27.3.1996. At the start of the Intergovernmental Conference of the EU this article reviews the objectives of the countries involved and the effects they could have on non-members.

**Die deutsch-französische Rüstungszusammenarbeit und ihre Neustruktur** (German-French cooperation in military procurement and its new structure). *Wehrtechnik* no 4, 1996.

**La Force de Reaction Rapide Danoise** (Danish Rapid

Reaction Force). *Raids*, no 119, April 1996.

*Les Commandos-Marine Cypriotes* (Marine-Commando's of Cyprus). *Raids*, no 120, May 1996. MYK (Monas Ymourhan Katastefon, an underwater demolition unit, are the Cypriot special forces.

**Franco-German defence ventures in jeopardy.** *Jane's Defence Weekly*, 1.5.96. Franco-German cooperation has been seriously impaired by disagreements on helicopter-procurement, the European fighter project and the Helios spy-satellite programme.

**RAF to quit Germany as UK adapts to changes.** *Jane's Defence Weekly*, 8.5.96. The UK is to close its last Royal Air Force base in Germany by 2002 according to the annual Statement on the Defence Estimates.

**The day them missiles rained on Rotterdam.** *Jane's Defence Weekly*, 8.5.96. In a US-German-Dutch exercise in theatre missile defence in the Netherlands six Iraqi Scuds and North Korean No Dong missiles were arching towards the port of Rotterdam but destroyed by Luftwaffe Patriots.

**EU Debates Post-IFOR Force.** *Military Watch* (The Balkan Institute, Washington), 16.5.96. Article on European reluctance on staying in Bosnia without some form of US participation.

**French budget keeps programmes alive ... but implications cause concern in Germany.** *Jane's Defence Weekly*, 22.5.96. Two articles about cuts in French military spending and the unrest about the implications in political and defence industry circles in Germany.

**A European Intelligence Policy.** *Assembly of the Western European Union* Document 1517, 13.5.96.

**The United States and security in Europe.** *Assembly of the Western European Union* Document 1519, 13.5.96.

**Arms, morality and exiles,** Zaya Yeebo. *The African* No. 3 (March) 1996, pp18-19. On the double standards of the British government which "sells lethal weapons to any third world dictator" but "denounces the victims of its arms trade as bogus refugees".

**The wake of war,** Maggie O'Kane. *Guardian* 18.5.96. On the United Nations imposed sanctions on Iraq, which have led to half a million children dying for lack of medicines.

**Arms and the state,** David Beetham. *Red Pepper* April 1996, pp18-20. This article examines the Scott report and examines how the UK depends upon the exports of weapons for industrial survival.

**The wake of war,** Maggie O'Kane. *Guardian* 18.5.96. pp35-42. Examination of the effects of the United Nations

sanctions against Iraq that shows that it is not Saddam Hussain who is suffering but "the sick, the weak and the poor."

## Parliamentary debates

**Reserve Forces Bill [Lords]** *Commons* 20.3.96. cols 401-428

**Armed Forces Bill** *Commons* 9.5.96. cols 389-521

**Reserve Forces Bill** *Commons* 20.5.96. cols. 20-51

## POLICING

### UK

#### Death prompts calls for end to CS tests

The death, in Ilford police station, of 29-year old Gambian asylum-seeker Ibrahima Sey sparked demands for an end to CS gas spray trials less than a fortnight after they began. Mr Sey's death followed his arrest after a disturbance at his home in east London. A march to Ilford police station the following weekend attracted over 1000 people demanding a public enquiry, the suspension of the officers involved in Ibrahima's death and an immediate halt to CS gas tests.

Ibrahima Sey was arrested, by up to 20 police officers, at his home on March 16 following an argument with his wife. Ibrahima displayed no aggression towards the police and allegedly volunteered to go with them to Ilford police station once his children were in the care of friends. He was accompanied to the police station by a friend. On their arrival up to a dozen policemen forced Ibrahima to the floor, where they knelt on him and allegedly handcuffed his hands behind his back while holding him in a stranglehold.

His friend observed the police assault but was prevented from intervening. He was removed, as Ibrahima's screams echoed around the police courtyard, and held in an interrogation room for five hours. On his release he was told of his friend's death. Ibrahima's family only found out about his death once police had contacted the media to inform them that he had died of heart failure.

The use of CS gas has been acknowledged by the police, although they are unwilling to specify when it was used. Witnesses observed that it was not used when Ibrahima was arrested outside his house and there is also no indication that it was used in the police vehicle on the journey to Ilford police station. Ibrahima's friend has confirmed that it was not used before he was removed to an interrogation room. This leaves the disturbing implication that Ibrahima was sprayed with the gas, after being handcuffed, while he was separated from his friend.

A post-mortem, carried out on behalf of the Police Federation, the Coroner and the Metropolitan police, concluded that Ibrahima was suffering from "hypertensive heart disease" and that he died after "a period of exertion", although it didn't stipulate exactly what this "exertion" was. The Sey family were unable to have a representative present as they had been given a wrong date by the police. The

outcome repeats previous police claims of heart disease made about another black man who died in custody, Wayne Douglas, despite the fact that eye-witness described him receiving a brutal beating by the arresting officers (see *Statewatch* Vol. 5, no.6)

A spokesman for the Association of Chief Police Officers (ACPO) stressed that there "is no evidence that CS spray contributed to this tragic death [and] there are no plans to suspend use of the spray." His assertion differed from that of the Police Complaints Authority who await the results of a toxicology test, "which would show whether the gas contributed to Mr Sey's death."

This autopsy conclusion is also disputed by Mr Sey's family, who pointed out that he was a former Gambian policeman and a member of the national football squad, with no record of heart disease. His brother expressed scepticism: "I saw his body at the mortuary. There were a lot of scars to his face, a big hole in his forehead and a lot of scratches to his chest." The family would like a second opinion on the autopsy. It should also be noted that tests carried out at the Chemical Defence establishment at Porton Down revealed that high doses of CS gas exposure can result in heart failure.

Two days after Ibrahima's death there was a spontaneous demonstration by 250 members of the Gambian community. A demonstration of over 1000 people - largely from the Gambian and other African communities in London - marched from Forest Gate police station to Ilford police station a few days later. They were joined by local people who recall a long history of racist abuse from officers at Forest Gate police station. Despite a huge police presence and repeated provocations there was not a single arrest. The Ibrahima Sey Memorial Campaign can be contacted c/o PO Box 273, London E7, Tel. 0181 555 8151.

### **CS police sue for injuries**

Three police officers have begun legal proceedings after suffering burns during CS gas spray tests. Two of the policemen are suing the Chief Constable of Northamptonshire after being injured in training sessions held at his headquarters, the third officer is suing Surrey constabulary. Surrey police - along with Hertfordshire - have withdrawn from the tests, expressing concern over their safety.

*Police Review* 7.6.96.

### **Kurds receive £150,000 for police assault**

Two Kurdish political refugees, who fled Turkey to avoid police violence and harassment, have won more than £150,000 damages from the Metropolitan police for assault and malicious prosecution. The two men, Hacı Bozkurt and Baki Ates, from north London, were arrested by officers from the Stoke Newington police station outside a community centre after a protest ended with the police making arrests.

Mr Bozkurt had intervened to remonstrate with a

policeman who made a particularly brutal arrest of a young man. Bozkurt was kicked and punched and dragged into a police van; Mr Ates found himself similarly treated when he raised objections about the incident. The men were further assaulted inside the police vehicle. Bozkurt received a fractured nose while Ates was found to have a lacerated eyebrow and severe bruising. They were later charged with violent disorder, but the charges were thrown out of court in May 1991.

Their counsel, Ben Emmerson, remarked: "This country should have been a safe haven, but they were arbitrarily arrested, beaten and injured and then prosecuted on trumped-up charges". Predictably, no disciplinary action has been taken against any of the officers involved and they remain on duty.

*Guardian* 14.6.96.

### **McDonald's branches out**

McDonald's, the hamburger chain, have been receiving information from the Special Branch to assist its High Court libel action against two environmentalists, Helen Steel and David Morris, known as the McLibel 2. The \$26 billion corporation have alleged that a leaflet, accusing the firm of producing food that is linked to heart disease, diabetes and cancer, and of abusing its staff, is libelous.

Giving evidence to the court on behalf of McDonald's, Sydney Nicholson, vice-president, claimed that Special Branch officers supplied information to the company about the environmentalists who had distributed the leaflet. Officers from the Animal Rights Index identified protesters outside the company's headquarters, two of whom were subsequently issued with writs.

The firm also employed up to seven private detectives, from two agencies, to monitor the activities of London Greenpeace (which has no connections with Greenpeace International) which produced the leaflet. The private detectives often attended meetings of the group and on one occasion, during 1990, three of the four people who attended were from undercover agencies.

Scotland Yard denied that Special Branch officers supplied companies with information on suspected political, animal rights or environmental activists adding "we are unaware of any instances where this has happened."

*Independent* 12.6.96.

### **Firearms**

A few weeks after a man shot dead 16 children and their teacher in Dunblane primary school, Splash, a summer programme for children organised by the police in Bristol, announced a new activity for 1996: Headhunters.

"You may have already played indoor laser gun and outdoor paintball but we hope to whet your appetite by enjoying outdoor laser gun. It is intended as a leisure activity for all the family including boys and girls aged thirteen upwards. You will be using a rifle which closely resembles the style, weight and feel of the British Army SA80 weapon.

These hi-tech electronic weapons project powerful but harmless infra-red beams with unerring accuracy to strike your opponents helmet sensors and disarm their weapon systems. The range of the rifle is approximately 45 metres and holds a magazine of 64 rounds of ammunition. The helmet is the target when in battle. It has four sensors that pick up the beam sent by the rifle, when on target."

