

# Statewatch Supplement

August 2008

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## CIVIL LIBERTIES

### UK-USA

#### Binyam Mohammed sues government and faces kangaroo court

Campaigners from across the UK took part in a series of demonstrations marking the sixth anniversary of the opening of the US gulag at Guantanamo Bay, Cuba, on 11 January. Orange protests took place across the UK in Edinburgh, Sheffield, London, Leeds and Birmingham.

The US asserts that the British citizens and residents they have released from Guantanamo are still "dangerous men" and this position was endorsed by the government through the prompt arrest, and detention under strict bail conditions of two of the detainees on their return to the UK on the basis of a European extradition warrant issued by Spain. This extradition has since been overturned on medical grounds because of the men's poor state of health after their incarceration and torture. Moreover, two other men with links to the UK remain incarcerated in Guantanamo Bay. The US authorities refused to release Binyam Mohammed, a 29-year old Ethiopian national from west London, and the government refused to make representations on behalf of Ahmed Belbacha, who cannot return to Algeria because of threats made on his life.

In May, Binyam Mohammed, an asylum seeker who was residing in Kensington before his abduction, opened proceedings to sue the British government in the High Court for refusing to produce evidence that could prove his innocence of charges brought by a US military commission. Binyam was rendered by the CIA to Morocco from 21 July 2002 until 21 January 2004 where he was tortured with a razor blade which was used repeatedly to cut his genitals. From January to May 2004 he received further abuse in the "Dark Prison" in Kabul, Afghanistan. Binyam now faces a US military tribunal, described by Lord Steyn (one of the UK's most senior judges until his retirement from the House of Lords in 2005) as a "kangaroo court", and faces the death penalty when he is found guilty. Significantly, the British government, which provided evidence to the US for use in Binyam's torture, has refused to turn this evidence over to defence lawyers, arguing that:

*"the UK is under no obligation under international law to assist foreign courts and tribunals in assuring that torture evidence is not admitted".*

The government added: "You further allege that HM Government provided information to the US or Moroccan authorities which was subsequently used in the torture of your client. However, you do not provide any evidence to support...your assertion that such alleged information or assistance was subsequently used in the torture of your client". However, this is exactly what Binyam did in his "Torture Diary", in which

he documents his realisation that "the British were sending questions to the Moroccans". This allegation was deemed credible by the Intelligence and Security Committee.

Binyam's situation is succinctly summed up by Richard Stein of Leigh Day & Co solicitors:

*"Mr Mohammed has been the victim of extraordinary rendition, horrific torture, years of detention without trial, all apparently with the assistance of or, at least, the Nelsonian blindness of the British government. It beggars belief that they will not lift a finger to help a British resident when he may face the death penalty."*

In July the London Guantanamo Campaign held a six day vigil - one day for each year his detention - in support of Binyam outside the US embassy. They stressed that he is suicidal and suffering post traumatic stress disorder. He is on hunger strike and being force fed by military guards. The campaign is demanding that the USA authorities immediately drop the charges and arrange for Binyam's release and return to the UK.

*London Guantanamo Campaign can be contacted at london.gtmo:googlemail.com; "A Guantanamo Bay detainee sues British Government for not releasing evidence that could prove his innocence" Leigh Day & Co and Reprieve press release (undated); "Intelligence and Security Committee Report" July 2007*

## UK

### Lofti Raissi can claim damages, but still no apology

In February the Court of Appeal ruled that Loft Raissi (33), the pilot falsely accused of training the 11 September attackers and consequently detained in jail for five months, is entitled to claim damages. The court's ruling overturns the Home Office's refusal to consider his case on technical grounds - because Lofti was the subject of a US extradition warrant, the UK Home Office claims that is not responsible for his imprisonment. The Appeal Court judges said that the evidence suggested that the police and prosecution were responsible for serious faults in detaining him. Lord Justice Hooper said:

*"The public labelling of the appellant as a terrorist by the authorities in this country, and particularly by the CPS [Crown Prosecution Service], over a period of many months has had and continues to have...a devastating effect on his life and health."*

In November 2007 Lofti's brother, Mohammed, won a compensation award against the Metropolitan police over his arrest and detention for 42 hours. In Mohammed's case Mr Justice McComb said that the reasons for his arrest went no further than the family relationship and "In my judgement those grounds were not sufficient to justify his arrest." Lofti Raissi's wife, Sonia, had her claim for damages for being held for five days rejected by the High Court. Lofti says: "They [the police and Home Office] destroyed my life, they

destroyed my career. For this I will never, ever forgive them." His wrongful arrest has left him blacklisted as a pilot and unable to work. He added:

*"Surely I can now expect to hear from the Home Secretary with the long-awaited apology".*

As Lord Justice Hooper put it:

*"He considers that, unless he receives a public acknowledgment that he is not a terrorist, he will be unable to get his life back together again."*

However, a Home Office spokesman said: "We are considering the implications and whether or not to appeal".

*BBC News 30.11.08, 14.2.08*

## Civil liberties - in brief

**UK: "Lyrical Terrorist" conviction overturned.** In June 2008, Samina Malik, who wrote poetry under the pen name "Lyrical Terrorist", had her terrorism conviction quashed by the Court of Appeal. She had been convicted in November 2007 for possessing documents that could provide practical assistance to terrorists, under Section 58 of the Terrorism Act 2000, and given a nine-month sentence suspended for 18 months (over which time she would be under supervision) and 100 hours of community service. Giving judgment at her appeal, Lord Phillips, the Lord Chief Justice, said that "there was scope for the jury to have become confused" because a large number of the documents they had been asked to consider clearly were not "capable of being of practical utility for a person committing or preparing an act of terrorism". Sue Hemming, head of the Crown Prosecution Service's counter terrorism division, acknowledged that 21 documents used in the trial did not fall under Section 58 and said a retrial would not be sought. She maintained, however, that other material in Malik's possession such as the *al-Qaeda Manual*, the *Terrorist's Handbook* and the *Mujahideen Poisons Handbook* were relevant. All of these documents are widely available over the internet and indeed the *al-Qaeda Manual* is available for download from the US Department of Justice's website. *BBC News Online 17/6/08; The Register 18/6/08*

## IMMIGRATION

### UK

### Ama's deportation death an act of "atrocious barbarism"

At the start of 2008 39-year old mother of two, Ama Sumani, was removed from the hospital bed where she was receiving critical treatment for cancer, and deported to Ghana for overstaying her visa. Ama, who was suffering from malignant myeloma and was receiving kidney dialysis at the University Hospital of Wales, died in Korle Bu hospital in Accra in March, two

hours after friends phoned her to say that they had found a UK doctor willing to treat her condition and were going to apply for an emergency visa for her return to the UK. On her arrival in Ghana, Ama told the BBC she was unable to afford a three-month course of medical treatment and that drugs that would have extended her life were unavailable in the country.

Article 2 of the European Convention on Human Rights imposes a duty on the state to protect human life, but when flight BA081 left Heathrow airport on 9 January one of its passengers was facing a death sentence. Ama had earlier been seized from her hospital bed in Wales by several officers from the Border and Immigration Agency, before being taken in a wheelchair to be deported to Ghana where she was abandoned, unable to afford the hospital treatment she desperately needed. She told a BBC reporter that when she went to the Korle Bu hospital they asked for \$6,000 (4,000 euros) to cover three months treatment.

