

## PLATFORM 'FORTRESS EUROPE?'

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### NORWAY:

#### **ISRAEL'S SECRET SERVICE MOSSAD PARTICIPATED IN POLICE INTERVIEWS OF ASYLUMSEEKERS**

The refugees were told that the men questioning them in fluent arab were "nordic colleagues" and believed that their detailed accounts on their biographies, political activities and organizational links were confidential information to be used exclusively by the norwegian authorities to determine their refugee status. But the arab speaking men were Israelis, officers of Mossad. During months they questioned Palestinian refugees with the consent and in presence of Norway's security (Overvåkingspolitiet). Thus, the refugees unknowingly became informers of the state they view as the arch-enemy of their people. The Norwegian government was not informed on this "informal cooperation".

#### **Just one more case of blatant violation of the rights of asylumseekers by European secret services out of democratic control.**

The scandal came to light, when a norwegian speaking Palestinian discovered that the "policeman" interviewing him did not understand a word of norwegian.

The Mossad was particularly interested in 19 refugees, all of them former members of the PLO who had left this organization. Two of them were offered money in exchange for working as informers. Norwegian security also sent lists containing the names of Palestinian and other Arab refugees to the Mossad which filed them in its data system. In one case Norwegian police handed over a list containing more than hundred names to Mossad - for "identity check", as an official explains. According to him, 80 of them were already filed in the israeli databank. Among those, 55 were rated by Mossad as "involved in terrorist activities" or "members of terrorist organizations". Israeli authorities rate all PLO organizations as "terrorist".

Norwegian-Israeli secret service cooperation runs within the framework of the so called "Kilowatt group". This is a loose "informal and practice oriented" network of secret services including the NATO-countries, Switzerland, Sweden, Israel and South Africa. It was created in the early seventies on Israeli initiative with the declared aim to combat terrorism.

In first statements the chief of Overvåkingspolitiet Svein Urdal declared that such cooperation was "natural and justified under certain circumstances" and his predecessor asserted that "we decide, how the cooperation is carried out and how eventual hosts shall behave." Norwegian security officials also point out the "give and take" character of Kilowatt. Mossad, they say, is an invaluable source of information, but asks for services in exchange.

The Swedish journalist and secret service expert Jan Guillou asserts that Israel's influence on opinion making within the Kilowatt group is great: "Israel determines, what must be rated as dangerous." And with regard to the "give and take" game he notes: "When e.g. Israel expresses the wish that Palestinians or other Arabs be expelled from a scandinavian country, it can ask indirectly that this should happen. And it happens that it happens."

Indeed, Sweden has repeatedly expelled Palestinians regularly residing in the country without trial and on the ground of mere suspicion of Säpo (security police) which never was substantiated that they posed a threat to national security.

In the meantime the Norwegian Minister of Justice Mrs. Kari Gjesteby and the head of security have publicly "regretted" that the refugees were not informed on the true nationality and function of their interviewers and the Minister of Justice noted that she should have been informed by

security on this unusual practice. The state committee in charge of controlling the security's activities has produced a report which sharply condemns the practice of the security police and calls for stricter guidelines, more transparency and better control.

In spite of the governments attempts to prevent this the chiefs of Overvåkingspolitiet and of the "anti-terrorist" unit finally had to resign. But the government has not given in neither to the request of lawyers and refugee defense organizations to immediately grant asylum to the refugees affected by the "Israeli connection" nor to the lawyer's association's demand, that all police interviews of asylum seekers shall be inhibited, until it can be guaranteed that police does not hand over such confidential information to foreign services.

Instead, the 19 refugees concerned were granted residence permits on humanitarian grounds. In the minister of justice's view the 19 are no political refugees and their having been interviewed by Mossad would not expose them to any risk in case of deportation back to their countries of origin.

One of an additional group of 9 refugees whose names had been handed over to Mossad has been denied any form of residence in Norway and is since held incommunicado, awaiting his expulsion. The incommunicado detention has no legal base and the government has refused to justify it with a hint at alleged "national security interests".

NOAS, the Norwegian organization for asylumseekers, has signified that also non Arab refugees as e.g. Kurds from Turkey now fear that they are subject to similar intelligence cooperation between Norway and their home country.