On 3 June a national firearms amnesty began. The Home Secretary, Michael Howard, acknowledged that it was no panacea, he said: "If we can get these weapons out of circulation, off the streets, out of people's homes and into police stations, that's something very much to be welcomed". After the first week of the amnesty, Avon and Somerset Police announced that 223 guns and weapons had been handed in.

*Guardian*, 4.11.96, *The What's Happening Guide*, Bristol, Issue, Summer 1996; *Points West*, BBC News, 11.6.96.

## **BELGIUM**

### **"Undercover" operation in Holland revealed**

The Belgian judicial police have been carrying out undercover operations in the Netherlands. This was revealed in the annual report of a Dutch regional police force. This operation is the first time in the history of the Belgian judicial police that they have operated outside their own borders.

The extent of Belgian involvement in another country was revealed following a case in which the organised crime squad of the South Limburg police force investigated a Ecstasy laboratory operating in the region. In the course of the inquiry Belgian police from Tongeren became involved who in turn brought in specialised help from Brussels.

When asked about this the Chief Commissioner of the judicial police, Christian De Vroom, described the operation as "highly confidential". He did however say that the Belgian judicial police often cooperated with police from other EU member-states, although he could not reveal which ones.

De Vroom also refused to confirm whether this was the first time that Belgian judicial police had operated outside Belgium. Tongeren police were more forthcoming, revealing that this was indeed the first such operation. According to a spokesperson, the cooperation had been "extremely easy" because of the regular contact that has already been established between regional police forces in The Netherlands and Belgium.

*De Standaard*, 12.3.96.

### **"Nijvel Gang" enquiry blocked**

Two academics appointed to lead an investigation into the "Nijvel Gang" enquiry have resigned after just two months. Professors Fijnaut and Verstraeten of Louvain University claim that lack of cooperation from Government institutions was a major reason for their abandoning of the enquiry.

The Nijvel gang carried out a series of brutal armed robberies in the province of Brabant between 1982 and

1985, which led to the deaths of 28 people. When it was revealed that the weapons used to carry out these murders, which have become known as the Brabant massacres, came from police arsenals the gang became linked to the far-right organisation Westland-New Post who in turn had deeply infiltrated the Belgian police and security apparatus. It has since been suggested that the Nijvel gang were operating as part of a "strategy of tension" similar to that carried out by the Italian extreme-right in the early seventies, connected to the "Gladio" programme.

*Solidair*, 10.4.96.

## **NETHERLANDS**

### **Police chasing journalist/activists again**

On 16 April, 1996 a bomb exploded near a BASF plant in Arnhem, causing substantial damage to the building. Two weeks later the bombing was claimed by the Earth Liberation Front by means of a fax message sent to the activist magazine "Ravage" in Amsterdam. The apparent reason for the attack was a series of Bentazon emissions into the Rhine river in 1989, which at the time forced Dutch water supply companies to stop the intake of water. Shortly after the fax message, on May 3, the police "Bastion" team, formed to investigate two earlier bombings of a French bank and the French consulate on October 17, 1995 and January 2, 1996 respectively, raided the Ravage offices in search of the claim-letter. The Ravage editors had already destroyed it, but the detectives took the opportunity to confiscate a large amount of documents, the list of subscribers and six computers instead. Six days later, after presumably having copied most of this material, the goods were returned to the Ravage staff. The "Telegraaf" newspaper reported on May 6 that the Bastion team suspects Amsterdam squatters to be behind the bombings in Arnhem. Several squatted houses were said to be under surveillance.

### **Van Traa: cabinet and parliament agree on most conclusions**

In a three-day debate in early May on the 5000-page report of the parliamentary enquiry commission (PEC) chaired by MP Maarten van Traa, the cabinet and a large majority in parliament have reached agreement on most of the issues raised. A new legal framework will be drafted to regulate in some detail the powers of the police during investigations, although the exceptionally rigid regulations proposed by Van Traa were considered to be unworkable. The public prosecutor's office will be charged with exercising a more thorough authority over sensitive operations. The Criminal Intelligence Departments (CID's) where most of the covert policing took place will be reorganised under the general criminal detective branches. The so-called "closed route", a fully secret phase in criminal investigations, will be terminated entirely: the court will be entitled to full knowledge of all police activities related to criminal investigations on which it is required to pass sentence, and only the judge will decide on whether extremely sensitive

information, such as the identity of an informant, can be withheld from the defence. The transshipment of clandestine goods such as drugs and weapons with the intent to identify receiving criminal networks and build an informer's credibility will only be allowed in the most exceptional cases with the explicit personal consent of the minister of justice. The central criminal intelligence division (CRI) is also being reorganized with the intent to turn it into a more effective knot in the information-sharing network, with new "crime desks" to service the regional and foreign police services. The CRI is setting up a system to permanently monitor the top 100 major criminals, and it is also increasing its cooperation with the BVD security service to the extent that joint analyses will be drafted and collection sources pooled where appropriate. The central police infiltration department will be expanded with new personnel. Fresh undercover agents are desperately needed since criminal informants are in principle no longer allowed to play an active role in the post-Van Traa era.

Over the last weeks, new information has surfaced on an apparent Belgian angle in the "drug transshipment" operations. A Belgian police officer, Willy van Mechelen, who is himself under investigation for corruption has given evidence on several drug transports in which the Belgian Rijkswacht was said to be involved. Mr Van Mechelen asserts that over the last five years between ten and twenty containers with drugs were let through Antwerpen harbour at the request of Dutch authorities, sometimes in cooperation with the BKA. In a related incident, a Belgian criminal and police informant named Martin Swennen, who is assumed to have given evidence to Van Traa, was shot and killed on March 15 in an Amsterdam cafe by a man who was reported to have shouted "you talk to the police" before firing his gun. Van Swennen was an informer to a.o. Mr Van Mechelen, and is believed to have been working for the famous Dutch criminal Johan Verhoek, who is presently on trial for organising a major cannabis shipment in the early 1990s. Belgian Minister of Justice, De Clerck, has confirmed that since 1990 in five operations about ten containers holding narcotics were let through on transit to Holland. He added that he believed all the drugs had been seized afterwards, because the Dutch judicial authorities had promised this.

Minister of justice Mrs Winnie Sorgdrager has promised in parliament that she will investigate how members of foreign police services can be forced to supply information on their activities on Dutch soil. Representatives of both the U.S. Drug Enforcement Administration and the German Bundeskriminalamt refused to testify before the parliamentary commission. Observers note that it is highly unlikely that the Dutch government can exert any effective pressure on the DEA and BKA, since their drug liaison officers enjoy full diplomatic immunity.

## EUROPE

### Shape of the future?

A new image-based computer system, called GRASP,

(Global Retrieval, Access and Information System for Property Items), was given the go-ahead in February. The £2.83 million three year project is being carried out by a consortium of EU police forces, businesses, universities, and the European Commission. GRASP is trying to tackle a number of problems. First, that of language. It will translate an inquiry generated in say Dutch automatically into Spanish when searching a database in Spain. Second, it is based on the direct interrogation by one country of criminal databases in another. Third, it will be image based. No longer will there be reliance on a users' ability to describe an object in words: "all he will have to do is select an image of the stolen item and the computer will do the rest."

This project is typical of a host of multi-lateral policing projects which fall outside of any EU-wide accountability - even to the EU Council of Justice and Home Affairs Ministers. GRASP is being developed to locate stolen property but, with adaptation, will have all the attributes to search for "people".

*Police Science & Technology Review*, May 1996.

### Policing - new material

**The Federal Future**, Richard Hughes. *Police Review*, 24.5.97, pp28-29. Looks at the implications of the Europol Convention from a police perspective.

**Police trial of CS for Self-defence in England and Wales, 1996.** ACPO guidelines for use, February 1996, 10 pages.

**Europeanisation of police and internal security.** *Bürgerrechte & Polizei/CILIP*, no 53, April 1996, DM 15.50 inc. postage (pay by Eurocheque or giro to CILIP, Postbank Berlin, account no 29 01 02, bank no (BLZ) 100 100 10. Articles and documents on: the "third pillar", Europol, customs cooperation, Interpol, and asylum policy. From: CILIP, c/o FU Berlin, Malteserstr. 74-100, D-12249, Berlin, Germany. Tel: 00 49 30 7792462; fax: 00 49 30 7751073.

**Intercepting crime**, Bill Nicholson. *Police Review* 12.4.96. pp25-27. A Superintendent with the Devon & Cornwall constabulary explains why he believes phone tapping and other interception techniques should be used more widely.

**Stop and Search**, PAJ Waddington. *Police Review* 19.4.96. pp16-17. Examines new draconian police powers under the Prevention of Terrorism (Provisional Powers) Act [See *Statewatch* Vol. 6, no. 2) and proposes their extension to combat "common crime".

**Scaling down inquiries**, Ron Taft. *Police Science & Technology* Issue 4 (May) 1996, pp6-10. This article examines a new database called Address Point, which is based on the Royal Mail Postcode Address File and the Ordnance Survey's Land-Line digital mapping data, that will allow police to pinpoint and locate within seconds any postal address in Britain.

**A fair cop**, John Alderson & Paul Donovan. *Red Pepper* May 1996, pp11-13. Alderson, a former Chief Constable of Devon and Cornwall police between 1973-1982, expresses his concerns about the growth of "macho reactionary" policing.