In an editorial the medical journal, *The Lancet*, has described Ama's deportation as an act of "atrocious barbarism":

*"To stop treating patients in the knowledge that they are being sent home to die is an unacceptable breach of the duties of any health professional...The UK has committed an act of atrocious barbarism. It is time for doctors' leaders to say so, forcefully and uncompromisingly". (cited in The Times 20.3.08)*

The journal also attacked the "deafening silence" from doctors' leaders and published a petition, signed by 275 doctors, calling on the government to reject proposed regulations that would abolish the right of failed asylum seekers to seek medical help in Britain through the NHS.

However, the Border and Immigration agency officials told the House of Commons' All Party Home Affairs Select Committee that deporting those undergoing crucial medical treatment to a country where they would not be able to access similar care, could not be defined as inhumane treatment. Lin Homer, the chief executive of the Borders and Immigration Agency, defended the deportation, claiming that the courts had ruled that a deportation could only be halted only in "very rare and extreme cases" - the threat of death and serious illness, presumably falling short of these criteria according to her interpretation.

Ms Homer told the Committee that:

*"The standard of medical care in this country and the access to it is sufficiently higher than in so many countries, not just third world or developing countries...If we vary from that point there are many, many tens of thousands who would be able to argue that. We see many cases where the medical prognosis for an individual would be less good in their home country."*

Homer's view, that maintaining the UK's high standards of medical care should not be undermined by actually treating patients, particularly those from countries with poorer medical standards who can be deported, stands in opposition to the view expressed in *The Lancet* editorial, which argued that:

*"To stop treating patients in the knowledge that they are being sent home to die is an unacceptable breach of the duties of any health professional."*

Following Ama's death a concert was held in Cardiff in March to raise funds to help her orphaned children, Mary (16) and Samede (7) - the event was originally scheduled to boost the fund set up to prolong their mother's life.

*Guardian 16, 20.1.08; BBC News 17.1.08, 22.3.08*

## Austria-UK

### "Asylum Airlines" business plans reach UK

In early 2007, Austrian immigration lawyer Hermann Heller and "aviation experts" Carl Julius Wagner and Heinz Berger announced they are planning to cash in on EU plans for joint deportation flights with their project "Deportation-Lines" (*Statewatch* vol 17 no 1). "Asylum airlines" is a concept developed by the five richest countries in the world at the Evian meeting in June 2005 and has now become a viable business option for venture capitalists. Heller, Wagner and Berger have been developing a new deportation aircraft with small padded cells in which refugees and migrants can be locked up without having to be physically restrained by police for the duration of the flight. They will make resistance futile by removing deportations from the public gaze, making them cheaper for governments because less labour-intensive.

As the business plan is too ambitious for Austria, with its 71 deportation flights a year, the businessmen are approaching EU governments, most recently the UK government, to ensure sufficient "demand", that is enough migrants and refugees to deport as well as mileage in order to determine the type of aircraft to be converted. *The Independent* newspaper reported that Heinz Berger, who has worked with British companies providing security at British airports, has identified Britain as a key market, although there is also "ongoing interest all over Europe" for an airline that will organise flights around Europe, picking up failed asylum-seekers from various countries and then fly them back to their "home" nations around Africa, the Middle East and Asia.

<http://no-racism.net>,

<http://www.independent.co.uk> 27.12.07

## UK

### "Extraordinary" deportation of mourning husband

Arnel Cabrera (39) arrived in the UK to join his wife, Mayra, a theatre nurse who was recruited from her home in the Philippines following a National Health Service (NHS) recruitment crisis. Mayra was employed at the Great Western Hospital in Swindon, Wiltshire, until she died in childbirth, in the same hospital at which she worked, in a catastrophic error that resulted

in an epidural being mistakenly injected into her arm, rather than her spinal cord. Mayra's husband was told that she had died from an amniotic fluid embolism and it was a year before he discovered the true cause of her death. The baby survived and an inquest into Mayra's death returned a verdict of unlawful killing, finding the NHS trust guilty of gross negligence.

In May the Home Office informed Mr Cabrera that he has failed in his bid to remain in the UK, stating that he "had not established a family life with his son in the United Kingdom". It went on: "As his son remains in the Phillipines there are no insurmountable obstacles to his family life being continued overseas." Mr Cabrera had taken his son, Zac, to the Phillipines to be cared for by his family until after the inquest and other legal proceedings, with every intention of building a home with him in the UK. Alex Rook, Mr Cabrera's solicitor, who described the ruling as "dreadful", pointed out that: "If Arnel's wife had not been killed, the family would be living happily here."

The Home Office ruling has been criticised by the coroner at the inquest into Mayra's death, David Masters, who described the Home Office's ruling as "extraordinary". Lawyer, Seamus Edney, added: "Arnel was permitted to reside in Britain on the basis that his wife was working - but when she is unlawfully killed by gross negligence by the NHS, he is told he is no longer welcome." Alex Rook succinctly described Mr Cabrera's situation to the *Independent* newspaper: "His wife is killed by one part of the Government then Arnel is told by another part of the Government that he has to leave." *Independent* 10.5.08

## **Spain/Colombia Information exchange puts asylum seekers at risk**

The Spanish Commission for Assistance to Refugees (CEAR) warns in the June 2008 edition of its legal bulletin that the cross-checking of information on Colombian asylum applicants' documents by the Asylum and Refuge Office with the Colombian authorities during asylum proceedings contravenes data protection legislation and the protective nature of the asylum process, undermining the safety of asylum seekers from this country. Problems that are highlighted include the infiltration of Colombian institutions by members of paramilitary groups and the contravening of guarantees of confidentiality that applicants receive when they first apply for asylum.

The following is an unofficial translation by *Statewatch*:

*"Proceedings for Hearings in the Asylum and Refuge Office*  
*The Asylum and Refuge Office (Oficina de Asilo y Refugio, OAR) has started to inform many Colombian asylum seekers of the proceedings for their hearings. CEAR's legal service has ascertained that in the case of each file, OAR officials personally consult the Colombian General Attorney's office (Fiscalía General de la Nación) and the National Civil Status Register (Dirección General de la*

*Registraduría Nacional del Estado Civil) to check whether the documents submitted by applicants are in agreement with their databases. It is our understanding that this practice violates data protection law, both in form and its substance, as the interested parties have not been asked for the required consent to transmit their data to third parties. Moreover, CEAR is concerned by what we consider to be a clear and serious violation of confidentiality that may place asylum seekers and their families at great risk. Many sources warn of the high degree of infiltration by armed groups, particularly paramilitary ones, in Colombian institutions, especially the Attorney's Office. Our view is that this administrative practice contravenes UNHCR conclusions and the Directive on Proceedings and runs against the spirit of the 1951 Geneva Convention. As an example of the failure to comply with the intrinsic protective nature of asylum proceedings, we conclude by quoting the terms included in the leaflet handed to all applicants when they apply for asylum in our country:*

*"...anything that is said is confidential. The government of your country will never be informed that you have requested asylum or what you have said. The people who deal with you (civil servants, police officers, interpreters) are obliged to keep anything you say secret."*

*Boletín Jurídico CEAR, June 2008*

## **Spain Hardening of the government's policy on immigration**

Details, released in advance on behalf of the new Spanish employment and immigration minister, Celestino Corbacho, signal a clear hardening of migration policies that is reflected in his claim: "In this country, all the immigrants who are needed - and not one more"

The most recent measure to be proposed is aimed at restricting the right to family reunion, limiting it to the spouse and children who are still minors. This measure complements plans to promote returns to countries of origin through incentives for migrants who are unemployed, offering them the opportunity to receive unemployment benefits in exchange for returning to their countries, giving up their residence rights and employment permits and committing not to return to Spain for a minimum of three years. The toughening of measures concerning *Centros de Internamiento* (CIEs, detention centres) accompanies the Directive approved in the European Parliament on 18 June. The maximum detention period, which cannot currently exceed 40 days, will be extended to at least 60 days.

