

PLATFORM 'FORTRESS EUROPE?'

Circular letter no. 1

September 91

Dear friends,

In our commission 'Fortress Europe' during the second congress of the European Civic Forum in August, there appeared to be a quite general agreement among the participants that we should set up a more permanent form of information exchange and cooperation with regard to the development of the civil rights and liberties situation in our continent.

We decided that this "permanent workshop" should be named Platform 'Fortress Europe?'

Unfortunately we had no time to discuss together all the organisational and material consequences of what is right now no more than a common desire.

I therefore feel that it is necessary to deal now with these practical matters in order not to lose precious time.

I had promised to send you a copy of my discussion paper 'fortress Europe - why?' It has been sent to you by separate mail from Forcalquier.

Enclosed you will find a paper with some propositions concerning the possible role, activities and internal organisation of the platform, and particularly its newsletter. In my view some form of a periodical newsletter is a precondition for assuring communication within our quite informal group as well as for having a certain impact on the "outside world".

We all seemed to agree on the idea that the platform should be a decentralised, open and selfmanaged network. This implies that the success of the platform very much depends on the degree of active participation of all of us.

My paper contains propositions, which of course need to be discussed.

I therefore ask you to begin right now to assume your role of critical, independant and selfmanaged correspondants by letting me know as soon as possible what you think about the propositions and which are your suggestions.

At the same time I suggest that you begin already now to send me information from your country or your field of activity which is of interest for our Platform. All this will be published in the next circular (press stop October 17), thereby giving a first idea about how our future and more ambitious newsletter might look like.

Pending more formal decisions which could take place at the occasion of our next common meeting planned for February 92, I will be glad to act as a provisional secretary/editor for the Platform.

But please don't forget that my office is situated far away from any European or other capital, in the middle of large swedish forests populated by elks and bears. This means that there will be no output without your input.

Yours sincerely,

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Lindsberg, September 91

**CONCEPTUAL PROPOSITIONS FOR THE
PLATFORM 'FORTRESS EUROPE?'**

THE AIMS OF THE PLATFORM 'FORTRESS EUROPE?'

Our platform "Fortress Europe" sees itself as a meeting point, an open and informal permanent workshop, a working tool for groups and individuals interested in the defense and strengthening of democratic practices, civil rights and liberties throughout Western and Eastern Europe. Participating in its activities does not imply any further reaching form of allegiance or commitment on the part of participating groups and individuals. The platform can therefore neither give any directives to its participants nor take public stands binding them. On the other hand the platform should become a structure which eases contacts, debate and exchange of information and knowledge, thereby enabling active groups throughout Europe dealing with civil rights to take stands and act together, in their own name and responsibility.

The platform wishes to bridge the gap between experts and laymen by providing short, up-to-date information, that can be understood by anybody interested in Human Rights questions and by providing expert assistance to those in need of it.

The platform aims at comparing developments with regard to democratic structures and civil rights in the various European countries in order to analyse and foresee tendencies of development which are common for the whole of Europe.

The platform encourages reflexion and debate on possible ways to counter tendencies which threaten fundamental rights and liberties.

In awareness of the fact that the development of civil rights is closely linked to economical, scientific, social, political and ecological issues the platform insists on the importance of interdisciplinary, antistructural information and debate.

This conception of the platform determines the role of its newsletter.

THE NEWSLETTER

The newsletter must be a kind of a two way letter box, facilitating the flow of information and creating contacts.

This does in no way mean that the newsletter should limit itself to "objective" fact information. In the contrary. It should become a place of debate and creative polemic, each author being the sole responsible of his own views.

Due to the quite informal, decentralised and "selfmanaged" form of organisation we opted for at the congress of the European Civic Forum in Limans in August 91, the success or failure of the newsletter and of the platform as a such very much depends on the spontaneous will of all participants to act as correspondants whenever they get hold of news which might be of interest for the platform. (A recent concrete example: By pure chance I recently heard on the BBC, that a new anti-terrorist law is causing scandal in Greece. My dream as an editor with limited means of time and money: Have one, two three, many voluntary selfnamed greek correspondants spontaneously sending me short synoptical information, a copy of the legal text concerned and eventually a personal comment - all this without me having to ring, fax or book ship cruises (would be nice though, wouldn't it?) to Greece in order to detect correspondants and shake information out of them.

The information intended for publication in the newsletter should be short and easy to read, giving a synoptical view (This admonition is addressed to the jurists in particular. We all know that God created to sorts of human beings: The common homo sapiens and the homo juridicus. May the latter write in a way that is easy to understand and interesting for the first). More lengthy and detailed information should nonetheless also be sent to the platform's secretariate. It will be mentioned in a rubric "publications and reviews" together with the adress, where it can be ordered, and it will figure in the secretariates archives.

In the beginning, the newsletter will be published in english only. The publishing of a french translation should be strived for in order to prevent a North-South gap within the platform, but can not be produced at this moment by the editorial staff.

All informations and texts intended for early publication in the newsletter should be sent to the editor in either english, german, french, or the scandinavian languages.

To begin with, preparatory circulars will be sent to the founding members of the platform. Once the basic structures of information flow and contacts are set up, the circulars will be replaced by the newsletter which of course we intend to spread more widely.