**Busted for Drugs-A Geographical Survey.** *Mixmag*, issue 60, May 1996. This article covers the unevenness in UK drugs practice, in particular the variance in the chances of being charged for drugs offenses. The statistics, which are culled from the Home office, are explained using a map with the various regions of England and Wales marked together with the regional statistics. Although *Mixmag* is primarily devoted to dance music and club culture it becoming a useful source for drugs information.

**Using informers**, Roger Billingsley. *Police Review* 3.5.96. pp20-21. This piece looks at the Lincolnshire police and their use of computer technology to manage informers.

**The game of tag**, Colin Sheppard. *Police Review* 17.5.96. pp22-23. This article reviews electronic "tagging" trials and, despite results that verge on the farcical, predicts that electronic monitoring will be widely utilised.

#### **Parliamentary debates**

**The Police Service Lords** 1.5.96. cols 1652-1685

**WPC Yvonne Fletcher Commons** 8.5.96. cols 208-216

#### **RACISM & FASCISM**

##### **UK**

##### **Racists walk free**

The family of Stephen Lawrence, the 18-year old black youth who was brutally stabbed to death by a racist gang in April 1993, are considering taking a civil court action after their private criminal prosecution against his alleged attackers collapsed in April. Stephen's parents are also considering a negligence claim against the Metropolitan police for their failure to secure important evidence in their initial investigation (see *Statewatch* Vol 3 no 3).

The racists, Neil Acourt, Luke Knight and Gary Dobson, were acquitted of murder charges after Mr Justice Curtis ruled that eye-witness evidence, given by Stephen's friend Dwayne Brooks who was with Stephen when he was murdered, was inadmissible. Brooks had identified Acourt and Knight in an identity parade but Justice Curtis ruled that his evidence was contaminated because it contradicted earlier statements that he had made to the police. Other evidence disclosed at the trial included fibres, found on Stephen's body, that matched those from Dobson's jacket and a knife - similar to the murder weapon - that was found beneath the bed of Dobson's girlfriend. Other weapons, including knives, a sword and a revolver, were discovered at Acourt's home by the police.

Following the collapse of the trial details of a covert police video, filmed secretly at the home of Gary Dobson eighteen months after Stephen's death, were released. The video showed the three racists, plus a fourth man, David Norris (who had charges dropped at an earlier stage of the proceedings) playing with knives and stabbing furniture and other objects while shouting obscene racist abuse.

At one point in the video Acourt demonstrated to the others how to use a knife and later he is heard telling them: "If I was going to kill myself I would kill every black cunt, every copper, every Paki. I would go down to Catford [in south London] with two submachine guns. I would take one of them, skin the black cunt alive, torture him and set him alight. I would blow his two arms and legs off and say: "You can swim home now"."

Commentators have contrasted the initial police handling of the Lawrence case with the case of Richard Everitt, a white youth who was murdered in 1994. While police were, within a few hours, given information pertaining to the killers of Stephen Lawrence they failed to arrest anyone for over two weeks, allowing important evidence to be destroyed, and identification evidence to be discredited by street gossip. When Richard Everitt was killed the police immediately raided an Asian community centre and questioned over 300 Asian youths, leading to the life-imprisonment of Badrul Miah under the "joint enterprise" doctrine (see *Statewatch*, vol 6 no 2).

In a separate, but equally shocking case, the family of Afghani refugee Ruhullah Aramesh, who was beaten to death in a racist attack in south London in 1992, may be forced to take a civil action after a man jailed for his murder was freed from prison. Joseph Curtin was jailed for life in November 1993 after admitting taking part in the attack and being convicted of murder. His conviction was quashed by the Court of Appeal because of a procedural error (see *Statewatch*, vol 2 no 5 & vol 3 no 6).

*Evening Standard* 25.4.96; *Observer* 28.4.96; *Runnymede Trust Bulletin* No 295 (May) 1996; *South London Press* 31.5.96.

##### **Loyalists and fascists march**

April saw loyalist and fascist organisations combine forces on two marches. The first, which was planned for Bolton was called off at the last moment. The second, in London, went ahead following clashes with anti-racists that saw over 100 anti-racists being detained by police.

The Bolton march was organised by Mark Dooley, a fascist who is also part of the English Amalgamated Committee of the Apprentice Boys. He served a prison sentence in the early 1990s for his involvement in a number of racist attacks, and has moved through various fascist organisations, such as the National Front and the British National Party, before ending up in Combat 18 (C18).

Dooley played a key role in bringing C18 members to Bolton to help "steward" the intended march. Several key figures, such as Charlie Sargent who is due to appear in court in July for possession of racist material, were observed

in attendance, before the police bowed to strong opposition from local people, including members of Bolton's Irish community and stopped the march.

C18 "stewards" were also expected to turn out for the London Apprentice Boys march, which took place two weeks later. In the event London C18 members failed to make an appearance, although about 30 C18 supporters from outside London did accompany it. Reports reaching anti-fascists suggested that the Apprentice Boys were less than impressed with the C18 performance in Bolton earlier in the month.

The London march only took place following a serious confrontation between loyalists and anti-fascists outside a pub, near the starting point for the march, in Holborn. These clashes resulted in several loyalist bandsmen being taken to hospital. The police also rounded up over one hundred anti-fascists who they detained - and photographed - until the loyalist march had ended.

While loyalist/fascist collaborations are not new, there was a particular edge to this march due to events that occurred on a loyalist/C18 march the previous year. Then, once the march had ended, Combat 18 thugs went on the rampage and attempted to attack several left meetings that were taking place in central London.

## **BELGIUM**

### **Fascist linked to international terrorist conspiracy**

Roger Spinnewijn, a leading member of the Belgian far-right party Vlaams Blok has been linked with an international conspiracy to supply arms to the South African Afrikaans Weerstand Beweging (FWB). The conspiracy has already led to two Germans being charged with murder.

The events date back to November 1994 when German and Dutch mercenaries organised a delivery of arms from the Croatian far-right HOS Militia to the AWB. The deal, which took place in Roeselare in West-Flanders, included 5 kilos of semtex, 4 Kalashnikov AK-47s, 10 grenades, handguns and ammunition. The South Africans paid 11,000 German marks. The mercenaries then went to Ramsgate in Kent, where they were contacted by a man called Robert Edwards, who apparently has links to British far-right groups. They then left for Johannesburg, where they stayed with Johan Lubbe, a member of Voorpost (Vanguard), while providing military training for cadres of the AWB in the training camps of "Manie Maritz". Eventually Douwe van de Bos, a member of Voorpost, CP'86 and the ODIN anti-antifa internet group, tipped Lubbe off that one of the Dutch mercenaries was unreliable. The Dutch mercenary went to the South African police, where it became clear that two German mercenaries were wanted in connection with the murder of two Bosnians, allegedly killed with weapons later connected to Spinnewijn .

According to the Belgian press Spinnewijn's role was that of "contact" between the various parties concerned. The German police have already interviewed Spinnewijn in connection with a wider international neo-nazi network revealed by the conspiracy. This network, for whom it is

alleged that Spinnewijn is a major link, extends from the Voorpost group (the descendants of the notorious Vlaams Militanten Orde (VMO), who have strong links with Vlaams Blok and who also have a section in the Netherlands, linked with CP'86), through ex-members of the now defunct British Column 88 and the German far-right terror group Wehrsportgruppe Hoffmann (now also defunct, but with links to the Republikaner party). Spinnewijn also has contacts with the Klu Klux Klan and was expelled from the USA in 1980 after meeting J B Stoner, the leader of the Neo-Nazi National States Rights Party.

Apart from his other role as an international contact for the far-right Spinnewijn has played a major role in Flemish fascism. In 1980 he was convicted for paramilitary activities through the VMO. His son, John Spinnewijn was also convicted for paramilitary activities in 1984 after having attacked a left-wing bar. Both are now leading members of Vlaams Blok, John Spinnewijn having been elected to parliament on the Vlaams Blok ticket. Their leader, Filip DeWinter, has since tried to distance himself from Spinnewijn, stating that: "If Mr Spinnewijn is found guilty of smuggling guns then there is no place for him in our party". However many people have suggested that DeWinter has been close to Spinnewijn in the past. Although Spinnewijn has been linked to this conspiracy there have been suggestions made that the Belgian authorities have been slow to follow up this inquiry. Patrick Hostekint has recently called for a judicial inquiry and for Spinnewijn to be arrested in connection with supplying the weapons that led to the murder of the Bosnians.

The Belgian Minister of Justice Wathelet has apparently ordered an inquiry into the affair but no one in the ministry has been willing to confirm that such an inquiry exists. So far the only Belgian police involvement has been a house search leading to Spinnewijn receiving a suspended conviction for possession of illegal weapons.

*Parliamentary question, Belgium, 8/9 December 1995.*

## **POLAND**

### **Nazis invade Auschwitz**

About 80 members of the far-right skinhead organisation, the Polish National Brotherhood, marched through the Auschwitz concentration camp at the beginning of April. The protesters, some of whom wore military-style clothes embellished with nazi emblems and carried clubs, claimed that they were protesting at the "monopolisation" of the camp by Jewish groups. It is estimated that over a million Jews died in Auschwitz during the Holocaust along with 70,000 non-Jewish Poles.

The Polish National Brotherhood is led by Boleslaw Tejkowski, who was found guilty of inciting racial strife in 1994, and was given a one year suspended sentence. Last year, Tejkowski announced that he was, by the will of the Slavic god Swiatowid, a reincarnation of the Polish king Boleslaw the Bold.

### **Racism and fascism - new material**

**European Race Audit**, Bulletin 18 (March) 1996. Bi-monthly on the rise of racism and fascism throughout Europe. Available from the IRR, 2-6 Lecke Street, London WC1X 9HS.