Overall, these developments go hand-in-hand with efforts to reach an agreement to lay the foundations of a European immigration policy. The Spanish are working particularly closely with the French

government, and they are united in their desire to close off access routes to the EU for those people who are not wanted, according to the interests of European economies and to expel those who are residing there irregularly. This linking of the French and Spanish governments' immigration policies was revealed on 27 June during the bilateral summit in Zaragoza, at which they sought to reach conclusions that will be presented to the rest of their European partners.

### Immigration - in brief

**Spain: Mobilisation against detention centres.** On 12 April 2008, around 2,000 people demonstrated under the slogan "No to immigrant detention centres, close our Guantánamos". The demonstration ended at the Aluche (Madrid) detention centre, where five migrants have been on hunger strike in protest at their conditions since 10 April. On 15 April, almost 100 NGOs submitted a petition to the State District Attorney's Office calling for the investigation of alleged "serious violations of human rights" at the Aluche centre. The signatories demanded that the district attorney implement "urgent" protection measures. In the formal complaint they said that responsibility for "any tragedy", particularly one involving those on hunger-strike, would be attributed to the district attorney's office itself.

**Netherlands: Two deaths and attempted suicide in detention.** Failure to provide adequate health care in Dutch immigration detention centres has led to two deaths within the last two months. On the night of 2-3 February 2008 the Algerian, Rachid Abdelsalam, died of heart failure on the Rotterdam-based immigration detention boat, *Bibby Stockholm*. His heart irregularities were apparently treated with cough medicine. At the end of March, an Egyptian man, Ahmad Mahmud El Sabah, also died on a Rotterdam detention boat because of lack of adequate health care, according to his fellow detainees. On 18 April a Ghanaian failed asylum seeker attempted to commit suicide in the detention boat in Zaandam, and had to be resuscitated by prison guards. It was the fourth time he had been locked up in immigration detention and over intermittent periods he was treated for depression and diagnosed as suicidal. After his failed suicide attempt, the authorities locked him up in isolation on the prison ship. <http://www.indymedia.nl> 10.2.08, <http://www.vrijheidvanbeweging.nl>, <http://www.allincluded.nl> 18.4.08

**UK/Nigeria: Call for boycott of "world's favourite airline".** Nigerians in the UK, and British supporters, are calling for a boycott of British Airways, following the forced deportation of Augustine Eme to Nigeria and the harassment of passengers who spoke out against the abuse he received. Eme, an independence activist from Biafra whose brother was killed and wife and mother are "missing", is reported to have been restrained by five police officers during his expulsion in March. Complaints

by the Nigerian passengers led to one man, Ayodeji Omatade, being arrested before all 136 economy class passengers were ejected from the plane, which eventually left for Lagos with only Eme and the first class passengers on board; BA accused the economy passengers of being a "security risk". On 4 July Omatade was charged with threatening, abusive, insulting or disorderly behaviour towards members of the crew under the Civil Aviation Act. An article in *The Independent* newspaper of April 26 exposed the "casual racism" of BA, in which Captain Doug Maughn, a pilot with 28 years flying experience, said that pejorative racist remarks made by his colleagues "are so common that they are treated as normal".

*Respect Nigerians Coalition website:* <http://www.respectnigerians.com>

**UK: Border Agency plans massive expansion of detention centres:** In May the UK Border Agency announced a massive expansion of Britain's immigration detention centre capacity which will increase by 60%. This will mean an increase of between 1,300 and 1,500 places for immigration detainees by 2012 with the stated intention of fast-tracking asylum seekers for deportation. Donna Covey, chief executive of the Refugee Council, described the move as "disappointing". She continued: "These are people who are detained on arrival, who have committed no crime, and who are often extremely vulnerable, yet who are locked up in circumstances where there is little access to information and not knowing how long they will be imprisoned." The Immigration minister, Liam Byrne, claimed that holding more asylum seekers in detention and fast tracking their cases would allow them to be decided more quickly, but Covey has pointed out that: "there are people in the fast track system who are being wrongly refused safety here." Refugee Council: [http://www.refugeecouncil.org.uk/news/press/2008/May/2008520\\_b.htm](http://www.refugeecouncil.org.uk/news/press/2008/May/2008520_b.htm); Home Office press release "Immigration detention capacity to grow substantially" 13.5.08.

**Germany: Doctors facilitate deportations.** Aliens' authorities in the regional state of North-Rhine Westphalia use doctors who are known to issue medical "fit-to-fly" certificates to facilitate deportations of rejected asylum seekers and undocumented migrants. Some doctors even advertise this service - the issuing of permits that certify persons are fit to be imprisoned and/or transported - online. The Green faction in the city council of Düsseldorf was particularly critical of authorities that ask doctors to assess certain health aspects that earlier medical examinations found to constitute a reason for not deporting the person in question, in order to revoke these findings. For example, one doctor was asked to examine the psychological state of a Serbian woman who was unable to be deported on grounds of severe

depression, with a view to disproving the earlier medical decision. Monika Düker, legal spokeswoman of the Green faction thinks this a "clear violation of the law" and demanded that the regional interior minister, Ingo Wolf (Liberal party), order an independent committee of medical experts to oversee certificates of cases where medical interpretations can differ, such as post-traumatic stress syndrome as a result of torture or persecution. *Süddeutsche Zeitung* 16.4.08.

**UK: Shocking "state-sanctioned" violence by security teams.** A new report, *Outsourcing Abuse*, by the law firm Birnberg Peirce & Partners, Medical Justice and the National Coalition of Anti-Deportation Campaigns, documents the "shocking" abuse of hundreds of asylum seekers forced by the government into the hands of private security companies. The report is based on the findings of 300 cases between January 2004 and June 2008, alleging physical assaults and racist violence, and throws into question the role of private security guards in the UK's deportation machine. Injuries ranged from bruises to wounds inflicted through deliberate beatings by the guards. The report says: "The dossier provides evidence of widespread and seemingly systematic abuse of one of the most vulnerable communities of people in our society, who have fled their own countries seeking safety and refuge". The authors' conclude that "...the evidence in this report reveals what may amount to state sanctioned violence, for which ultimate responsibility lies with the Home Office". However, the former Chief Inspector of Prisons, David Ramsbotham, who has written a forward to the study, and described its findings as "disturbing", has expressed doubts that it would be taken seriously by the government. *Birnberg Peirce & Partners, Medical Justice, National Coalition of Anti-Deportation Campaigns "Outsourcing Torture: the use and misuse of state-sanctioned force during the detention and removal of asylum seekers" July 2008, See: <http://www.ncadc.org.uk>*

**ILO Convention on Domestic Workers.** In March 2008, the International Labour Organization's (ILO) Governing Body approved the proposal for the ILO to place decent work for domestic workers on the agenda of their international labour Conference in 2010 with a view to developing ILO instruments, possibly in the form of a Convention supplemented by a Recommendation, to provide appropriate guidance to constituents on policy and practice in the area of domestic work. Trade union and migrant support groups who have lobbied for an ILO mechanism on the protection of migrant and domestic workers rights are calling on civil society, labour and migrant rights groups to start discussions on the planned Convention. More information is available on : [http://www.lastradainternational.org/?main=traffickinghumanbeings&section=monitorarchive&news\\_id=256](http://www.lastradainternational.org/?main=traffickinghumanbeings&section=monitorarchive&news_id=256)

**Southall Black Sisters Overcome Council Threat:** On 18 July at the High Court Ealing Council withdrew their case

after one and a half days of the hearing when it failed to justify its decision to cut funding to SBS and replace it with a generic borough wide service on domestic violence. The SBS said: " When we began the process of challenging Ealing Council ...we were not sure where our journey would lead us. We received tremendous support from our users and many, many other individuals and organisations along the way. It is impossible to list everyone who supported us but we really would not have come this far without such encouragement and support. Above all, the support that we received reminded us of our responsibility in building a civil society based on the principles of justice, equality and humanity. We thank you all for making this victory possible."