NOAS announced legal action against Overvåkingspolitiet and a complaint with the European Commission of Human Rights for violation of article 8 of the ECHR (right to respect for private life).

Nicholas Busch

(sources: "Aftenposten" and other Norwegian press dispatches; NOAS)

## **SWEDEN:**

### **NEW LAW ON TERRORISM**

**In 1973, after an attack against the embassy of the Federal Republic of Germany in Stockholm, Sweden introduced its first anti-terrorist provision.**

**The law distinguishes itself from similar provisions in other countries through some noteworthy particularities: It aims exclusively at foreigners. It allows for the expulsion of any foreigner considered as a presumptive terrorist by the police, without legal procedure.**

**On May 30, 1991, the law was revised, its general clause character extended.**

According to the new provision (SFS 1991:572), a foreigner can be expelled if this is "necessary with regard to the security of the kingdom" or if "with regard to what is known about the foreigners previous activities or other circumstances it can be feared that he will commit or participate in criminal activity comprising violence, threat or coercion for political aims" (

1).

The procedure is taken up on request of the police or the government itselfes.

The decision of expulsion is communicated to the concerned by the government.

A procedure with a court of first instance shall be held only "if the the matter is not particularly urgent" (

3).

If this is the case the foreigner concerned shall be heard at the

proceedings.

The foreigner and his attorney can however be denied access to the records motivating the police's request of expulsion on the ground of security.

The applicability of the former provision was limited to persons presumed to be members of a particular terrorist organization and feared to commit crimes in Sweden. These restrictions have been abolished in the new law: A foreigner can now be expelled for "presumptive terrorism" in a foreign country and no link whatever must be established with an organization rated as terrorist. Moreover, by introduction of the term "other circumstances", there is no need for showing any personal involvement of the foreigner concerned in suspect "previous activities".

The new Swedish provisions provide a striking example for a tendency that can be observed throughout Europe, to exclude foreigners from fundamental fair trial guarantees as stated in article 6 of the European Convention on Human Rights. It might soon prove to have a contaminating effect:

Already a year ago the former federal prosecutor general of Germany (Bundesanwalt) Kurt Rebmann, unnerved by the endless and costly "terrorism" trial of presumed members of the Kurdish Workers Party PKK, publicly deplored the lack of a provision in Germany permitting for the simple expulsion without trial of presumed terrorists.

Kristina Koppel, Stockholm

## **NETHERLANDS**

### **COMMON ATTEMPT OF THE CIA AND THE DUTCH INTERNAL SECURITY SERVICE BVD TO RECRUIT A FILIPINO REFUGEE AS AN INFORMER UNCOVERED**

**On October 26, 1991 a team of the Dutch TV station VARA succeeded to cover the attempts of a U.S. CIA official and a member of the Dutch BVD to intimidate, bribe and recruit political asylum seeker Nathan Quimpo to become an informer against his compatriots in the Netherlands.**

**The Dutch TV crew was able to follow Mr. Quimpo and the intelligence agents in Amsterdam from one meeting place to another and videotape the conversations.**

**The Dutch Interior Ministry is seeking to justify the unlawful activity of a foreign secret service on Dutch soil by alleged threats of terrorist attacks against Dutch and American targets from the Filipino "New People's Army (NPA) in the Netherlands. But there is no evidence substantiating these accusations which were made a day after the TV broadcast.**

The NPA is a member organization of the Filipino "National Democratic Front" which has its international office in the Dutch city of Utrecht.

A representant of NDF has labeled the BVD and CIA accusations as "untrue" and as another attempt "to portray the NDF as being engaged in illegal and criminal activities." He further stated that after allegations made by the Acquino government that the NDF office in the Netherlands was shipping weapons to the Philippines, Foreign Minister Hans van den Broek himself twice declared to the Parliament that the NDF had been found to do nothing illegal.

According to Mr. Quimpo the CIA official wanted him to provide US intelligence with "accurate information" about the internal workings of the NDF and "advance information" about NDF activities. He never mentioned threats of terrorist attacks. With regard to the BVD's participation Quimpo noted: "Although I was not quite sure whether or not I was also being recruited for Dutch intelligence, I presumed that there was some connivence between US and Dutch intelligence."