**Race and the Criminal Justice system.** *Home Office* (1996) pp33. This report is published under Section 95 of the Criminal Justice Act 1991. It includes official statistics on racist attacks, police, probation, courts, CPS, prisons and the law. It also includes the Home Office's circular on the new offence of intentional racial harassment and circulation of racially inflammatory material.

**The gene genies**, Gary Younge. *The Guardian* 1.5.96. This article summarises the revival of so-called "scientific" racism, and looks at the discredited ideas of various racist academics who argue that black people are genetically inferior.

**Battle of Britain**, Julian Kossof & Nick Brighton. *Time Out* 25.9.96. On the Euro '96 football championships that looks at racist football "firms" and police organisation.

**Operation Selection Board: The Growth and Suppression of the Neo-Nazi "Deutsche Revolution" 1945-47**, Perry Biddiscombe. *Intelligence and National Security*, vol 11 no 1, January 1996, pp59-77. Contrary to popular belief that all Nazis fled Germany in 1945 this article examines a part of "hidden history".

*CARF* No. 32 (June/July) 1996. This issue contains articles on the fight against racist science and recent books in the Eysenck/Jensen tradition, such as Brand's *The g Factor: general intelligence and its implications*.

## BOOKS RECEIVED

**Policing gender, class and family**, Linda Mahood. *UCL Press* 1995, pp215. This is a study of "juvenile reformatories and the moral regulation of children and adolescents in the period 1850-1940."

**Eden, Suez and the mass media: propaganda and persuasion during the Suez crisis**, Tony Shaw. *IB Tauris* (London) 1996, pp 256 hk £39.50. This work examines the way in which the media can be used as an instrument of propaganda by focusing on the Eden governments efforts to create a climate of opinion in favour of military action against Egypt.

**The state of the world's refugees: in search of solutions**, United Nations High Commissioner for Refugees. *Oxford University Press* 1995 pp264, pb £9.99. Looks at displaced people around the world and the "changing response to the problem of forced migration".

**Fifty years of the International Court of Justice**, Vaughan Lowe & Malgosia Fitzmaurice (eds). *Cambridge University Press* 1996, pp640, hk (no price given). This book marks the fiftieth anniversary of the ICJ. It contains thirty five chapters - written by judges, practitioners and academics - presented under five headings: the Court; the sources and evidences of international law; the substance of international law; procedural aspects of the Court's work; the Court and the UN.

**In the name of the law: the collapse of criminal justice**, David Rose. *Jonathan Cape* (London) 1996 pp356, hk £17.99. Examines why the criminal justice system isn't working, with chapters on, race, class and justice; crime; organised crime; prosecution; policing and police accountability and the collapse of the criminal justice system.

**Weapons transfers and violations of the laws of war in Turkey**, Human Rights Watch Arms Project. *Human Rights Watch* (New York) 1995, pp171. This report charges that weapons supplied by Turkey's NATO partners play a central role in abuses by Turkish security forces in their campaign to force the evacuation of Kurdish villages in southeastern Turkey.

**Sexual Orientation and human rights: the United States constitution, the European Convention and the Canadian charter**, Robert Wintemute. *Clarendon Press* (Oxford) 1995. Examines whether national constitutions and international human rights treaties can be interpreted as prohibiting discrimination against same-sex activity, gay, lesbian and bisexual individuals and same-sex couples.

**Forever lost, forever gone**, Paddy Joe Hill & Gerard Hunt. *Bloomsbury* (London) 1996, pp292 £6.00 pk. This book tells the story of Paddy Joe Hill, one of six innocent men convicted of the 1974 Birmingham pub bombings. Arrested and brutally beaten by the notoriously corrupt West Midlands Serious Crime Squad, he was convicted on the basis of false forensic evidence and served over 16 years in prison before he won his release in 1991.

## UK

### Phone-tapping doubles in 5 years

The number of warrants issued in England and Wales for telephone-tapping and mail-opening reached its highest level for five years with 910 warrants issued in 1995 compared to 473 in 1990. The number of warrants for tapping in Scotland is not only doubled that of 1990 - rising from 66 to 137 - this is the highest number since for Scotland since they were first published in 1967.

The total number of warrants, covering phones and letter-opening, signed by Home Secretary Michael Howard were 997 over the year and by Scottish Secretary Michael Forsyth a total of 138. Each of the 1,135 warrants issued can cover more than one phonelines if they are issued to cover an

organisation or group.

These figures in the latest annual report from Lord Nolan only give - as usual - 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.

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

1989	458
1990	515
1991	732
1992	874
1993	998
1994	947
1995	997

Total figures for Scotland 1989-1994:

1989	64
1990	66
1991	82
1992	92
1993	122
1994	100
1995	138

Lord Nolan's report says "the number of warrants issued under the counter-subversion head remains very small" (MI5 now says it only devoted 3% of its resources to "counter-subversion compared to 12.5% in 1990). The number of "Emergency warrants", which are authorised by at least an Assistant Under Secretary in the Home Office after the Home Secretary has verbally authorised them, appear to be on the increase with 18 issued in 1995.

One source of embarrassment for the Home Secretary is that on one occasion Mr Howard entered the day and date and the date of expiry of the warrant but "omitted to place his signature on it." The "Post Office" accepted the warrant and did not notice for two days there was no signature.

A new feature in this year's report is that Lord Nolan is a recognition that telephone-tapping is now also carried out by private telecommunications operators especially for mobile phones.

[MI5 "bug and burgle" warrants]

The annual report by Lord Justice Stuart-Smith on MI5 does not give the figures of the number of warrants issued by the

Home Secretary allowing MI5 (the Security Service) to enter homes or offices to "interfere" with property. All he says is that it is a "comparatively small number".

His primary concern in this report is to urge the government to resolve the different methods of authorising agencies. MI5 have to get a warrant from the Home Secretary to enter premises and to search for or plant objects or place bugs or video surveillance cameras. The police, under 1984 Home Office guidelines, simply have to get authorisation from their Chief Constable to do the same thing - what the Lord Justice says would otherwise be "unlawful". He is clearly feeling frustrated as he raised the issue with the Home Secretary "over two years ago" and nothing has happened.

The Lord Justice says the issue is "one of considerable constitutional importance" and offers three alternatives: 1) the police could make applications for warrants to High Court or Circuit Judges; 2) the police could apply to the Home Secretary but the "volume" could, in his words, place "an unacceptable burden on the Secretary of State - it is unclear why if the number of warrants from MI5 is a "comparatively small number" the number from the police should be so much greater - or are they? 3) give statutory powers to the Chief Constable with "some judicial oversight."

[Intelligence services - theft, trespass and bribery]

The first report on MI6 (the Secret Service, UK's CIA) and Government Communications Headquarters (GCHQ, the UK's world-wide tapping agency) is by the same Lord Justice Stuart-Smith. In this report he notes that the scope of "bug and burgle" warrants for MI6, GCHQ and for MI5 were extended under the Intelligence Services Act 1994 to cases where "there is no information gathering aspect" for "the purpose of interfering with wireless telegraphy, eg jamming." "Wireless telegraphy" is a quaint old-fashioned term used to cover phones, faxes, e-mail etc.

Reporting on MI6 (SIS) he confirms the definition of "national security" as "the survival and well-being of the state and community" under UK and international law. The Lord Justice then draws attention to the different concepts of "economic well-being" in the 1989 Security Service Act and the 1994 Intelligence Services Act (MI6 and GCHQ). MI5 is charged with the "protection against a threat to the economic well-being of the UK" while MI6 is "concerned with obtaining and providing information in support of the UK's well-being." In other words MI6 carries out economic espionage of behalf of the UK.

On the work of GCHQ its job is generally set out as the production of information "on the activity or intentions of persons or organisations obtained from monitoring their communications" (that is, phone-calls, faxes, e-mails etc). However, its role is to "monitor or *interfere*" with this information.

Section 5 of the 1994 Act allows the Home Secretary (or a Secretary of State) to issue warrants authorising "entry on and interference with property, ("property warrants") or with

wireless telegraphy." This Section replaces the provision in the 1989 Act and "it is not confined to activities for the purpose of information gathering" - a guarded reference to "interference" with telecommunications and with the planting of material.

Perhaps the most extraordinary disclosure by the Lord Justice - which he is quite happy with - concerns the authorised activities of MI6 abroad. The Secretary of State, in this case the Foreign Secretary, can under Section 7 of the 1994 Act authorise "acts" which "might make them liable to prosecution in the UK". There are two kinds of authorisation: a) "class authorisations" intended for "relatively minor infraction of the law, not involving significant risks to persons or property." b) "acts" carried out during a "specified" operation. The so-called "minor infractions" include:

"the obtaining of documents which might involve theft, trespass on property for the purpose of planting a listening device or payment to an agent which might involve bribery."

This admission would seem to beg the question that if these are "minor infractions" then what is being authorised for "specified" operations?

The three reports confirm that not one complaint to the Tribunals set up hear complaints between 1985 and 1994 has been upheld. The Tribunals meet in secret and complainants are not told whether they have been under surveillance.

*Report of the Commissioner for 1995, Interception of Communications Act 1985.* Cm 3254, HMSO, £2.30; *Report of the Commissioner for 1994, Security Service Act 1989,* for 1995. Cm 3253, HMSO, £1.85; *Intelligence Services Act 1994,* for 1995. Cm 3288, HMSO, £2.30; *MI5 The Security Service,* 2nd edition, HMSO, 36 glossy pages, £6.50; *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, vol 5 no 3.