<http://www.southallblacksisters.org.uk/>

## LAW

### Germany

#### Conference demands correction of anti-terror laws

The 59th German Lawyers Congress (*Deutsche Anwaltstag*), which hosted 1,800 participants between 1 and 3 May in Berlin, has issued strong statements against the attack on civil liberties posed by the war on terror. The departing deputy chairing judge of the Federal Constitutional Court, Winfried Hassemer, said that the criminal procedural law had witnessed an exorbitant increase of undercover investigations, an extension of investigations to cover non-suspects and blanket surveillance. He said this was the "tip of an iceberg that reaches deep into the foundations of state and society". The president of the German Lawyer's Association (*Deutscher Anwaltverein*, DAV), Hartmut Kilger, added that Germany's security legislation had undermined attorney-client privilege and confidentiality.

Freedom and security were the central themes of the conference, with workshops discussing the gradual abolition of individual and professional privacy through data collection and retention, freedom of the press, online raids and interception of communication between lawyers - and other professionals who are under a duty of confidentiality - and their clients. Further, the results of the two-year-old freedom of information act (*Informationsfreiheitsgesetz*, IFG) were discussed, and a debating competition took place under the motto's "Rights are not Commodities" and "Against the Surveillance State!"

Winfried Hassemer's opening speech in particular criticised new interception legislation for only granting professional confidentiality to criminal defence lawyers whilst all other lawyers are subjected to a check of proportionality of the interception measure. The reform of the police laws regulating remits and powers of the Federal Crime Authority proposed by

Interior Minister Schäuble will not only compromise confidentiality by allowing for the interception of lawyers, but foresees secret online raids and an extensive interception package. DAV president Kilger said that "all planned measures represent a deeper and wider breach of the constitutional right to privacy and place all citizens under blanket suspicion of being potential criminals". Although the constitutional Court, in a ruling on a complaint, lay down that there was a right to computer privacy as well as privacy of the home and thereby restricted the remits of the police to carry out online raids, Kilger argued that it is questionable how far the restrictions imposed by the court will actually be adhered to by law enforcement authorities. The draft reform law denies professionals who have duties of confidentiality, such as lawyers and priests, the right to refuse to provide information on their clients (art. 20 u BKAG-E). Kilger also questioned the alleged purpose of the measure, drafted in the name of anti-terrorism, by pointing out that "it is not very likely that terrorists will reveal their plans of an attack or hostage-taking to a priest, lawyer or Member of Parliament".

Furthermore, art. 20 u para 4 BKAG-E allows for interception of the telecommunication of all professionals who are allowed to refuse to give evidence, by making legal the interception of all "contacts" or "associates" of suspects if they are "responsible for a threat". This implies also that those who are in contact with terrorist suspects through their profession, such as lawyers, priests, doctors and members of parliament, can be intercepted. The wording of the exceptional clause "responsible for the threat" is undefined and therefore open to interpretation. The explanatory statement introducing the new law, says Kilger, follows the logic that nothing may remain private in the face of terrorism, therefore opening up all private spheres to state interception and intrusion.

More information on the congress can be found on: <http://www.anwaltverein.de/>; DAV Press release, 1.5.08; dpa 2.5.08; DAV-Depesche no 18/08, 8.5.08

## MILITARY

### Iraq-UK-USA

#### What price "liberation"?

In a follow-up to their August 2007 estimate that over 1 million Iraqis have been killed since the 2003 US-UK "liberation" of the country, the British polling organisation Opinion Research Business (ORB) has carried out new research that confirms the earlier figures. ORB, which has previously carried out research on behalf of the Conservative Party, and is headed by Gordon Heald who ran Gallop in the 1980s, conducted almost 600 additional interviews and "now estimate that the death toll between March 2003 and August 2007 is likely to be in the order of 1,033,000. If one takes into account the margin of error

associated with survey data of this nature then the estimated range is between 946,000 and 1,120,000. In October 2006 research by a team from the US John Hopkins University published in the respected medical journal, *The Lancet*, estimated that there had been over 600,000 violent deaths up until June 2006.

The *Lancet's* results, which dovetail neatly with ORBs, have been rejected by the US, Iraqi and British governments. According to US General Tommy Franks, these governments "don't do body counts" (at least not of foreigners) but they are able to divine accurate figures and dismiss the felacious ones. Unsurprisingly, they prefer the Iraq Body Count (IBC) tally of around 90,000 deaths (which derives from English-language media outlets) or the US-sponsored Iraqi Government's estimate (for the World Health Organisation) of 150,000. ORB's work, which was undertaken by its Iraqi research partner, IIACSS, and is based on surveys undertaken in urban locations of the country that found that nearly 25% of their respondents said that at least one family member had died. Its 2007 report estimated that 48% of the fatalities died from gunshot wounds, 20% from the impact of a car bomb and 9% from aerial bombardment.

ORB "More than 1,000,000 Iraqis Murdered" (Sept 2007) [http://www.opinion.co.uk/Newsroom\\_details.aspx?NewsId=78](http://www.opinion.co.uk/Newsroom_details.aspx?NewsId=78); ORB "Update on Iraq Casualty Figures" (January 2008) [http://www.opinion.co.uk/Newsroom\\_details.aspx?NewsId=88](http://www.opinion.co.uk/Newsroom_details.aspx?NewsId=88); Iraq Body Count: <http://www.iraqbodycount.org>

### UK-Iraq

#### Public inquiry into death of Baha Mousa

In May the Ministry of Defence (MoD) bowed to public and legal pressure and announced that a public inquiry will be held into the death of Baha Mousa, the torture, ill-treatment and abuse of his work colleagues and why banned "interrogation" techniques were used by the British military in Iraq. In December 2005 the Court of Appeal ruled that the government must conduct an effective investigation into Mousa's death; Richard Norton-Taylor, writing in *The Guardian* newspaper (15.5.08), has suggested that the decision "was triggered by an anticipated order from a High Court judge to set up an inquiry". The decision was welcomed by General Sir Richard Dannatt, the head of the army. In July the government announced that it will pay £2.83 million compensation to the family of the dead man and eight of his colleagues who were tortured by the British Army.

