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GERMANY

THE "DESTASIFICATION" OF GERMANY: INQUISITION PROCEDURES VERSUS FAIR TRIAL

The vice-chancellor of the renowned Humboldt university in East Berlin, Heinrich Fink, was dismissed without notice; a dirt campaign is being waged against the Minister President of Brandenburg, Manfred Stolpe. Gerhard Riege, PDS Member of the Federal Parliament committed suicide. As thousands of other citizens of the former GDR, the three men are accused of some form of collaboration with the GDR's state security service Stasi.

The hunt against alleged stasi-agents is no longer confined to East Germans.

Respected Western German intellectuals, among them the authors Günter Grass and Günter Wallraff are now also referred to as collaborators by German tabloids.

"Guilt by contact" seems to be the principle which makes it possible to - at least socially - destroy the accused, who are denied access to a fair trial.

The accusations are based on evaluations of Stasi files by the "office of the special delegate of the Federal Government for person related records of the former state security service of the former GDR" commonly named the "Gauck Administration" (after its director Hans Joachim Gauck). Some tabloids also use other sources: former Stasi agents willing to sell whatever "revelation" to whom will buy it.

The dismissal of vice-chancellor Fink

In January 92 an international delegation was in Berlin on behalf of the European Civic Forum (ECF), in order to obtain information on the circumstances of vice-chancellor Fink's dismissal. The delegation was lead by Prof. Lode van Outrive MEP. The findings of the delegation have been published in a report.

On November 22, two weeks before the scheduled election of the academic bodies by the Humboldt university's autonomous council, Fink who had played a leading role in introducing this new structure of democratic selfmanagement learned from press articles (!) that the Gauck administration (GA) accused him of Stasi collaboration. The statement of the GA, leaked to the media, said: "Herr Professor Fink has acted as an informal collaborator of the MfS (GDR ministry of security, ed. note) under the cover name 'Heiner' since 1969."

Four days later, the Berlin Minister for science and research, Senator Manfred Erhardt, put through Fink's dismissal without notice as professor of theology and vice-chancellor of the Humboldt University (HUB).

Fink reacted with a declaration in lieu of oath that "I do not have to reproach myself with any collaboration with the Stasi in the sense of the Gauck Administration's writing" and demanded "immediate access to all the records, the reproach is based upon", on the grounds that "legal measures of whatever kind against an accused can be applied only once he has been given the opportunity to see the material considered as evidence and to state his position with regard to the accusations".

Fink added: "I was director of the theological faculty of the HUB. As every faculty director at this university, as every head in charge of any sphere of just some importance in the former GDR, I inevitably had contacts with state security. As a every office-holder I had to widely justify myself

vis-à-vis the state security". Fink specified that he had never accepted any instructions from Stasi and that in his many years of work he had never been asked for information on persons.

Indeed, Fink is widely esteemed among former and present colleagues and students for the role he played in the GDR in defending and protecting dissidents and in initiating a radical democratic transformation of the HUB by creating decision making structures based on academic autonomy and participation of all members of the university since as early as 1989.

After his dismissal, Fink received hundreds of letters of support, many of them from former students, witnessing how he had helped them in difficult situations.

More credible evidence than some vague Stasi files, quite obviously.

On the night of January 4, Fink's office at the HUB was broken into and the files containing the letters were stolen - an act reminiscent of FBI-burglaries in the USA during the McCarthy era.

A bitter consolation for Fink might be that this evidence would not be considered anyhow.

In dubio contra reo

Indeed, the Gauck Administration bases its "guilty sentences" on its own interpretation of the sole Stasi files. It is widely proven that besides truths, these contain half truths and lies, often a product of "wishful thinking" of ambitious Stasi officials. On the other hand the GA does not take into account the concrete behaviour of the suspect and the circumstances of his alleged Stasi collaboration.

With regard to Heinrich Fink Mr. Gauck personally declared that he could "well imagine that Mr. Fink did not know, that he was listed as an informal collaborator (by the Stasi ed. note)". This view is confirmed by former Stasi officials.

Moreover, no victims of Fink's alleged Stasi collaboration have appeared.