In exchange for his services as an informant the CIA official offered Quimpo financial assistance, a safe return to the Philippines, should he decide to go back, and the possibility to travel "anywhere in the world." The CIA official told Quimpo that getting a refugee passport for him "would not be so difficult."

FREN, an organization of Filipino refugees in the Netherlands, has protested against what it calls an interference in the privacy and a violation of basic human rights and the particular rights of political refugees. FREN denounced the fact, that the CIA obtained confidential information from the BVD on Mr. Quimpo and other Filipino refugees which obviously had been drawn from the records of their asylum procedures. "This is illegal, since international laws and conventions, as well as explicit guarantees to us by the Dutch Ministry of Justice, stipulate that such information is strictly confidential between the refugees and the Dutch government."

Mr. Quimpo himself declared that he was "no longer confident that the information that I provided in confidence to the Dutch Ministry of Justice (in charge of asylum procedures) when I was interviewed - about myself, my friends and colleagues and the NDF - have not been shared with the US intelligence and other unfriendly forces".

In a further attempt to justify the action of the BVD the Dutch Interior Minister Dales claimed that Nathan Quimpo himself had offered his services as an informer and that he had taken the initiative in contacting the BVD. This drew the following reply by Quimpo: "If I had wanted to become an informer, why would I have immediately told my friends about the contact made by US and Dutch intelligence? Why would I contact the media to tape a second meeting?"

A decision on Mr. Quimpo's asylum request is still pending.

Nicholas Busch

## **ROMANIA**

### **FACING THE NEW PROBLEM OF IMMIGRATION AND REFUGEES**

**Romania has for long been known as a country of emigration. But ever more restrictive immigration and refugee policies in Western European countries have created a new problem for this country: Thousands of migrants and refugees on their way to Western Europe are trapped in Romania.**

In an interview with Romanian TV (September 9, 91) the chief of the Dept. of passports and foreigners described the situation of foreigners staying in Romania without a legal status in the following words:

"The majority of these people are citizens of Asian and African countries. At this moment their number is estimated at about 4500. They lack any material support. 90% intend to stay in Romania only for a short period, as a transit stop on their way to Western European countries. The problem is that many do not have any proof of identity (travel documents). They have crossed the "green border" illegally. Those who carry passports have no visa for the countries they intend to go to.

The authorities are worried about the increasing number of persons who want to use Romania as a transiting country in their irregular migration westwards. Up to now two refugee camps have been set up and a financial support of 5 million lei (20'000 US \$) has been voted.

On the other hand - and this probably causes the greatest problems - stands the fact that Romania does not yet have an asylum policy.

Many of these people apply for refugee status limited to a short period, but we lack a legal base to fulfill their wish. For example: 200 Albanians came 2 weeks ago asking for asylum and financial support, but we were unable to respond to their request. They became violent and we had to ask the police to intervene. Now the situation is relatively calm, but we need a law which reglements the refugee policy as soon as possible."

The "irregular" refugees known to the government come from the following countries: Pakistan (1961), Bangla Desh (597), Sri Lanka (584), Ghana (402), Somalia (250), Albania (209), other countries (500).

Due to the lack of funds the living conditions in the two camps set up by the government are miserable.

Zoli Basza, Clut, Romania

## **EUROPEAN PARLIAMENT CRITICIZES INTER-GOVERNMENTAL COOPERATION AND AGREEMENTS OUT OF DEMOCRATIC CONTROL**

**A report of the European Parliament's (EP) Comittee on Legal Affairs and Citizen's rights (Malangré-report) unequivocally condemns European harmonization policies with regard to free movement of persons and problems relating to national security in the Community. The report deplores the obvious lack of activity of the European Commission in this field, "thus handing the initiative to cooperation at government level." In September 1991 the EP adopted the findings of the report.**

The report expresses the suspicion "that the Commission's approach is not in accord with the EEC Treaty". It questions the democratic legitimacy of working parties such as Trevi, the Schengen group, the Ad Hoc Group "immigration", CELAD, SIS and GAFI and calls upon the Commisssion to make own policy propositions in the frame of the EC institutions and taking account of the growing criticism in particular with regard to Schengen II and the Dublin Convention on Asylum.