Baha Mousa, an Iraqi hotel receptionist, died in British military custody on 15 September 2003 after receiving multiple injuries (at least 93 separate wounds were found on his body) including fractured ribs and a broken nose that contributed to his death. He had been detained in British custody in Basra, along with eight work colleagues who had been hooded and subjected to systematic beatings. However, the announced parameters for the inquiry

have been criticised for not going far enough by the international human rights organisation, *Redress*, which helps torture survivors to obtain justice, (see *Statewatch* Vol. 14 nos 3/4; Vol 15 nos 3/4 2005).

Mousa is one of dozens of Iraqi citizens known to have suffered torture and ill-treatment at the hands of UK troops in Iraq. His death, 36 hours after his arrest, was attributed to asphyxia and prompted the MoD to pay a nominal compensation, seen by many as an attempted bribe, to Baha's family in January 2004. In March 2007 seven members of the Queen's Lancashire Regiment (QLR), including Colonel Jorge Mendonca, the commanding officer, faced a court martial. One of the men, Corporal Payne, was charged with manslaughter but pleaded guilty at the beginning of the court martial to a separate charge of inhumane treatment and was cleared of the manslaughter count. Two officers and an NCO charged with negligently performing their duty were cleared as were a sergeant accused of common assault and two others of inhumane treatment. Corporal Payne was also acquitted on charges of perverting the course of justice. Following the precedent set in previous Iraq court martials, no one was convicted of killing Mousa and the court martial judge said that the accused had erected "a wall of silence":

*"[N]one of these soldiers has been charged with any offence simply because there is no evidence against them as a result of a more or less obvious closing of ranks."*

Of the nine charges against the soldiers, eight were dismissed, a ruling that the solicitor representing the family described as "giving nothing to the victims, and raises more questions that it answers". Campaigners described the court martial court process as a whitewash.

*Redress*, while welcoming the government's announcement emphasised that "this long overdue inquiry does not go far enough". Carole Ferstman said:

*"Although Baha Mousa's death was one of the worst incidents there are many other legitimate unanswered questions about the whole civilian detention programme... we believe that the inquiry should cover every credible allegation of civilian abuse."*

In April, while giving evidence to the UK parliamentary Joint Committee on Human Rights, Ferstman dismissed the MoD's arguments about a few "rogue soldiers" asserting that it was "symptomatic of a more widespread failure to prevent torture" that exposed "serious failures in the way torture and ill-treatment occurred." The highlighted issues included the use of interrogation techniques (hooding, beatings and hi-pitch "black" noise) that were banned by then Conservative prime minister, Edward Heath, in 1972 after the European Court condemned the use of inhuman and degrading treatment by British soldiers on Irish republican prisoners.

Prior to 1972 the British military had been frequently been accused of using systematic torture and arbitrary execution in Aden, Oman and Kenya, among others, where the practice has been described as government policy. But despite convincing corroborating evidence, including numerous eye-witness observers and

personal testimony, these allegations have been dismissed by successive governments.

*Redress website: [www.redress.org](http://www.redress.org); Redress "Court Martial Acquittals in Baha Mousa case: the full truth of what happened remains unknown" 14.3.07; BBC "A Good Kicking: <http://news.bbc.co.uk/1/hi/programmes/panarama/6455113.stm>*

## Military - in brief

**EU: French priorities for European security.** In a confidential five-page document circulated to EU governments France has stated its European security priorities for the coming six month EU presidency. The proposals include the expansion of the European core military staff in Brussels into a permanent operational headquarters for missions abroad, common EU funding of military operations, a European fleet of military transport aircraft, European military satellites, a European defence college and the development of exchange programs for officers amongst EU states. The British government has always resisted the headquarters idea. However according to *The Guardian* newspaper that obtained the document, sources said that the UK and French governments are already quietly negotiating over the proposals and "Washington is privately pressing the Brown government to reach a deal with the French". The French had kept their proposals private in a vain attempt to safeguard the ratification of the new Lisbon treaty in the Irish referendum. In an additional protocol to the treaty a scheme known as Permanent Structured Cooperation is elaborated, whereby a core group of nations, in which Britain, France, Germany, Spain, Italy and Poland would participate (G6), will push ahead with a stronger EU military force and a higher level of arms expenditure. Nick Witney, former chief executive of the European Defence Agency (EDA) called it "a sort of defence eurozone". Other countries could later join. *Le Figaro* 31.1.08 (Pierre Lellouche); *EUobserver* 15.2.08; *Defense News* 28.4.08 (Julian Hale); *EurActiv* 6.6.08; *Daily Mail* 6.6.08; *The Guardian* 7.6 08 (Ian Traynor);

**Mothers fail to force inquiry into Iraq invasion.** The mothers of two British soldiers killed in the war on Iraq lost their attempt to force the government to hold a public inquiry into Britain's involvement in April. The House of Lords unanimously rejected the challenge brought by Rose Gentle and Beverley Clarke, ruling that families did not have a right under the European Convention on Human Rights (ECHR) to force the government to hold an independent investigation. One of the nine judges, Baroness Hale of Richmond, said: "...if my child had died in this way, that [an independent inquiry] is exactly what I would want. I would want to feel that she had died fighting for a just cause." However, she agreed "with sorrow" with the other judges that the lawfulness of military



action had no immediate bearing and that there was no duty in Article 2 ECHR on states not to send soldiers to an unlawful war. *Times* 10.4.08

## POLICING

### Switzerland

#### Parliament approves use of Tasers in deportations

In March, the Swiss parliament approved the use by police of Taser stun guns when forcibly deporting foreigners from the country. Switzerland is thereby one of the first European countries to introduce the controversial weapon for deportations, following Portugal which distributed the weapons to its Lisbon Metropolitan Command, the Direct Action Corps, the Special Operations Group and the Personal Security Corps last year. Amnesty International, the Swiss Democratic Lawyers' Association, Humanrights.ch/MERS, the Swiss Refugee Council and *solidarité sans frontières* had earlier urged the Swiss Council of States (*Ständerat*, which represents the Swiss Cantons) not to pass the law, arguing that it would be better "not to have any immigration law at all than one that allows for the use of tasers".

The law introduces a harmonised regulation on the use of force after several migrants died due to the use of police force during deportation. The cause of death during forced deportation is usually diagnosed as positional asphyxiation. Introducing the use of tasers may add another possible cause of death rather than reducing the risk. The law, expected to take effect in January 2009, will apply to all authorities dealing with foreigner and asylum issues that might involve the use of police force or that carry out transporting prisoners for the state.

Tasers can now be added to the catalogue of arms police may use, alongside handcuffs, dogs, and pepper spray. However, a joint press release by human rights organisations also voiced concern about the possibilities under the new law to delegate tasks that may involve the use of force to private companies, the fact that a formal prohibition of torture has not been included, or the lack of an independent monitoring mechanism whereby forced deportations are overseen by human rights observers, as the Council of Europe's Committee for the Prevention of Torture proscribes. Furthermore, the law fails to prohibit the use of force against children, which may lead to violations of the UN Convention for the Rights of the Child. Finally, an adequate form of an independent complaint's commission are also lacking.

Tasers are particularly controversial as they are classified as non-lethal weapons, yet have led to more than 290 deaths between 2002 and 2007 in the US and Canada alone, Amnesty International reports. Furthermore, the argument that tasers somehow reduce the use of guns and therefore fatalities ignores the fact that tasers are increasingly used as a disciplinary measure

as well as a torture instrument in prisons and by police. In recommendations in its 39th session report to Portugal, which has bought the newest Taser X26 stun gun for use by police, the UN Committee Against Torture last November declared that the use of tasers is a form of torture. Article 14 of the report's Conclusions states that the Committee "is concerned that the use of these weapons causes severe pain constituting a form of torture, and that in some cases it may even cause death, as recent developments have shown", referring to three men, all in their early 20s, who died in the United States in November, days after a Polish man died at Vancouver airport after being Tasered by Canadian police.