As the delegation of the ECF points out in its report, the information provided by the GA has the weight of a court conviction without a fair hearing:

- They do not take into account that the files have been established in violation of Human rights (coërcion, spying, blackmail)
- They are not based on any critical verification of the sources
- The evidence provided by the Stasi files is not confronted with other evidence (witnesses, material sources). The files are treated as if they were the only reality.
- The burden of the proof is inversed in violation of the "in dubio pro reo" principle.

The renowned Hamburg based lawyer Gerhard Strate compares this procedure with the inquisitional Prussian penal procedure of the early 19th century: "The guilt or innocence of persons at that time was decided upon within a procedure which left practically no chance to the individual concerned: his judges did not come to see him. They heard no witnesses. The trial was an inquisitional procedure taking place in a world of records - records made of minutes, reports and entries(...) The weight of the files vouchsafed the truth of the judgement(...) "Quod non est in actis, non est in mundo" - What is not in the records is not in the world."

Gauck information: worse than criminal sentences

By a law of January 1, 1992, the Gauck Administration grants access to personal files to "concerned" citizens, public administrations, Parliaments, employers, secret services and (in restricted form) to media representatives. Due to lack of personell the GA is at present unable to respond to all requests. Priority is given to requests of public importance, which implies political selection.

The GA has no say with regard to eventual professional or other consequences for the individual concerned. Eventual sanctions are left to the applicant's own discretion. In other words the GA has no control on the further use of its information.

Some of those dismissed as a result of Gauck information - among them vice-chancellor Fink -

try to fight their dismissal by lodging a complaint at the labour courts. Their chances of succeeding are all but nil, as shown in a decision of the Berlin labour court from February 25, 1991, stating the following: "When the employee is unable to furnish exonerating facts, it must be tolerated that he loses his employment, possibly due only to lack of proof".

Hundreds, maybe thousands of professional careers and sometimes lives have been virtually destroyed by this new German inquisition, which aims much less at the true representatives of the former GDR-regime, than at radical democrats, guilty of having continued their struggle for civil liberties after the fall of the GDR, in a united Germany.

Nicholas Busch

sources: Europäisches Bürgerforum: Die Entlassung des Rektors der Humboldt-Universität zu Berlin, Professor Heinrich Fink, delegation report, Forcalquier, February 92 (a summary of the report in English is available at the ECF); "Wenn Opfer über Täter richten", article by Gerhard Strate in "Der Spiegel 1/92, p. 26-28; Basler Zeitung, 19.2.92; Tagesanzeiger, 17.2.92; Stellungnahme der Deutschen Liga für Schutz und Förderung der Menschenrechte zum zukünftigen Gesetz über die Unterlagen des Staatssicherheitsdienstes der ehemaligen Deutschen Demokratischen Republik, Berlin, Oktober 91.

APPEAL TO OUR READERS BY THE EUROPEAN CIVIC FORUM:

Vice-chancellor Fink, supported by a large majority of the HUB's academic council, has decided to take up the fight for what he sees not only as his personal right and honor, but as the right and honor of tens of thousands of former citizens of the GDR, whose crime consists in having continued to live under the regime they were confronted with after the fall of nazism.

The alleged "destasification" of Germany is carried out against a background of political revenge and denial of the most fundamental legal principles of European democracies. Particularly in view of the leading role of Germany within the rising European Union, this attack against civil liberties calls for a vigorous response from other European countries.

The setting up of an **independant international committee for fair procedure**, composed by renowned legal experts could be an important part of this response.

Heinrich Fink's appeal at the Berlin labour court against his dismissal is scheduled for April 1, 1992 - A good opportunity for such a committee of jurists to begin its work by assuring an international defence in a procedure with the character of a precedent.

If you are personally interested in participating in such a committee or if you wish to propose possible participants, please contact:

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GERMAN BILL ON 'ORGANIZED CRIME' OPENS THE WAY FOR A NEW SECRET POLICE

On April 1949 the allied military governors allowed the West German government to create its own police forces and an intelligence service - under one condition: police and secret service should be strictly separated. The intelligence service should have no police powers. Never again should the barbaric rule of a GESTAPO be possible in Germany.

43 years later, united Germany is proceeding to legalize the nearly unrestricted cooperation between its secret services, police forces and justice. International "organized crime" furnishes the pretext for the building up of a "crime control" machine out of control.