Among others the report calls for:

- the prevention of random spot checks on the initiative of the police as 'compensation' for the removal of internal frontiers;
- the drawing up of a more precise description of 'alien', 'public order' and 'national security';
- the linking of the application for a visa to objective and known criteria and the right to a reasoned refusal and to legal redress and the possibility to lodge an appeal; purely implementing powers for border officials with regard to checks on visas and documents;
- a serious discussion of the planned compulsory registration of non EEC citizens and of the restrictions of their freedom of movement;
- police cooperation and assistance only on the base of very specific

description of tasks and with adequate external legal and administrative controls, in particular with regard to 'preventive' actions and the exchange of 'soft' information;

- provisions for transfrontier legal aid and the means of defense for those subject to the jurisdiction of a court;
- no tying down of the fight against drugs merely to criminal proceedings;
- improved external control on information systems;
- the designation of a judicial body which can rule on complaints and disputes concerning personal data protection;
- the guarantee of a judicial process and legal protection for asylum seekers.

In view of the Commissions prevailing inability or unwillingness to propose a legislative program in this field the report once again insists on the need to give the EP the right to initiate legislation: "As treaty texts resulting from cooperation at government level are not, in practice, subject to amendment by national parliaments, we are faced with a 'democratic deficit'."

Nicholas Busch

(source: EP, Malangré report, 2 July 1991, A3-0199/91)

## **IMMIGRATION AND RIGHT OF ASYLUM: TWO COMMUNICATIONS OF THE EUROPEAN COMMISSION**

**The forthcoming abolition of internal borders as a consequence of the Single European Act in 1993 and the need to assure the free movement of persons within the common territory has led the European Commission to address two communications to the European Parliament and the European Council in order to initiate a discussion on the analyses and practices of the member states confronted with similar questions.**

**The communications appears to be a hasty attempt of the Commission to meet the European Parliament's criticism:**

**They confine themselves to a cursory description of ongoing policy developments and insist on the need for harmonization, much on the lines of earlier propositions of the "European Round Table of Industrialists". They call for a both "solidarian" and "realistic" approach to the problems of immigration and asylum. Whereas they contain some quite concrete and detailed propositions aiming at a better common control of migration fluxes, they remain very vague with regard to an eventual common European response to the fundamental problems at the root of the growing migration pressure.**

In its communication on immigration the Commission calls for a triple action:

- a. integrate migrations in the EC's foreign policy in order to cope with migration pressures;
- b. assure a better command of migratory fluxes by a "harmonized" knowledge of these fluxes, the combatting of illegal immigration, a common approach to the right of asylum and a mutual rapprochement with regard to policies of family unification;
- c. intensify efforts of integration in favor of legal immigrants.

a: The Commission proposes actions in favor of rural areas and poor suburbs of urban areas that have been identified as principal sources of migration. It insists on the importance of

stopping the brain drain which further compromises the chances of development of poor countries "by the creation of networks between professionals of these countries and their European colleagues aiming at motivating them to participate in the development in their countries."

This sounds fine, but nothing is said about the material preconditions giving any chance of success to such networks. The first would be to stop actively recruiting elites from poor countries in order to press down salaries in Europe (Example: Baltic and Polish medical personnel in Sweden).

The idea of action enabling migrants to participate in development efforts in their countries of origin is regrettably enough not either specified.

b: the Commission has earlier proposed the creation of an "observatory" for migratory fluxes as a precondition for getting a better command of migration developments. This function has been taken charge of by the "ad hoc group" on immigration. Moreover a questionnaire prepared by the Commission has been sent to the member states in order to gather information on fluxes in the first half-year of 1991. The Commission also proposes a report on the situation of immigrant populations and integration policies in the various member states.

With regard to illegal immigration the communication points out the importance of the Convention on the crossing of external borders and suggests a mutual adjustment of national legislations against illegal immigration and clandestine labor. The need of more firm action against employers violating labor legislation is timidly mentioned, but no material propositions are made. A harmonization of policies with regard to temporary work permits is called for. But no mention is made of the fact that these policies respond only to the demand for a more flexible labor market and are incompatible with the Commission's insistence on the need to combat social, economical and legal segregation. The declared will of the Commission to fight illegal immigration must be questioned: Experience shows that all legislative and police means of control and repression against illegal immigration fail, as long as potential migrants can have the slightest hope to escape misery in their home countries by entering Europe as temporary workers turning into clandestines, once their contract has expired.