<http://www.amnesty.ch/de/themen/schweiz/taser>

<http://www.turkishpress.com/news.asp?id=220931>

<http://www2.ohchr.org/english/bodies/cat/cats39.ht>

### Policing - in brief

**UK: Police attack anti-Bush protestors.** Protesters calling for the war crimes prosecution of US president George W. Bush over his illegal invasion of Iraq were hospitalised when police launched a ferocious baton attack on them in Parliament Square on 15 June. The 2,500-strong demonstration was one of twenty that took place across the UK in protest at Bush's "farewell tour" of Europe and the London action was the Stop the War Coalition's (SWC) twentieth national protest. Despite the campaign's previous demonstrations being peaceful the police deemed it necessary to block off Whitehall with security barriers creating, in effect, a Baghdad style-"Green Zone" and batoning anyone who approached it. Commenting on the police action to prevent people from exercising their democratic right to protest outside the "mother of parliaments", the SWC supporter, Bianca Jagger, said: "Our civil liberties are becoming another casualty of the war on terror. I was born in a dictatorship and look with great concern at recent erosions of our liberties. At the demonstration today all I wanted to do with others was to peacefully deliver my letter to the prime minister. I was prevented from doing so and instead witnessed brutality towards the demonstrators." At their joint press conference Bush and Gordon Brown announced that more British troops would be sent to Afghanistan, that there was no timetable for the withdrawal of the remaining 4,200 UK troops in Iraq and that further sanctions would be imposed on Iran because of its nuclear energy programme. *Stop the War Coalition* website: <http://www.stopwar.co.uk>

**UK: Toni Comer's arrest "proportionate".** In December 2007 the Independent Police Complaints Commission (IPCC) ruled that "no South Yorkshire Police officers will face criminal charges in relation to an allegation of assault made by Toni Comer." The arrest took place in July 2006 and was captured on CCTV cameras which showed a police officer punching

the slightly built Ms Comer five times; PC Anthony Mulhall admitting hitting her, but argued that he was merely attempting to restrain the teenager, (see *Statewatch* Vol. 17 no 1). The IPCC dismissed Ms Comer's claims that she had been assaulted and that excessive force had been used in her arrest for causing criminal damage and concluded that the police actions were "justified and proportionate". Nicholas Long, IPCC Commissioner for Yorkshire and Humberside, said: "The CPS has delivered a quick decision which confirms our view that no criminal offences had been committed in relation to the assault allegations. The IPCC must consider now whether there are any disciplinary matters which need to be considered against any of the officers involved in the incident. I intend to make this decision quickly and at that point the findings of the IPCC's independent investigation will be made public." "IPCC Independent Investigation into the Circumstances Surrounding the Arrest and Detention of Ms Toni Comer on 30 July 2006: executive summary" Independent Police Complaints Commission, available at: [http://www.ipcc.gov.uk/toni\\_comer\\_esec\\_summary.pdf](http://www.ipcc.gov.uk/toni_comer_esec_summary.pdf) IPCC press release "IPCC Update: no criminal charges in Comer case" 11.12.07

**France: Police collect deportation "air miles":** The French satirical magazine *Le Canard Enchan* has revealed that French police officers accompanying undocumented migrants and failed asylum seekers on their deportation flights qualify for "Frequent Flyer" deals promoted by Air France and other airlines. "Considering that there are some 23,000 deportations annually and the fact that three officers usually accompany the migrant, this generates a considerable amount of free flights at the expense of illegal immigrants", the magazine writes. The Interior Ministry has confirmed the scam, Air France, however, declined to comment. *AFP*, <http://www.zeit.de>

## PRISONS

### UK

#### Prison anti-corruption unit established

A specialist unit is to be sent into prisons to root out corrupt prison officers. In 2006, 68 prison staff were suspended for trafficking drugs and other banned items. Senior Metropolitan Police sources estimate that one in 10 prison officers - about 1,000 in total - are corrupt. The "ghost squad" will target these "rogue" officers in an attempt to stem the "apparently limitless" supply of drugs and mobile phones within prisons. Earlier this year, a former jail chief said more than £100 million worth of drugs is traded in prisons each year, most of it smuggled in by guards.

In 2006, the last year for which figures are available, 68 prison staff were suspended for trafficking drugs and other banned items. In the same year, a female prison

officer named 30 allegedly corrupt colleagues at Pentonville Prison, north London (Pentonville was rated the worst performing prison in Britain last year). The whistle-blower said officers had helped to plan escapes, supplied and taken drugs and smuggled a gun into a prisoner's cell. It led to 14 guards being suspended.

The Independent Monitoring Board (IMB) at Wandsworth Prison criticised the "apparently limitless" supply of phones in Britain's biggest jail. It said inmates were using phones to order drugs, to continue running their criminal activities and to plot escapes. Just under 250 mobile phones were found at the jail in south-west London, in the first five months of last year.

Earlier this year, the government appointed David Blakey, a former senior police officer, to conduct an inquiry into disrupting the supply of drugs to prisons. He is due to report this month. Hussain Djemil, the former head of drug treatment policy at the National Offender Management Service said the majority of drugs in prison - estimated to be worth about £100 million worth a year - was smuggled in by prison officers. David Jameson, the chairman of the Wandsworth IMB, backed his comments.

The new anti-corruption unit was launched on 6 May and is still assessing intelligence on London's nine jails. A Scotland Yard spokesman said: "We can confirm that the Prison Service and Metropolitan Police Service are working together on a new unit to investigate corruption within London prisons."

A Prison Service spokesman said: "The vast majority of Prison Service staff are honest, hard-working and professional. We do not tolerate staff corruption of any sort." *Daily Telegraph* 26/05/08

### UK

#### Prisons campaigner Pauline Campbell dies

Prisons campaigner Pauline Campbell has died. Mrs Campbell, from Whitchurch, Shropshire, began campaigning after her daughter, Sarah, 18, died of drug overdose at Styal prison in 2003. Her protests outside jails where women had died led her to being arrested several times. It is understood Mrs Campbell was found close to her daughter's grave in Malpas, Cheshire. Despite being arrested at numerous protests Ms Campbell was never convicted.

Her daughter died in January 2003, the third of six women to die at Styal in 12 months. Sarah, who had a history of drug abuse, self-harm and mental problems, had been convicted of manslaughter and sentenced to a three-year jail term. The teenager was placed in the segregation unit of the all-female prison, and smuggled the lethal drugs into the prison undetected. An inquest found that the prison seemed more concerned with processing prisoners than caring for them, had a lack of suitable accommodation for

vulnerable prisoners and a lack of structured training for staff.

Ms Campbell, a trustee of the Howard League for Penal Reform, sued the Prison Service under Article 8 of the Human Rights Act. The case was settled out of court in 2006. Ms Campbell had been arrested fifteen times at vigils and demonstrations. Most recently she was accused of obstructing the highway when she led a protest rally at Styal prison following the death of 32-year-old mother Lisa Marley, from Blackpool, who was found hanged in her cell.