## **FEATURE:**

### **Prison drug policies**

The apparent growth in the use of proscribed drugs in society has led to various attempts at multi-agency intervention cited in the Government's policy strategy "Tackling Drugs Together" (HMSO, 1995). The emphasis which this gives to the relationship between drug use and crime has led to a specific focus on the role of the Criminal Justice System and, in particular, the Prison Service.

Since the mid 1980s there has been a growing recognition that an increasing number of people in Britain are imprisoned for drug related offences and/or are themselves drug users. This issue has been particularly prevalent in relation to the female prison population. Recent evidence indicates that a large proportion of prisoners continue, and indeed some begin, their drug use while in prison. The Prisoners Resource Service (PRS) estimated that in 1995 around 60% of prisoners were using drugs in prison figures produced by the Probation Service suggest that two out of

three prisoners are using drugs of some kind, with 20% using "hard" drugs such as heroin (*Observer*, 19.3.95). In one women's prison, HM Inspectorate of Prisons stated that approximately 80% of prisoners were using "hard" drugs, mainly heroin (HM Chief Inspector of Prisons, 1994). This estimate was backed by a study carried out by the prison's own Board of Visitors and by prison staff. The large numbers of drug users held in custody has implications for the "care" and "treatment" the Prison Service is required to make available.

Measures aimed at providing education and rehabilitative programmes have been offset by a determination to safeguard security and discipline within penal establishments developing measures to eradicate illicit drug use.

In 1995, the Prison Service introduced an updated policy document "Drug Misuse" in Prison (HM Prison Service, 1995) designed to reduce both the supply and demand of illicit drugs within prisons. The new strategy emphasised the Prison Service objective of eradicating drug use from its establishments. It focused on three areas: reducing supply; reducing demand; and reducing the "potential for damage to the health of prisoners, staff and the wider community, arising from the misuse of drugs".

Increased measures of security and surveillance were introduced to tackle the supply of drugs (improved perimeter security, searching of prisoners, their property and increasingly their visitors, supervision of visits; intelligence gathering; use of informants, increased control of prescribed medication). The demand for drugs to be tackled by the provision of educational and rehabilitative resources including advice, counselling and support groups provided by multi-disciplinary teams consisting of prison personnel and workers from outside agencies. The proposed measures were to take effect throughout the prison system but "known drug users" were to be targeted.

In practice many of the initiatives aimed at maintaining discipline and control merely enhanced practices which were already given prominence in penal establishments while many prisons had little or no provisions in place for providing support or counselling. HM Chief Inspectorate Report on HMP Styal (HM Chief Inspector of Prisons, 1995) noted that despite the high number of drug users in this institution there was no coherent detoxification programme on offer and an evident lack of rehabilitative opportunities. This reflects the situation in many prisons.

The medical provisions in prisons is exemplified by the prescribing practices (or lack of them) made available to prisoners who have been using drugs. Various reports have recently highlighted the importance of providing medical care and detoxification programmes for drug using prisoners (ACMD, 1989 HM Prison Service, 1991; Ministerial Drugs Task Force, 1994, Scottish Affairs Committee, 1994). Despite these recommendations, the ultimate responsibility for introducing such measures is left to the individual Medical Officer and may be implemented only partially or not at all, often causing serious discomfort for prisoners who are withdrawing. Lack of appropriate medical care is

particularly significant given the potential for the transmission of HIV/AIDS through shared injecting equipment.

The extent to which injecting equipment allegedly was shared at HMP Styal led to calls by HM Chief Inspectorate for the establishment of a needle exchange. However, both the Prison Service and the Scottish Prison Service have resolutely refused to institute such schemes on the basis that prison reduces the likelihood of injecting behaviour. This falls to take account of various studies which indicate that the sharing of injecting equipment tends to increase dramatically.

The dearth of appropriate provisions for drug users in many institutions runs counter to the Prison Service's stated objectives which encourage drug users to identify themselves on entry to prison as a means through which support services can be made available. This situation has been exacerbated by the 1994 Criminal Justice and Public Order Act which formalised the use of voluntary drug testing and introduced mandatory drug testing of prisoners as part of a wider strategy to tackle drug use in prison. This was incorporated into the Prison Service's policy which outlined the requirement on prisoners to provide a urine sample for testing and noted that prisoners found to have used "a controlled drug without appropriate medical authorisation- would be subject to disciplinary action. Failure to provide a required sample constitutes a disciplinary offence. Instructions to governors have been issued stating that prisoners who are unable to provide a urine sample are to be held in secure accommodation and administered controlled amounts of water until they comply (*Guardian*, 1.4.95).

The Prison Service intends to randomly test 5,000 prisoners per month, or 60,000 prisoners per year and expected costs of mandatory testing have been put at £4.6 million. Initial findings from the institutions where mandatory drug testing has been introduced illustrate that between February 1995 and January 1996 a total of 3075 prisoners either tested positive for drugs or refused to provide a controlled sample. This resulted in prisoners receiving a total of 23,552 additional days in prison.

## **"Beef ban" confusion at the COUNCIL OF MINISTERS**

The meeting of the Council of Justice and Home Affairs Ministers in Luxembourg on 4 June was the most confusing one held to date. The UK government, represented by Home Secretary Michael Howard, went there having announced a list of reports to be blocked because of the "beef ban". But some of the items to be blocked were not agreed anyway so could not be blocked. Overall 11 reports were "beef ban" blocked, 3 reports were not blocked and agreed, 6 reports were either not agreed or required "more work". A summary of the outcome is given below.

Despite all the UK-hype over the "beef ban" blocks the Italian Presidency was simply recording these as "UK

scrutiny reservations" - which means measures agreed could proceed following the Florence Summit on 21-22 June. There is still a slight problem with adopting measures this way as, unusually, the Irish Presidency which took over on 1 July plans to have only one meeting of the Council of Justice and Home Affairs Ministers in November. It has become the practice to hold two such meetings during each Presidency. This probably means the 11 agreed reports will be slipped through another Council of Ministers meeting in July.

Mr Howard opened the discussion on each item to be blocked by the following prepared statement:

"Colleagues will be aware of the UK's position that until there is agreement to lift the export ban on beef derivatives and until a clear framework is in place leading to a lifting of the wider ban, the UK cannot be expected to continue to cooperate normally on other Community business. I will not be able to agree today to decisions requiring unanimity.

I should emphasise my willingness to participate in discussion on the substance of other matters on the agenda. I hope we can make good progress on them so that, when a satisfactory solution has been reached, the Council can rapidly resolve these blocked points."

Mr Giorgio Napolitano, the Italian Minister of the Interior, speaking for the Italian Presidency told a press conference at the end of a frustrating morning session that: "We have made a few steps forward.. but there is the infamous UK reservation." The "beef ban" is now over but the longer term effects of the UK government's tactics will only become apparent when the final proposals from the 1996 IGC for the "third pillar" are published. The UK's intransigence over the European Court of Justice having any role in the Conventions coming out of this Council of Ministers is still on the table and is seen as yet another example of the UK's isolation on important questions.

[Summary of decisions]

*External Borders Convention:* no agreement. This is still blocked by the dispute between the UK and Spain over the status of Gibraltar. The inclusion of the European Court of Justice also remain a major issue.

*Commission's three free movement proposals:* no agreement. Known as the "Monti Directives" after the Commissioner who presented them. These are lying on the table and will remain so unless there is a change of mind by the UK. The Commission and Belgium believe these proposals are the preserve of the "first pillar" and not the intergovernmental "third pillar".

*Draft Council recommendation on the fight against illegal employment of third states citizens:* agreed, "beef ban" blocked. Would propose the adoption of sanctions against employers taking on "illegal workers" and those who promote those employing "illegal" workers; joint operations to track "illegals" down; and information exchanges.

*Eurodac:* no decision needed simply a report of the state of

work on the feasibility of a computerised fingerprint database on refugees and asylumseekers to be put in place when the Dublin Convention, signed in 1990, is finally ratified by all the then 12 EU member states. Ireland and the Netherlands still have to complete ratification.

*Europol*: there was disagreement over the proposed budget for the Europol Drugs Unit for 1997 which included a 16.7% increase to 5,835 million ECUs. Belgium thought this was too much and France wanted only 2% so a "compromise" was reached on 12%. Sent back for reworking. On the cost of the planned Europol computer system of 29.5 million ECUs with the possibility of an additional 5.5 million ECUs being needed in 1997 Spain maintained a reservation as it did on the Europol budget.

*Fight against terrorism*: a proposal for a Joint Action on the creation and updating of a directory of "competence about anti-terrorist struggle in order to facilitate cooperation of Member States". This is the UK initiative presented by Michael Howard at the March 1996 Council meeting concerning "centres of excellence", it was "beef ban" blocked. Under the proposal the UK would be in charge for the first year, then the job would rotate with the EU Presidencies.

*International Law Enforcement Academy, Budapest*: no agreement largely due to strong French opposition. The idea was that the EU should participate in this police Academy set up by the US FBI with the Hungarian government and to which the US were paying \$5 million a year to train 150 nationals from central and eastern European countries. Mr Napolitano, for the Italian Presidency said that: "The French delegation raised a number of detailed objections.. and were totally opposed to this idea". the Academy was seen as a "unilateral US initiative without involving the EU..." and participation would require making it "more European... with fundamental changes in the teaching methods."

*Work programme for the next two years*: agreed but "beef ban" blocked. First discussed at the March Council. Exactly the kind of measure which should have been sent to the European Parliament under Article K.6 of the Maastricht Treaty - this says the parliament should be consulted on "principal" proposals - but the parliament has not seen it.