The new concept of cooperation between secret services, police and justice is based mainly on three pillars:

- The "law on the development of data processing and data protection (in force since 29.12.90), which provides for the smooth data exchange between police and intelligence services;
- The creation, in May 91, of a coordinating group for combatting terrorism "Koordinierungsgruppe Terrorismusbekämpfung" (KGT) Under the leadership of the BKA (Federal office for criminal investigation) this structure provides for the cooperation of police, intelligence and justice "under full utilization of the legally admissible";
- A draft for a "law on combatting drug trafficking and other forms of organized crime". Once voted, the bill will allow the police to develop into a secret police working with the investigative methods of an intelligence service (undercover agents, so called "screening search" and "drag net search"). These practices are legalized by new provisions in the penal procedure code (Strafprozessordnung) and the police laws of the Lands.

Law on the development of data processing and data protection

The data law legalizes covert surveillance and the application of intelligence means such as undercover agents, bugging and secret videofilming. Data obtained by such methods may be stored as far as "this is necessary for carrying out the tasks". This means that there is no need for an initial indication of a criminal act or a concrete threat.

The data can be exchanged between the MAD (military intelligence), the BND (external intelligence), the Verfassungsschutz(federal protection of the constitution: internal intelligence), the criminal investigation offices (federal and lands), the customs and the offices of the public prosecutors, whenever there exists an indication of a delict against state security or when "the addressee needs the data in other respects...for purposes related to public security".

One can easily imagine how the officers of the KGT with their stated intention fully employ all "legally admissible" means will interpret such a vague provision. Moreover the customs and border police forces may collect data on the instruction of the secret services. Thus, the secret service indirectly obtain police powers.

The bill on combatting drug trafficking and other forms of organized crime

In justifying the introduction of ever more repressive legislation the spectre of "terrorism" once took over from the spectre of "communism" only to be gradually replaced by the new spectre of "organized crime" today.

What is organized crime? The President of the BKA (federal office of criminal investigation), Hans-Ludwig Zachert, presents a nightmarish vision: "State and society as a whole are threatened...It can never be repeated enough: Pursuit of profit is the motor of organized crime". Organized crime distinguishes itself by developing "legal" parts within its activity. In Zachert's view the police must therefore intervene "across all borders" already in the "forefront" of crime: "An intensified cooperation for example with employment offices, social administrations, authorities dealing with foreigners, industrial inspection and regulations, insurances, automobile producers, car hirers, financial institutes, credit card companies, the hotel industry, would be desirable. The legal bases for such are still lacking."

With the bill on organized crime, Mr. Zachert's wishes are on their way to being fulfilled.

No attempt is made in the bill to give a clear definition of the term "organized crime". Thus, the door is left wide open for encroachments of fundamental rights, just as happened with the term "terrorism".

The bill enables the confiscation of the assets of a convicted person far beyond the sums involved in a particular proven criminal act.

Police may use secret service methods when investigating. This is made possible by the introduction of strong elements of police law into penal procedure law.

Thus, the use of agents provocateurs with the right to enter into other people's homes is allowed

for. These undercover agents may bug or videofilm even unsuspected third persons, when "based on certain facts...it must be supposed, that they have or will have a relation with the delinquent". The identity of undercover agents is held secret, even when they witness in a criminal procedure, when they or third persons could otherwise be exposed to danger.

This far reaching extension of the legal use of undercover agents is justified by the contention that it often proves difficult to produce material factual evidence when dealing with organized crime. Therefore, the role of witnesses becomes all the more important. In other words, undercover agents, acting as witnesses will play a decisive role in convicting a defendant. But they will not appear in court. Their evidence and the circumstances in which this evidence has been produced can not be verified.

Furthermore the penal procedure code for organized crime has been modified in order to facilitate the tapping of telecommunications. The informations thus collected can also be used in other criminal procedures.

Search by screening (Rasterfahndung) is authorized, when the "exploration of the facts (would) otherwise (be) considerably less promising".

The collection of data on the movements of persons is widely legalized too. According to one officer of criminal investigation, this form of observation is "one of the most important search instruments in the forefront of shaping a concrete suspicion (...) But this picture of the personality of the targeted person can only be complete, when I know, in which regional and personal surroundings this person moves around".

In other words: This form of police observation is not motivated by any concrete suspicion, but aims instead at creating it!

To sum it up, with regard to drug trafficking and organized crime the German penal procedure code has been strongly modified towards the preventive combat against crime (crime control). The new provisions further weaken the already eroded position of the accused in the procedure.