After the Crown Prosecution Service (CPS) dropped the charges, she told the *Manchester Evening News*:

*"From start to finish, this senseless prosecution was a waste of the court's time, a scandalous waste of public money and an enormous drain on my emotional health. Yet another attempt to criminalise and punish me has failed and the CPS and the Attorney General have met with a barrage of letters complaining about the vindictive nature of the case, demanding to know how the prosecution could be in the public interest..This prosecution has felt like an attack on my reputation."*

She added:

*"But I believe in standing up for principle because it is one of the few ways in which people can make a difference. I refuse to bow to pressure and will stick to my resolve to hold prison death demonstrations outside jails in England when women kill themselves in the so-called care of the state."*

Prison Reform Trust director, Juliet Lyon, said:

*"Pauline Campbell campaigned bravely and tirelessly to save other families from having to endure the unbearable pain of losing a child through suicide in prison. Her death makes me so sad. She tried so hard to make a difference."*

*INQUEST 15.5.08*

## UK

### **Payouts for prison beatings and racial discrimination**

The Prison Service has agreed to pay more than £120,000 to prisoners who said they had suffered beatings and racial discrimination by prison officers.

Fifteen former inmates at Leeds prison sued the service, alleging they had suffered abuse and discrimination between 2003 and 2005. The allegations from Asian and black inmates included being choked and beaten, being denied jobs in the jail and being left vulnerable to attack by other inmates. The Prison Service settled the case as a court hearing into the allegations began. Thirteen of the prisoners claimed they had been discriminated against on the grounds of race and religion, with some claiming they had been racially harassed and victimised. Of the 13, seven said they had been assaulted by staff and two accused staff of failing to protect them from alleged assaults by inmates. The remaining two inmates brought claims for alleged assaults by prison officers.

The Ministry of Justice said:

*"We did not take lightly the decision to settle these claims and did so only on strong legal advice. Had the matter continued to trial the cost to the taxpayer would have risen substantially and disproportionately to the value of the claims."*

The terms of the payout were confidential, it said. The settlement is the latest in recent years to have seen the Prison Service pay damages or settle claims for alleged abuses, including at the former young offenders' institution at Portland, and at Wormwood Scrubs, where it was admitted that beatings and an attempted cover-up had taken place.

Last year an inquest jury found a series of failings by the Prison Service contributed to the death of Shahid Aziz (30), who was stabbed by his cellmate, Peter McCann (25), at Leeds prison on 2 April 2004. The prison was in such chaos that an assessment of the threat McCann posed to fellow inmates relied solely on asking him whether he was dangerous. McCann said he was not, and was classified as safe enough to share a cell with another prisoner. He was moved into a cell with Aziz and within an hour had murdered him. In an interview with the prisons and Probation Ombudsman, a female race relations officer at the West Yorkshire jail admitted she had dismissed an earlier complaint from Aziz. When told he wanted to speak to a race relations officer, she replied: "You are looking at one. Go away, not interested."

*The Guardian 25.4.08*

## UK

### **Prison self-harm increases by a more than a third**

Rates of self-harming in prisons have increased by more than a third in the last four years. The Howard League for Penal Reform said there were 16,393 incidents of self-harm in jails in England and Wales in 2003, as against 22,459 last year. It says the 37% rise is four times the rate of the prison population increase for the same period. A Ministry of Justice spokesman said the rise was due to the introduction of a more "robust reporting system".

Howard League director, Frances Crook, said "the shocking rise is far above what might be expected", as increasing numbers of people with mental health problems and addictions were sent to overcrowded prisons and did not receive proper treatment.

"When men, women and children in jail cut themselves and otherwise assault their own bodies, it is not a cry for help. It is a scream," she said.

*"Warehoused temporarily in prison, many individuals are then released, only to reoffend and be returned to custody. Rotting in the chaos and squalor of overcrowded prisons simply serves to exacerbate problems and will most likely lead to more serious and frequent reoffending on release."*

Self-injury rates among women inmates have shown

the largest increase, with a 48% rise in recorded incidents between 2003 and 2007, according to the Howard League.

As of 11 April, the prison population was 82,003. The Prison Service's "useable operational capacity" was said to be 82,545.

*Howard League; BBC 13.4.08*

## UK

### Court of Appeal rules against ministers

The Justice Secretary lost his last power to block the release of supposedly "dangerous" prisoners from jail when the Court of Appeal ruled that it was a breach of human rights. Three judges ended the 40-year power of ministers to reject recommendations from the Parole Board for the release of prisoners. The judges made their ruling in a test case brought by Wayne Thomas Black, described as a "ruthless and dangerous" armed robber, who is serving 24 years for a string of offences including robbery and escaping from a prison van. Black (39) was involved in a raid on a pawnbrokers' shop in Golders Green, North London, in 1993 in which a member of the shop's staff and her mother were handcuffed, blindfolded and held hostage in their home before the £200,000 robbery. He was given a 20-year sentence at the Old Bailey in 1995. The following year he received another four years for escaping from a prison van while being transported from the Old Bailey to Belmarsh jail in southeast London.

The Parole Board recommended his release on licence in May 2006 but the then Home Secretary refused to comply, saying that Black posed too great a risk of reoffending. Black's lawyers told the Appeal Court that his fate was "entirely dependent upon a decision by the Executive" and that was a breach of his human rights. They said that Article 5 of the European Convention on Human Rights dictated that prisoners are entitled to have their release dates reviewed "speedily by a court". Lord Justice Latham said in the judgment:

*"The inescapable logic is that a prisoner serving a determinate sentence is entitled to have the lawfulness of his detention determined, not merely speedily, but by a court".*

The judge, sitting with Lord Justice May and Lord Justice Moore-Bick, said that the law as it stood involved a procedure that did not comply with Article 5. He added that it left the "the decision as to release in the hands of the Executive and is therefore capable of being applied arbitrarily". Lord Justice Latham said that the Justice Secretary's power was incompatible with the Human Rights Act.

The ruling affects hundreds of serious and dangerous offenders serving prison terms of more than 15 years but less than life. An estimated 150 a year have their cases considered by the Parole Board, which recommends release in between 30 and 50 cases. Christine Glenn, chief executive of the Parole Board, said: "I welcome this decision. I think we [the Parole Board] should be a court

and I think every decision that has happened points us towards that destination."

*The Times 16.4.08*

## RACISM & FASCISM

### UK

#### Nazi paedophile terrorist jailed for 16 years

In June Martyn Gilleard (31), an organiser for the British People's Party (BPP) was convicted at Leeds Crown Court of two offences under the Terrorism Act. He had earlier admitted downloading thousands of images of child sexual abuse and possessing 34 rounds of ammunition. He was jailed for 16 years. When police raided his flat in Goole, East Yorkshire, they recovered an arsenal of weapons, including four nail bombs, kept in preparation for a "racial war". The BPP initially offered its unreserved support to "its trusted and loyal comrade" but expelled him from the organisation once his case became public. Gilleard was, at the time of his arrest, also a member of the National Front and the White Nationalist Party.

Gilleard, a forklift driver, was arrested at his half-brother's home in Dundee, Tayside, Scotland last November three days after a police raid on his Yorkshire flat. Humberside police had launched the raid searching for evidence of child pornography and seized nearly 40,000 images from his computer. Gilleard admitted ten specimen offences of possessing indecent images of children. Humberside's Chief Inspector, Chris Kelk, described the images as "some of the most disturbing my team and I have ever seen" and "distressing".