*Financing Title VI*: agreed but "beef ban" blocked. Put on the agenda at the request of the Netherlands which sought a general debate on the financing of the "third pillar". The Council had to agree on allocations of 14.4 million ECUs. Under this item the Commission announced that it was going to come forwards with two programmes: "Sherlock" to combat false documents and "Grotius" for the training of magistrates.

*Role of the European Court of Justice (ECJ)*: there was no specific discussion on this item because of the "beef ban" and the UK's long-standing opposition. In the meeting Mr Howard said the UK was "against the expansionist tendency in the ECJ." The three Benelux countries and Germany requested that the European Council in Florence address the general question of the ECJ's involvement in all EU Conventions. Last June in Cannes, at the end of the French Presidency of the EU, it was agreed that the role of the ECJ

in the Europol Convention must be resolved by the end of the Italian Presidency in June 1996.

*Draft extradition convention*: this too passes over to the Irish Presidency. Outstanding problems include the fact that some EU states do not have conspiracy laws or equivalents under which people belonging to groups or "associations" could be charged, and Portugal's constitution prohibits the extradition of a person who might face a life imprisonment sentence - it is being suggested that Portugal might agree if the country requesting extradition could guarantee the person would not face a life sentence.

## SCHENGEN

### Teething problems, expansion and first report

The Schengen Agreement was supposed to come into operation on 26 March 1995 when the Schengen Information System (SIS) in Strasbourg finally went online. Passports controls were dropped but on 1 July 1995 when it was intended to drop checks at land border controls but France insisted on maintaining them after a series of bombs went off - invoking the "safeguard clause" (Article 2.2). At the Schengen Executive Committee meeting on 18 April 1996 France announced that it was prepared to drop border controls with Germany and France as they had now reached agreements to introduce "mobile border controls" (the Schengen Agreement calls for the removal of permanent border controls). But it would maintain controls on the borders with Belgium and Luxembourg as they acted, said the French government, as transit countries for drugs leaving the Netherlands. In a clear sign of hostility towards the Netherlands, France is promoting a Council of Europe resolution which would prohibit the production and trading of all drugs.

In response the Dutch government, which contests that it is "soft" on drugs, and at the meeting on 18 April made a Declaration saying the Schengen Agreement does not call for a harmonised drugs policy. Moreover, it implicitly rejected the systematic pursuit of individual drug users and said policy should be directed at "big organised international drug crime organisations."

Belgian Interior Minister, Johan Vande Lanotte, said the French checks were not even working on the common border and that "mobile" or "surprise" checks were much more efficient than predictable static control points.

There is annoyance at the French position over refusing to remove land border controls, first France pleaded that they were needed to combat terrorist attacks and then when these stopped said they were needed because of the Dutch drugs policy.

[Expanding]

At present the seven participating members of the Schengen Agreement are: France, Belgium, the Netherlands, Luxembourg, Spain, Portugal and Germany.

Two of the signatories to the Agreement have still to get it ratified by their parliaments - Italy and Greece - because

both have first to adopt data protection laws which are a prerequisite.

The Greek Justice Minister, Evangelos Venizelos, created quite a controversy in March when he told the parliament in Athens that the Socialist government would not ratify the Schengen Agreement as agreed by its predecessor because the SIS would violate peoples' privacy. But on 26 March after consternation by other Schengen countries the Greek government said it would be introducing a law on data protection and on 6 April the same Minister, Mr Venizelos, introduced a Bill to ratify the Agreement in the parliament.

Italy is also trying to get through a data protection law before seeking to ratify the Schengen Agreement. Mr Napolitano, the Interior Minister, said in Luxembourg on 4 June that the next likely "windows of opportunity" to join Schengen was March 1997. But he also referred to: "some dissatisfaction is being expressed by other countries that we were not being effective in removing those without residents permits." Italy it seems may be faced with similar treatment to that being faced by the Netherlands but this time on immigration policies from France and Germany.

Austria has already agreed to join once the Agreement is ratified by their parliament and computer links are set in place. Austria expects to be able to implement the Agreement for land borders towards the end of 1997 with an additional 3,000 border guards. However, "Flughafen Wien", the operating company for Vienna's Schwechat airport said they would not be in a position to implement separate exists for passport controls until 1998 at a cost of some Sch 400 million.

At the meeting on 18 April the Schengen countries agreed that the five countries in the Nordic Passport Union - Denmark, Sweden, Finland, Norway and Iceland - could have observer status from 1 May 1996. Each of these countries now has to get parliamentary ratification of the Agreement and for some there will be other changes too (see article below). Norway and Iceland are not EU member states but are being granted associate status.

The only two EU members states which will be outside the Schengen area when it is fully operational are the UK - which has consistently opposed the removal of border controls - and Ireland (the Republic is tied to the UK position because a common travel area exists between the two countries).

One option being put forward by some EU governments at the 1996 Intergovernmental Conference is that the Schengen Agreement should be incorporated into the Treaty of European Union. This view is partly in response to the slow progress being made inside the EU on the removal of internal border controls, partly because of what they see as the inefficiency of the "third pillar" intergovernmental arrangements which are based on unanimity, and partly of the UK government's intransigent opposition both to the removal of border controls and to the involvement of the European Court of Justice in EU Conventions (eg: Europol).

The Schengen countries argue that the Agreement was only intended to be temporary with Provisions in the Agreement being replaced by new Community laws under Article 142

leading to the eventual absorption of "Schengen" into the "Union". The Chapter on firearms in the Agreement has already been replaced by a Union directive and the provisions on asylum will be replaced when the Dublin Convention is finally ratified by all the signatory countries.

[Schengen: First annual report]

The first annual report on the operation of the Schengen Agreement was issued on ..... 1996.

Countries putting data entries on the SIS

Germany	2,427,171
France	1,268,244
Spain	85,636
Netherlands	38,792
Belgium	28,692
Portugal	16,747
Luxembourg	3,247

Subject of entries

Identification documents <sup>1</sup>	,407,450
Wanted persons	939,758
Vehicles	875,140
Bank notes	499,641
Firearms	111,205
"Blank documents"	35,335

Of the total active records over the period - 569,737 - a total of 507,859 concerned aliens to be refused entry (Article 96 of the Schengen Agreement). Of the 507,859 Germany was responsible for 416,293 and France for 74,346.

Another set of figures gives what is called "Positive responses" over the period from 26 March - 31 December 1995. The overall figures show 31,585 "positive responses". This includes 1,749 people placed under "discreet surveillance" (Article 99) with Belgium being responsible for 1,260 "positive responses" on the basis of information supplied by other countries. The number of "positive responses" under Article 96 of the Schengen Agreement covering asylum-seekers to be removed or not admitted totalled 18,640. Here Germany was responsible for supplying the information on 6,369 people who were held in other Schengen countries. While France picked up 9,258 people on the basis of information supplied by other Schengen countries.

Although the Schengen Agreement is meant to be based on the removal of checks at border crossing points several bilateral agreements have been reached to step up control inside countries, ie: a few miles from the actual border. "Command posts have been enlarged" on the Belgium-Netherlands border and on the Netherlands-German border. Between France and Germany, France and Spain, Spain and Portugal "permanent joint police posts have been set up."

**Report to German parliament on Schengen**

The German government regards the first year of the Schengen Agreement as a success. One priority is the increased control of the borders with Poland and the Czech Republic, 5,000 German border guards are now active in this area. This has led to a decrease in the number of attempts at "illegal entry", as more attempts are now being made to come to Germany via France and Italy. For this reason, checks are now in place in a 30-kilometre broad zone along the German-French border, and the German government says Italy has been asked to tighten up its controls in its sea-ports.

Over the period from 26 March 1995 and 22 March 1996, 10,849 arrests were made in other Schengen states as a result of information supplied by Germany, and in Germany, 1,703 arrests were made as a result of information from other Schengen states.

Up to the end of 1995, German police had pursued suspects across borders on 18 occasions; police from neighbouring countries had pursued suspects into Germany on 9 occasions.

### **Interior Minister attacks France over delay**

The Belgian government is much less happy with the way the Schengen system is working. Deputy Prime Minister and Interior minister, Johan Van Delanotte, used a debate to mark the first anniversary of Schengen to attack French attitudes towards opening their border between France and Belgium.

Although Belgium is also highly critical of the Dutch attitude towards drugs the relationship between the two countries is strong. The Benelux treaty, that created a common market in 1948, is seen by many as a model for the Treaty of Rome. It also created a mini-Schengen with the removal of border controls between Belgium and the other Benelux countries in 1970.

Belgian MPs are now beginning to question aspects of the treaty's application, and in particular the attitude of the French government. Mrs Thijs of the Christian Democratic Party questioned the good faith of the French:

"The French are using their get-out clause as and when they see fit. When the borders were supposed to be opened in July last year the French argued that immigration and drug restrictions were not tight enough to enable them to open their borders. A month and a half later a wave of terrorist attacks in France provided the excuse for the French not to join in. After that threat diminished the Dutch drugs policy became the excuse for the French to refuse to open their borders...France appears to be an unreliable partner".

Calling the French position "almost hypocritical" Mr Van Delanotte pointed out that the most liberal drug laws in Schengen were not Dutch but German: "The German constitutional court has after all judged that the possession of cannabis cannot be considered a crime if the possession of alcohol is not to be considered illegal."