I would wish to produce two or at least one number 0 issue(s) before our next meeting planned for february 92, in order to have a discussion on the proposed conception.

The newsletter will be limited to no more than 16 pages A4 (mailing coasts). A small type can be used to spare space. We aim at a monthly publication, in order to keep up to date and to prevent the newsletter from becoming a book. We are all busy people after all.

THE NEWSLETTER'S FOCAL POINTS

The respect of the due procedure/fair trial guarantees of as stipulated in article 6 of the European Convention on Human Rights

- penal procedure and material penal law
- administrative procedures
- foreigners law

Focus on law and practice

Penal procedures as an example:

* Information on restrictions of fundamental guarantees as fair and public hearing, equality of arms, process in reasonable time, independant and impartial tribunal established by law, presumption of innocence, charge of the proove with the prosecutor, prompt and detailed information on the nature and cause of the accusation, the right to defense including through legal assistance of the defendants own choosing, examination of evidence/witnesses under the same conditions as the prosecution, strict separation of the roles of prosecutor and judge.

* Particular procedural provisions for certain crimes (terrorism, state security, organised crime, drugs a.o.)

Developments in material penal law

Information on all tendencies towards reinforced repression (not only new provisions, but also debate and changes in interpretation).

Examples:

* Death sentence, restrictions of the freedom of speach, of press, of association. Discrimination.

* Tendencies towards shifting punishability to a field of behaviour preceding the material preparation of a punishable act > "crime control" > crime of intention (punishability of a sole intent).

* Particular provisions for combatting terrorism. Misuse of such provisions against undesired forms of democratic opposition. Provisions for the use of repentants turned state witnesses (Kronzeugen, témoins repentis).

Police

The organisation and the legal base of police activities. The number of forces with a policing role.

Provisions in police law infringing on individual liberties (f.e. unrestricted right to check identity, to hold undocumented persons).

Power transfer to the advantage of police.

Special forces.

Police role of the army.

Equipment, technological rearmement.

Crime control tendencies (f.e. "preventive" surveillance of penally non suspect persons).

Political police/secret services

The constitutional and legal bases for their activities. Do democratic instances of control and appeal exist?

Power shift in favour of secret services/political police?

Clear separation of secret service and police activities?

The influence of secret services in trials.

Emergency regulations

Development. Concrete use of emergency provisions. Tendencies to introduce permanent legislation with emergency character (f.e. prevention of terrorism act in GB, law on internal security in Portugal).

Provisions for the creation of special temporary or permanent executive bodies (Krisenstäbe), national security councils) taking over governmental functions in emergency situations.

Asylum and foreigner policies

Information on all developments concerning the regulation of immigration and asylum policies on national and international levels.

Development towards a "two speed" (or three speed) system of fundamental rights and liberties excluding foreigners or categories of foreigners from certain of its guarantees.

Procedural changes weakening the position of the foreigner (f.e. acceleration and "simplifying" of procedures, inversion of the burden of proof, abolition of instances of appeal).

Minority rights

Restrictions of the rights of social, political, religious ethnical groups.

Checks and balances (Gewaltentrennung, séparation des pouvoirs)

Interference of government, administration, police in the judicial sphere, lack of separation between police and secret service functions, powershift from the legislative to the executive bodies, rampant elimination of parliamentary control etc.

Secrecy versus democracy

Secret preparation of law bills by the executive. Violation of the freedom of information. The role of secrecy in legal and administrative procedures.

The advance of the general clause

Lack of precision in legal provisions (the real meaning of the law appearing only in executive ordinances, internal administrative circulars, or interpretation of the law by the courts).

Harmonisation

EC legislation, international agreements, conventions and treaties restricting civil rights.

Who is who?

Background information (history, biography) on individuals, groups and institutions (private and governmental) advocating and carrying out the restriction of civil rights (crime control and internal security versus civil rights and liberties).

Fortress Europe - why?

Information and debate on political, economical, ideological, philosophical conceptions related or at the root of fortress/prison Europe projects (f.e. neoliberalism, new right, "strong government" conceptions questioning the justification of the idea of the indivisibility of human rights and the rights of the individual).

Particular cases with the character of precedents

Information on particular cases of flagrant or unusual violation of fundamental rights and liberties.

Aim: Sensibilise a wider public, thereby

- helping the victims
- attracting public attention to an eventual threat of a behaviour adopted in a particular case becoming general practice on a national or international/european level.

Good news

Information on the successful defense or the progress of civil rights/human rights.

Example: The rejection of an anti-terrorism bill by a national parliament, the legalisation of abortion the unconditional abolition of the death sentence in one European country can be important and encouraging news for civil rights activists in another. The rise of a popular movement demanding a better democratic control of secret services (as happening in Switzerland) should be of interest for countries, where the activities of secret services are not yet widely questioned.

Creative opposition

Debate on alternative models for the development of our societies as well as the proposal of democratic alternatives of change in more limited fields (f.e. the draft for a common European penal legislation based on the highest common denominator of fundamental rights and liberties instead of the lowest. Such a draft could be of great use for democratic members of parliament on a national and European level).

Review of publications

A monthly list of texts and publications (including addresses for mail order and prices) which the members of the platform have reported to the editorial staff (The more you send in, the more the list will be complete!).

Eventually short synoptical reviews.

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