The vague definition of the term "organized crime" implies the risk of wide interpretation. Even larceny committed by a group and illegal game of hazard are thus considered as forms of organized crime.

KTG, the coordinating group for combatting terrorism

The group was created by the conference of the Interior Ministers of the Lands on May 3, 1991. The Parliament was informed more than a month later. The KTG could be described as the permanent form of crisis management staffs (Krisenstab). Such crisis staffs have come into action on various occasions in order to cope with particular terrorist threats and distinguished themselves through the temporary non respect of institutional barriers between the Government, police justice and security service, temporary drastic reductions of procedural rights of defendants and strictly controlled media information. These crisis staffs lacked a clear legal base for their action.

With the creation of the KTG in conjunction with the abovenamed legal developments, this problem seems to have been solved. It implies the close cooperation of police, secret service and justice on a permanent basis. In an official comment by the Interior Ministers of the Lands it is stated that the exploration and collecting of information "must be carried out in all spheres relevant to terrorism in the recruiting grounds". When one knows that the BKA considers such groups as anti-nuclear activists and even feminist organization as potential recruiting grounds for terrorists, this target description sounds rather chilling. The comment also openly describes the role of the KTG in steering public opinion by a "permanent and event related press and public work for sensibilizing the population". Political "perception management" by a public relations office of both police and secret services? The outlook is frightening.

The possibly dangerous consequences of the ongoing fusion of justice, police and secret services in Germany on European harmonization in these fields need not be mentioned. Official commentators have tried to diffuse public criticism against the creation of "Europol" by insisting that it will have no operational role. But who is able to guarantee that the German crime control

policy will not influence the development of Europol and the European Information System?

Nicholas Busch

sources: Oliver Tolmein: "Teuflische Arrangements", article in "Konkret" (Hamburg), p. 20 - 23; Helmut Pollähne, Carola Puder: "Ein Gespenst geht um in Europa... Versuch über organisierte Kriminalitäts-Politik", "Forum Recht" 1/92, Recht & Billig Verlag, Falkstr. 13, D-4800 Bielefeld 1; our sources.

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FRANCE

FRENCH CONSTITUTIONAL COUNCIL DECLARES "TRANSIT ZONES" FOR "UNDESIRABLE ALIENS" UNCONSTITUTIONAL

When the parliament had to adapt a decree from 1945 on the entry of foreigners on French territory to the new obligations resulting from the Schengen II treaty, Minister of Justice Marchand seized this occasion for introducing an amendment which should legalize "post hoc" a legally questionable practice of the border police (Police de l'Air et des Frontières, PAF). Until now, undesirable ill- or undocumented aliens or asylum seekers with "manifestly unfounded" claims were detained in so called "international zones" at the airports or in nearby accommodation centers without any decision of a judge and for up to thirty days. This practice was justified by the contention that the transit zones were international territory outside French jurisdiction. The Constitutional Council's decision comes after vigorous protests from human rights organizations and even the President's wife, Danielle Mitterrand.

Critics of the bill feared that the transit zone practice prevented bona fide refugees, who often lack valid documents, from entering French Territory. Several foreigners had already filed Minister Marchand for "arbitrary deprivation of liberty".

Nonetheless the bill had been approved by the first Chamber of the Parliament, but in the second chamber, the Senate, the socialist senators successfully pressed Prime Minister Edith Cresson to bring the case to the Constitutional Council.

In its decision the Constitutional Council states that, whatever guarantees are provided for in the "Marchand bill", no "intervention of the judiciary authorities" is required in order to hold a person in the "international zone". Although the Constitutional Council did not condemn the principle of holding undesirable foreigners in transit zones altogether it demands that in respect of individual liberty such a measure must be decided by a judge and shall not exceed a "reasonable period".

In a first reaction to the Council's decision the government asserted that the Constitutional Council had not invalidated the principle as such of international zones and regarded the holding of an alien for a period exceeding seven days as being in conformity with the constitution on the basis of a judiciary decision. In the view of the government the Council's decision does not either question the right of the administrative authorities to decide upon whether an alien is to be admitted to French territory or not.

Should this interpretation dominate future practice at the borders, it is more than doubtful, that the Constitutional Council's decision will lead to a material improvement in the situation of "undesirable" foreigners.