*Parliamentary report Belgian Senate 9.5.96. 9.6.96.*

### **Basque police in border incursion**

Agents of the Ertzaintza, the police force of the Basque country, entered France via the Irún border crossing on 15 April, while in pursuit of a car, containing two youth, which had evaded several police roadblocks. When they caught up with the vehicle after several miles and arrested its occupants, both French nationals, the French Air and Border Police appeared on the scene and brought all involved to the police office at Hendaye. French police said the car was riddled with bullets and that when they arrived the "suspects" were being beaten with truncheons. A French magistrate released the two "suspects". Trade unions representing the French police questioned the legality of the incursion and the prosecutor's office in Bayonne initiated two investigations. The Ertzaintza claimed that its action was in accordance with article 41 of the Schengen Treaty, permitting police to enter a neighbouring country while in hot pursuit of persons observed committing a crime. However the Spanish police unions also queried the legality of the act, holding that the treaty provision authorised only state police and security forces, not the Ertzaintza which came under the Autonomous Community. The Basque interior department pointed out that in Germany such powers had been accorded to the police forces of the Länder and in Belgium to municipal forces.

*FAZ 14.3.96; Press Release from Ministry of the Interior, Germany, 29.03.96; Annual Report on the Functioning of the Schengen Agreement during the period, to the Belgian and German parliaments, 26.03.95-25.03.96; Reuters, 26.3.96; 18.4.96; 23.5.96; Financial Times, 15.3.96; International Herald Tribune, 15.3.96; Iceland Review, May 1996.*

### **NORWAY**

#### **The Norwegian Agreement with Schengen**

The Nordic countries have negotiated agreements with the Schengen group, and on 1 May the five countries became observers in Schengen. While Denmark, Sweden and Finland, being EU members, have negotiated with a view towards full membership, Norway and Iceland, who are outside the Union, have negotiated a non-membership association.

For Norway and Iceland, an agreement has been reached on "the institutional framework" of an association with Schengen. A final Cooperative Agreement on details is expected to be concluded sometime during the fall of 1996. In summary, form, the agreement on "the institutional framework" comprises the following provisions:

1. Norway and Iceland are invited to participate in all working groups, committees and sub-committees, as well as in the meetings of the Central Group and the Executive Committee. The two countries may express their views and particular interests, but do not have the right to vote. Norway and Iceland decide on an independent basis whether or not

to accept decisions made in Schengen. If accepted, the decisions will be applied also for Norway and Iceland.

2. Decisions which are accepted by Norway and Iceland create rights and duties in the relationship between the Schengen countries and Norway and Iceland.

3. If a pending decision of the Executive Committee is expected to be unacceptable to Norway or Iceland the chairman is obliged - during the meeting in the Executive Committee and before the decision is made - to raise specifically the question of Norway's and Iceland's standpoint. The Executive Committee makes its decision only after having reviewed Norway's and Iceland's standpoint.

4. If new Union regulations are made applicable to the Schengen states instead of Schengen regulations. Norway and Iceland will be given an opportunity to communicate to the Executive Committee whether they accept the new regulations.

5. If Norway or Iceland does not accept a decision made by the Executive Committee, or if regulations are substituted as indicated in No. 4, the cooperation between the Schengen states and Norway or Iceland will cease pursuant to a procedure to be specified in the Cooperative Agreement.

Norwegian opinion is strongly divided on the issues of association with Schengen. In Parliament the majority, consisting of the Labour Party (which runs a minority government), the Conservatives and the ultra right so-called Progressive Party are in favour, while a substantial minority, consisting of the Centre Party, the Christian Democrats, the Socialist Left Party and the Workers' Communist Party, are doubtful or negative. The dividing line is similar to the line during the debate on Union membership, which was concluded with a "no vote" in a national referendum in 1994. The "No to the Union" organization, which was very active during the period preceding the 1994 referendum, is also actively engaged against Schengen.

The majority in parliament argues that cooperation with Schengen is necessary to save the Nordic passport union. The Nordic EU-states, it is claimed, will enter Schengen regardless of what Norway does. Therefore, if Norway does not enter, the forty years old Nordic passport union will presumably be terminated. The majority also argue that Schengen will be a helpful aid in combatting organized crime.

The minority points to the fact that the Nordic EU countries have officially promised not to enter Schengen if the Nordic passport union is endangered. It also argues that Schengen raises a series of questions such as visa and asylum arrangements, civil rights issues in connection with Schengen Information System, and so on, which make Norwegian association inadvisable. It is also claimed that the kind of cooperation with Schengen which is envisaged is in conflict with the no vote to Union membership in 1994,

especially in the light of efforts within the Union to integrate Schengen in the third pillar.

The minority in parliament also argues that the agreement on the "institutional framework" is unacceptable. Over time, Norwegian association with Schengen will have implications for Norway and vice versa and costly border controls will have to be established. Therefore, the option that Norway leaves Schengen if disagreement occurs is theoretical at best. Once the cooperative arrangement is under way, they argue, Norway will be under strong pressure to agree in order to avoid a break with Schengen.

#### **FEATURE:**

#### **Statewatch applications split the European Council**

Three appeals made by *Statewatch* editor Tony Bunyan made against the refusal to release documents concerning the Council of Justice and Home Affairs Ministers has produced major divisions in the European Council over the issue of secrecy.

The first case, reported in *Statewatch* vol 6 no 2, March-April 1996, saw three governments - Denmark, Sweden and Finland - making public Declarations in support of greater openness and two governments voting against the proposed reply - Denmark and the UK. The second, reported below, similarly saw Denmark and Sweden again calling for more documents to be released. Four countries voted against the proposed response by the Council to an appeal - Denmark, Sweden, France and Portugal. The French vote against the proposed response cannot be taken as one of support for openness in the light of its later attack on ... but rather that too many documents were being released.

The third case on the Minutes of the K4 Committee, reported on page 1 and below, saw seven countries lining up in favour of greater openness and against a obviously absurd interpretation of the rules of access to documents.

#### **The K4 case**

On 27 February 1996 a request was made for copies of the minutes of the K4 Committee covering 14 meetings between 3/4 February 1994 and 12/13 September 1995. On 3 April the Council General Secretariat replied by sending copies of 5 sets of Minutes. The letter stated that, under Article 3(2) of the Decision of 31.12.93:

"Your request in this regard is a repeat application which relates as well to a very large number of documents. The General Secretariat has however found a fair solution..."

On 17 April Tony Bunyan wrote back to the Council saying "I was a little surprised" by the reply and that his request was not a "repeat application" as "No previous application has requested the information asked for in my letter of 27 February." Nor was the request within the Council Decision's definition of "very large documents" - which clearly referred to documents with a large number of pages -

not to "a very large NUMBER of documents" as stated by the Council. As neither of these grounds held the Council could not apply a "fair solution" by only providing 5 of the 14 documents requested. The letter to the General Secretariat asked them to reconsider its response or "reluctantly, I wish to make a confirmatory application..."

Mr Bersani, the Italian Minister for Industry and Craft Trades, replied for the Council on 23 May 1996 saying that the Council of the European Union endorsed the General Secretariat's response and:

"is of the opinion that your request is a repeat application and that a fair solution was given to your request... your request for access to the Minutes of meetings of the K.4 Committee between 3 November 1993 until 12 and 13 September 1995 constitutes a repeat application similar to those which you have presented in the past."

The request for the Minutes of the K4 Committee was argued to be "similar" to a previous request for copies of the Agendas.

The letter concedes the issue of a "very large number of documents" not being the same as "very large documents".

What the letter did not say was that the Council had split down the middle and only voted, both in COREPER and at the Industry Council of Ministers on 20 May, by 8 votes to 7 in favour of this response. The Danish and Swedish delegation made a public Declaration fully supporting Tony Bunyan's case that he had not made a repeat application and that "repeat" meant the same applicant applying for the same document on different occasions. The Finnish delegation made a similar declaration.

The extraordinary public Declaration from France and Belgium is reproduced in the box opposite. It is clearly referring not just to this specific application but to "applications" in the plural and marks out their strong opposition to ending the secrecy surrounding the meetings of the Justice and Home Affairs Council.

### **What the Minutes say**

Like most Minutes of meeting the five set supplied, covering the period February to September 1995, are pretty uninteresting. They do indicate the progress of initiatives known to be underway. However, amongst the bland recording of views and member states' positions there are a few interesting gems.

They confirmed that there is a "Convention parallel to the Dublin Convention" awaiting the final ratification of the main Convention (the Convention introduces the "one-stop" rule for asylum-seekers who can only apply to one EU country). This "parallel Convention" will be open for signature by non-EU countries - and is especially directed at the "buffer states" in central and eastern Europe and the Magreb countries in north Africa.

The interface with the Schengen Agreement and the EU is openly referred to. Referring to the draft Convention on the European Information System (EIS) a number of delegations

felt a discussion at the Council of Ministers would be premature as there was "the importance of first gaining experience with the practical application, in the near future, of the information system under the Schengen Convention." The Schengen Information System (SIS) will become the EIS, covering the whole EU, when the Convention on External Frontiers is agreed.

In May 1995 there was a discussion on the need for a ministerial level "Troika" meeting with Norway "to examine problems concerning movement of persons" and "drugs, organised crime and terrorism" in view of Norway's membership of the Nordic Union. The "Troika" is made up of the countries comprising the last, present, and next Presidencies of the EU; the "Troika" holds meetings after each Council of Justice and Home Affairs Ministers with Norway, Switzerland and Morocco (previously known as "Friends of Trevi" meetings).