During the course of the raid a significant amount of racist and fascist literature was also found and the Leeds counter-terrorism unit was called in to investigate. The police operation also discovered four home-made nail bombs, ammunition, knives, machetes, camouflaged clothing, balaclavas, a bomb-making manual and documents related to terrorism. Propaganda produced by Combat 18 was among the literature along with documents on how to make weapons, bombs and poisons. Because of the nail bombs Humberside police officers were forced to cordon off the area while their search was carried out.

In his notebook Gilleard had written: "...we are at war. And it is a war that we are losing badly. Unless we the British Right stop talking of racial war and take steps to make it happen we will never get back that which has been taken from us." He also wrote of attacking "reds" with home-made grenades, echoing nazi bomber, David Copeland, who was jailed for life for murder in 1999, (see *Statewatch* Vol. 9 nos 3 & 4, Vol. 10 no 2, 3 & 4). The Leeds jury found Gilleard guilty of engaging in conduct in preparation of terrorist attacks and collecting information for

terrorist purposes.

The BPP was launched in September 2005 and is run by former British National Party organisers Eddie Morrison and Kevin Watmough. The latter also runs the notorious *Redwatch* website, which publishes photographs and personal information on political opponents in order to target them for attack. The party is committed to British nazism, white separatism and the implementation of the "fourteen words": "We must secure the existence of our race and the future for white children". It stood a few candidates in the May 2006 council elections, without winning any seats and it has not contested any elections since then.

*Yorkshire Post 25, 26.6.08*

## Germany

### 10,000 mobilise against nazi Mayday march

1 May, International Labour Day, is celebrated in Germany not only by the Left but is exploited by neo-nazis and far-right parties to mobilise for nationwide demonstrations in support of nationalist, racist, anti-Semitic and anti-capitalist causes. This year, around 1,000 neo-nazis travelling to march in the Hamburg district of Barmbeck, were met by 10,000 counter-demonstrators aiming to stop the march. Whilst the high turn out was evaluated as a success by the anti-fascist Left, the rise of violent "autonomous nationalists" who imitate the fashion codes and symbols of the anti-fascist and autonomous scene, is viewed as an increasing problem.

The mainstream media focussed on violent confrontations between neo-nazis and anti-fascists and police, and thus obscured the fact of one of the biggest anti-fascist demonstrations in post-war Germany. The anti-fascist network *Avanti* reports that thousands of demonstrators, including many local residents, blocked streets on the route of the march throughout the day, forcing it to finish early. However, nazis travelling to the demonstration created unpleasant and dangerous scenes in and around Hamburg: in one instance 60 neo-nazis temporarily took control of two train carriages and its loudspeaker system, announcing that German Railways had begun transporting Germans and foreigners separately and that foreigners would be transported in cargo carriages, invoking images of the train deportations of victims of the Nazi regime to concentration and death camps.

Police arrested around 50 counter-demonstrators. The relatively low number is explained by the failure of a High Court order to redirect them to a different district on security grounds. The court permitted the defensive blockades to take place on the grounds that they were local, with businesses and neighbourhood committees actively involved. Police were unprepared for the number of demonstrators in the Barmbeck district, where the march took place, and could not control the street blockades or carry out mass arrests. Police, as well as anti-fascists, reported unprecedentedly high levels of

organised violence from nazi marchers: ranks of them launched attacks on anti-fascists and retreated back into the march. The situation was exacerbated by the fact that some of the nazis were dressed as activists from the autonomous left, making it difficult to distinguish between them. For some years now, the organised far-right in Germany has changed its recruitment strategy by making the nazi scene appeal to youth with "cool" paraphernalia copied from the left cultural scenes and by distributing CDs of nazi bands at high schools. As a result a commercial industry distributing nazi material has developed over the past decade. The internal security service (*Verfassungsschutz*) estimates that in 2007, Germany had 4,400 Nazis, 200 more than the previous year.

<http://www.avanti-projekt.de/>, [www.taz.de](http://www.taz.de) (2.5.08, 15.5.08), *Süddeutsche Zeitung* 3/4.5.08

## Racism & fascism - in brief

**Germany: Headscarf forbidden, but nuns' habits a "special case".** In a judgment on a complaint by a 58-year-old Muslim teacher, the Superior Administrative Court of Baden-Württemberg ruled that the claimant is not allowed to wear her headscarf on grounds of a law that came into force in 2004 that forbids religious symbols from being exhibited in schools. The judge thereby revoked an earlier decision by the Stuttgart administrative court that had allowed the woman to wear a headscarf because its ban violated the anti-discrimination principle, as three nuns at a state school were allowed to teach in their religious habits. In the second case, the judge declared that nuns were a "special case" and were excluded from the law, and therefore the Muslim woman was not discriminated against. The school at which the nuns were teaching had become a state school, so that there were certain contractual obligations to allow for an exception. The plaintiff points out that she has been wearing a headscarf for 30 years without any complaints by parents or pupils. Her lawyer is therefore asking for an individual case examination and exception. An appeal could be lodged with the Federal Administrative Court. *Süddeutsche Zeitung* 17.3.08

## SECURITY & INTELLIGENCE

### Chagos Islands-UK

#### FAC investigation into US lies announced

In July the Foreign Affairs Committee (FAC) published its report into the *Overseas Territories* in which it considers the plight of the Chagosian people who were evicted from their homes by the British government in the 1960s and 70s so that the United States could use the island of Diego Garcia as a military base. This arrangement provided income for the UK and an essential component for the US in its invasions of Iraq

and Afghanistan. More recently, and despite UK and US government denials, the base has been shown to be a "grey site" at the heart of the US programme of kidnapping ("extraordinary rendition") and torture ("enhanced interrogation") as was very belatedly acknowledged by the UK Foreign Secretary, David Miliband, in February.

At the time of Milliband's "apology" the US Secretary of State, Condoleezza Rice offered her "deep regrets", presumably for any embarrassment created for the British government rather than the degradations inflicted on innocent victims of the war on terror. Here the FAC announces its intention to investigate "US assurances about rendition flights [which] have turned out to be false". The report describes these lies as "deplorable" and says that "the failure of United States administration to tell the truth resulted in the UK Government inadvertently misleading our Select Committee and the House of Commons." The report also concludes that there is "a strong moral case for the UK permitting and supporting a return to the British Indian Ocean Territory for the Chagosians".

The report's main conclusions are:

*"there is a strong moral case for the UK permitting and supporting a return to the British Indian Ocean Territory for the Chagosians. We note the recent publication of resettlement proposals for the Outer Islands by Chagos Refugee campaigners. The FCO (Foreign and Commonwealth Office) has argued such a return would be unsustainable, but we find these arguments less convincing. However, the FCO has also told us that the US has stated that a return would pose security risks to the base on Diego Garcia. We have therefore decided to consider the implications of a resettlement in greater detail.*

*On Diego Garcia itself, we conclude that it is deplorable that previous US assurances about rendition flights have turned out to be false. The failure of the United States Administration to tell the truth resulted in the UK Government inadvertently misleading our Select Committee and the House of Commons. We intend to examine further the extent of UK supervision of US activities on Diego Garcia, including all flights and ships serviced from Diego Garcia."*

"Overseas Territories" Foreign Affairs Committee, 6.7.08  
<http://www.publications.uk/pa/cm/cmcaff.htm>

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<http://database.statewatch.org/search.asp>

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