As long as transit zones in international airports can be considered as "extralegal" spaces where national law is inapplicable or does not fully apply, a high risk for discriminatory and arbitrary administrative practices will remain.

Nonetheless, the Constitutional Council's decision represents a serious blow to the credibility of Minister Marchand and an encouragement to human rights activists in France, including Madame Mitterrand.

Nicholas Busch

Sources: "Le Monde", 27.2.92; "Neue Zürcher Zeitung", 28.2.92; our sources.

REFORM OF THE PENAL PROCEDURE CODE: MORE RIGHTS FOR SUSPECTS AND DEFENCE

The French Parliament is expected to vote a bill on the reform of the penal procedure. The reform provides for notable improvements of the rights of the suspects and their defence counsels but it falls short of more wide-reaching reform plans of the former Minister of Justice, Robert Badinter, in 1985.

Among other things the bill provides for a more restricted use of the ill-famed French form of police custody, the "garde à vue". The use of the "garde à vue" will be limited to persons, against which clear elements of suspicion exist.

Witnesses will no longer be pressed to cooperate through this form of detention, except by decision of the public prosecutor. Furthermore, persons in police custody will be entitled to inform their families and to demand a medical examination. The lack of these fundamental rights has led to a significant number of abuse and even deaths under police custody in the past.

Lawyers however deplore that the intended reform further excludes defence counsel from the preliminary investigation led by the police. However, defence counsel can in the future claim access to expertise and the records of witness interrogations, as soon as the examining magistrate (juge d'instruction) opens an investigation. The former formal pronouncement of charge (mise en accusation) is to be dropped in order to guarantee a better respect of the principle of presumed innocence. Furthermore, detention on remand shall be imposed only by decision of three judges instead of the examining magistrate alone. This provision aims at reducing abusive and prolonged detention on remand.

In the past France has repeatedly been criticized by the European Court of Human Rights in Strasbourg for such arbitrary detention and not long ago, half of France's prison population were prisoners on remand.

Source: Neue Zürcher Zeitung, 28.2.92

UNITED KINGDOM

CHALLENGE ON DNA DATABASE

The civil rights group, Liberty, has applied to the European Commission of Human Rights to challenge the covert establishment by the Metropolitan (London) Police of a DNA computer database.

Liberty is taking up the case of Roy Williams who gave a DNA sample voluntarily in a murder investigation. As a result of assisting the police in this way, he was eliminated as a suspect, However, unknown to him, the Metropolitan Police has secretly added the data from his DNA profile to their computer.

The legal officer of Liberty, John Wadham, said of the incident: "The police and Home Office have started storing DNA profiles without the knowledge or consent of individuals themselves, without the consent of parliament, and contrary to established data protection principles. This is clearly a breach of Article 8 of the European Convention on Human Rights - the right to privacy".

Jolyon Jenkins

Source: Liberty, 21 Tabard Street, London SE1; ph: +44 71/403 3888

GOVERNMENT PROBLEMS WITH ASYLUM LAW

The British government has abandoned plans to withdraw legal advice from immigrants and asylum seekers, after widespread criticism from the legal profession and advice groups. The decision was announced by Lord Ferrers, Hom Office minister, in the second reading of the Asylum Bill in the House of Lords.

The government had intended that the United Kingdom Immigrants Advisory Service should

take over from lawyers the job of advising immigrants, but disputes inside the service have left it in turmoil, and its government grant is to be withdrawn.

Shortly afterwards, the government also "postponed" its asylum bill. This would have forced refugees to "apply forthwith" if they want asylum; would penalise them if they had behaved in any way "calculated to further their asylum claim"; would, if they arrived in large numbers, allow them to be treated as a group, rather than have their cases considered individually; would refuse them asylum if officials thought they could have found a safe place somewhere in their own country; and penalise them for the behaviour of other people "acting on the behalf of the asylum seeker, whether or not with the applicant's express approval". These changes had been condemned as breaches of international law by the UN High Commissioner for Refugees.

However, the forthcoming election means that it will now be virtually impossible to get the bill through parliament in time. The government, however, remains committed to reintroduce it, if it wins the election.

Jolyon Jenkins

Source: Most British daily newspapers, 14.2.1992

SECURITY SERVICE TRIES TO EXPAND ITS ROLE

Security chiefs in MI5 (the counter-intelligence service) are pressing ministers to let them take over key functions in terrorist and criminal intelligence gathering from the police.