Also in May 1995 there was a discussion over the status of Joint Actions adopted under Article K.3.2 of the Treaty of European Union. Most member states agreed with the view presented by the Council's Legal Service that a: "Joint Action adopted by the Council on the basis of Article K.3.2.b of the TEU is obligatory in law and that the extent of the obligation on the Member States depends on the content and the terms of each Joint Action." The minutes state that: "Only the United Kingdom and Portugal were not fully in agreement with this approach." They argued that Joint Actions were not automatically "of a legally binding nature" and whether or not it was binding "depended on the actual text." Only five Joint Actions have so far been adopted one, uncontroversial, on the movement of school-children (1994), on the Europol Drugs Unit (March, 1995), on racism and xenophobia (June 1995; where the UK added a Declaration), on Financing the "third pillar" (June 1995) and on the exchange of Liaison Magistrates (March, 1996). One on combating "illegal" migrants resident in the EU, proposed by the French Presidency, had to be downgraded to a non-binding Recommendation.

The extent of cooperation between the EU and the USA on "third pillar" issues is clearly signalled (see *Statewatch*, vol 6 no 1, for details of the EU-US Joint Action Plan). Back in March 1995 the Netherlands delegation supported by other delegations "called for a list to be drawn up of the fora in which the countries of the European Union and the United States cooperated." In September 1995 the K4 Committee was preparing for EU-US Summit on 3 December in Madrid which agreed the "New Transatlantic Agenda" and the Joint EU-US Action Plan. Before this September meeting were "a list of US suggestions in the Third Pillar area" and an EU paper. One of these proposals, the "feasibility" of which had to be "checked" was: "US accession to Council of Europe Conventions."

France's opposition to the EU becoming involved in the FBI's Police Academy in Budapest is minuted in September 1995 as view their view that "use could be made of existing frameworks (third country contacts) rather than the transatlantic dialogue." France's opposition stopped the Council of Ministers agreeing in Luxembourg on 4 June

1996 to EU participation in the Academy.

## CASE 2

On 15 February Tony Bunyan applied for copies of the reports considered by the Council of Justice and Home Affairs Ministers held on 9-10 March 1995 in Brussels and for reports from the meeting of the K4 Committee at its meeting on 3-4 February 1994. The General-Secretariat of the Council replied on 15 March granting access to 17 of the 40 reports requested. He made a confirmatory application on 2 April requesting access to the 23 refused reports.

Mr W Luchetti, the Italian Minister for Agriculture, Food and Forest Resources, replied for the Council Presidency on 2 May 1996. This letter granted access to a further 7 reports but refused access to 16. On this occasion Denmark, Sweden, France and Portugal voted against the reply sent.

The French delegation vote against the proposed response cannot, in the light of their statement of 20 May (above), be taken to mean a vote in favour of greater openness.

In this application 40 reports were applied for and initially access was given to 17 and refused for 23. After the confirmatory application access was given to a further 7 documents. Overall access was granted to 24 documents and refused to 16. Of the 16 refused documents only 2 were classified as "Confidential" the other 14 were simply "Limite" or "Restreint". The designation "Limité" is not even classified.

### Changes in application of the rules

The applications by *Statewatch's* editor have so far contributed to three changes in the way the Council interprets the rules of public access to documents.

The Code of access has been in place since December 1993 but it was not until 27 February this year that the Council published a scale of charges to be made to applicants for documents. This is intended to deter people asking for too many documents but at least it is straightforward.

The second change is signalled in the letter from Mr Bersani, for the European Union Presidency, on ..... The Council does not defend the practice of arbitrarily deciding what to send an applicant under what is called a "fair solution" on the grounds that they have asked for "a very large number of documents" when the Council's rules refer to "a very large document" (clearly referring to a document of more than say 30 pages).

The third and most important change appears to have occurred between 7 June and 13 June. Tony Bunyan received a letter sent on 7 June saying - for the third time - he could have access to a set of documents but would have to "consult" them in Brussels *and* he would be charged for the photocopies. At a seminar on "Openness and Transparency" organised by the Socialist Group of MEPs held in the European Parliament on 13 June Mr Brunmayr announced that applicants would not longer have to come to Brussels to "consult" documents but could instead be sent them with a bill. The use of the provision in the Code of

access allowing the Council to require an applicant to go to Brussels to get documents they had been given access to was intended to "deter" people asking for a large number of documents. When Tony Bunyan went, on two occasions, to the European Council building in Brussels to photocopy the documents he had been allowed to "consult" it became clear their policy of "deterrence" was not working.

Tony Bunyan commented on the struggle to get access to Council documents on the "third pillar": "fighting secrecy is only a means to an end, not an end in itself. The point is to bring out into the open decisions which have been taken that affect the civil liberties of EU citizens and the rights of migrants trying to enter the EU or who are being held in camps across the EU."

### ***K4 CASE***

*Press release*, Industry Council, Brussels 20 May 1996. Mr Pierluigi BERSANI in the Chair for the Italian Presidency:

### **Public access to documents**

The Council gave its agreement, with the Danish, Irish, Greek, Netherlands, Finnish, Swedish and United Kingdom delegations voting against, to the reply to be given to a request for Council documents submitted by Tony Bunyan. The Belgian, Danish, French, Swedish and Finnish delegations gave the following explanations for their votes:

#### Explanation of vote by the Danish and Swedish delegations

"The Danish and the Swedish delegations cannot endorse the content of the reply. They disagree with the interpretation of the term "repeat application" contained in Article 3(2) of the Council Decision as they consider that the term must be particularly intended for cases where the same applicant requests access to the same document on more than one occasion.

On an overall assessment of the circumstances of the case, the Danish and the Swedish Delegations therefore cast a negative vote.

The Danish and the Swedish delegations request that the result of the vote and this statement be published."

#### Explanation of vote by the Belgian and French delegations

"The Belgian and French delegations support the draft reply and the interpretation contained therein of the concept of "repeat applications".

They consider that the applications by Mr Bunyan are repeat applications, that they are contrary to the spirit of the 1993 decision and that they abuse the good faith of the Council in its willingness to be transparent. They accordingly consider the reply to be "fair" within the meaning of the 1993 decisions."

### Explanation of vote by the Finnish delegation

"Finland does not agree with the content of the reply.

Finland does not consider Mr Bunyan's request as a repeat application. It should have been treated as an ordinary request.

Finland therefore votes against."

## CONFERENCES

**World Congress on Violence and Human Coexistence:** Dublin, Ireland. 17-21 August 1997. Theme: Violence and the Future of Society. Suggested topics include: Organised crime; recidivist violence; violence and juvenile imprisonment; official and state violence and resistance to; domestic violence. Details from: Jessica Bates, Congress Secretary, University College Dublin, Belfield, Dublin 4, Ireland. Fax: 00 353 1 7061125. e-mail: Jess.Bates@ucd.ie

**People's diplomacy, non-violence and migration,** Conference, Roverto, Italy, 25 August-14 September 1996. Sessions on: The human cost of migration (2-3 September); Legal aspects of migration (4 September); The economics of migration (5-6 September). Details: International University of Peoples' Institutions for Peace, Secretary's Office, Fondazione "Opera Campana dei Caduti", Colle di Miravalle, 38068 Roverto (TN), Italy. Tel: 00 39 464 434412.

**Violence, abuse & Women's Citizenship:** international conference, Brighton UK, 15-16 November 1996. Details from: The Coordinator, The Violence, Abuse and Women's Citizenship Conference, PO Box MT7, Leeds, LS17 5XJ, UK. Tel: (00 44) 01274 385234; fax: (00 44) 01274 385 370.

**2nd International Congress for Peace in Europe:** an initiative of the International Romani Union: 9-13 July 1996 in Vitoria/Gasteiz, the capital of the Basque Country (in Spain). Details from: Congress Coordinator: tel: (00 34) 1 373 62 07; fax: (00 34) 1 373 44 62; <http://www.paz.eunet.es>

**CCTV: Surveillance and social control:** Conference, Tuesday 9 July 1996, 9.30 - 5.00. Dennison Centre, University of Hull. Contact: Jade Moran tel: 01482 465783 or Clive Norris tel: 01482 465779 or fax: 01482 466088.

**Civil Liberties and the Internet:** Seminar, 10.00-16.30, Friday 12 July 1996. Council Room, King's College, Strand, London WC2. Details: Harry Stanard, Liberty, 21 Tabard Street, London SE1 4LA. tel: 0171 403 3888; fax: 0171 407 5354; e-mail: liberty@gn.apc.org

**"Europe United": cooperation against nationalism and racism:** 9-13 October 1996 in Stockholm, Sweden. Details from: UNITED, Postbus 413, NL-1000 AK Amsterdam, Netherlands. Tel: (00 31) 20 6834778; fax: (00 31) 20 6834582; e-mail: united@antenna.nl

**Regulating Europe: criminology, care and control:** 24th Annual Conference of the European Group for the Study of Deviance and Social Control, University of Wales, Bangor. Thurs 12 September - Sunday 15 September. Papers are invited on the following themes: The criminological enterprise in Europe; The new European order; Constructing policies and problems; Institutional violence. Contact: Chris Powell, University of Wales, School of Sociology and Social Policy, Bangor, Gwynedd LL57 2DG, Wales.

**Translators needed:** *Statewatch* is building up a group of translators prepared to help with the translation of articles and reports from German, French and Spanish. Please contact: Statewatch, PO Box 1516, London N16 0EW or ring (00 44) 0181 802 1882 or fax (00 44) 0181 880 1727.

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### Statewatch publications

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

**Statewatching the new Europe: a handbook on the European state:** 208 page paperback, £4.50 from Statewatch, PO Box 1516, London N16 0EW.

**The Europol Convention.** Full text of the Europol Convention and the Joint Action on the Europol Drugs Unit plus Commentary, Analysis of Provisions, Chronology and Bibliography. 36 pages (A4), price £5.00.

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