With regard to family unification the communication limits itself to a call for harmonization of the different national legislations and practices, once more without making any proposition with regard to the level of harmonization.

c: On this point the Commission is more outspoken: "...without leading to a right of residence automatically extended to the whole of the Community, the equality of treatment of the immigrants with a regularized status is a fundamental object for the whole of society." This understanding must lead to the "elimination of inequalities and the socio-juridical uncertainties that this status (legal immigrant) can comprise." Quite rightly the communication states that the certainty for an immigrant of having a permanent residence permit is an essential condition for integration and, for once, makes a concrete suggestion:

the right to permanent residence should be granted after half of the period required for naturalization. However the question how long this period should be remains without answer. While the necessity of social and legal equality is repeatedly stressed, not even mention is made of the possibility to accord some form of political rights to legal immigrants.

In both communications the correlation between asylum and immigration policies is repeatedly stressed. But already the description of the present situation is questionable. The Commission uncritically adopts the official view of most European governments according to which the large majority of asylum seekers are not refugees in the meaning of the Geneva Refugee Convention of 1951.

This assertion bases solely on the established ever lower recognition quota in all member states (f.e. Germany: 15,94 % in 1986, 8,6 % in 1988, 4,38 % in 1990!). According to the Commission, economical immigrants confronted with the stop set by most European countries to workforce immigration since the late 70ies see the asylum procedure as the only way to legal immigration. This has led to massive abuse of the asylum procedure by "economical refugees." This

assessment bases on highly questionable premises: It is certainly true that the immigration stop policies have led many immigrants to claim political asylum. But this does not automatically imply, that they are no Convention refugees. It could just as well signify that genuine refugees tend to rather apply for a normal residence and working permit in a host country whenever possible than seek political asylum and thereby uncover themselves as political opponents of their home countries regime (Under the military dictatorship in Greece e.g., many oppositionals escaped persecution by emigrating to Germany and other countries as "guest workers" or students). The communications also ommit to point out that European governments have adopted an evermore restrictive interpretation of the refugee definition as stipulated by the Convention (whereas it was easy for any Hungarian, Czech or Slovak to obtain asylum in the 50ies and 60ies, this has become all but impossible for a Kurd from Turkey in the 90ies, although the state of general and brutal repression of the Kurds is well known). A short glance at the main countries of origin of asylum seekers should suffice to understand, that with the exception of certain Eastern European countries they all come from countries with repressive regimes systematically violating human rights.

By focusing on an alleged "abuse" of the asylum procedure by "false refugees" requiring a better "control" and more harmonization, the communication eludes the big questions at the root of the immigration and refugee problem: What are the responsibilities of an arising superpower Europe with regard to the impoverishment of the Third World? What must be done to support democracy and economical development in Eastern Europe and the crumbling Soviet Union?

Quite correctly the Commission asserts in its communication on immigration that "the setting up by the member states of a restrictive legal-administrative frame has not sufficed neither to control the migratory fluxes nor to assure the integration of the immigrants disposing of a legal status of residence."

Nonetheless both communications limit themselves to point out the differences in the ongoing national practices and regulations and to call for a common approach and harmonization, without setting clear lines for a common level of rights to be granted to immigrants by all member countries. This evident lack of proposals indicates that the Commission does not really intend to meet the Malangré reports demand for a more active role of the Community's institutions with regard to immigration and asylum policies.

Nicholas Busch

(sources: Communication de la Commission au Conseil et au Parlement Européen sur l'Immigration, SEC(91) 1855 final, Bruxelles, 11.10.91; Mitteilung der Kommission an den Rat und das Europäische Parlament über das Asylrecht, SEK(91)1857 endg., Brüssel, 11.10.91; "Reshaping Europe": a report from the European Round Table of Industrialists (ERTI), Jérôme Monod, Pehr Gyllenhammar, Wisse Dekker, September 1991)

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