The move, led by Stella Rimington, MI5's director-general designate, has provoked a bitter row in Whitehall over interservice demarcation and has serious implications for civil liberties.

Sources say Mrs Rimington and her colleagues are seeking to "take the lead" in mainland operations against the Provisional IRA, now directed by the Metropolitan Police's Special Branch and the anti-terrorist squad.

Senior police officers believe these demands may be the thin end of the wedge, and could lead to MI5 involvement in other areas managed by the police and Customs, such as organised crime and drug trafficking. It has brought to a head long-standing rivalry between the police and MI5, with senior police officers openly voicing reservations about MI5's operational competence and concern about its lack of accountability.

Next month, the new National Crime Intelligence Service will begin work. Aided by a huge new criminal intelligence super-computer, the service is supposed to serve different police forces and enable co-ordination of information, particularly on drugs and organised crime. Its constitution specifically precludes an operational policing role.

If MI5 is allowed to wrest the lead in IRA terrorist work from the police, it will have full access to the computer.

One senior police officer said: "The outcome, if MI5 gets its way, could be the creation of a sort of FBI, but by the back door. If they get terrorism, drugs will be next."

Jolyon Jenkins

Source: The Observer, 9.2.1992

SENIOR BRITISH POLICE OFFICER CASTS DOUBT ON SHENGEN AND TREVI

In a fairly lengthy article in "Police review", Roger Berch, chairman of the International Committee of the Association of Chief Police Officers, argues that until European police forces make bigger steps towards harmonising information systems, they must continue to rely on Interpol.

Birch writes: "It is our concern, shared by many European colleagues, that many good-class criminals will be encouraged to expand their activities across internal boundaries in the belief that the next January will produce a sudden relaxation in police and Custom's activity."

After discussing Schengen in general terms, he continues: "The foundation stones of a new

building have been laid in Strasbourg, but how far has Schengen gone beyond being a police strategy? Apart from its limited membership, it is also limited in the information it can handle. Data protection laws prevent the sort of intelligence data likely to be useful in tracing drug dealers, money launderers and the like. Many colleagues in Europe have grave doubts that the hardware and software will be available by the planned target date whenever one is agreed upon."

He discusses TREVI and the European Information System, but remarks that "it will handle much the same information as the SIS and be restricted by the same limitations on membership and data protection."

"Until we are much further down the road to harmony, the best way forward is to improve co-operation among existing agencies rather than create large new super-agencies with ill-defined powers." He goes on to commend Interpol, and says that many criticisms of the organisation are ill-founded, though he concedes that "there is political suspicion about its lack of accountability."

He concludes: "The policing of Europe cannot wait for the total harmonisation of legislation or for the resolution of such thorny issues as data protection. The police forces of Europe need to take fuller advantage of what Interpol has to offer - sooner rather than later."

Jolyon Jenkins

Source: Police Review (UK), 17.2.1992

SCANDINAVIAN COUNTRIES

DE FACTO ADHESION OF NORDIC NON-EC STATES TO THE CONVENTION ON EXTERNAL BORDERS?

In an answer to a question from an MP the Danish Interior Minister describes the effects of the Convention due to be signed by the twelve EC Member States in near future on the Nordic countries. The Danish Government appears to count on the willingness of the other Nordic countries, none of which are members of the EC or signatories of the Convention, to harmonize their external border controls along the lines drawn by the Convention. A case of informal "ad hoc adhesion"?

The signature of the Convention on the control of external borders was initially planned for last year. But a conflict between Britain and Spain on the status of Gibraltar has delayed the negotiations.

The Convention regulates common conditions of entry and border control (among other things common visa policy, control practices, common list of undesired aliens) on the external borders of the EC, very much on the lines of Schengen II.

The implementation of the Convention could theoretically pose problems for Denmark which has for a long time been a signatory of a Scandinavian treaty on the abolition of passport controls on the common borders of the Nordic countries.

The Scandinavian countries agreed in a meeting on immigration on June 13/14, 91 that the Scandinavian treaty would not prevent Denmark from carrying out its new obligations resulting from the signature of the EC-countries Convention on external borders. According to the Danish Minister of Justice this implies that persons entering EC territory via Scandinavia will be subject to border control in accordance with the Convention on external borders of the twelve EC countries also at the external borders of the Scandinavian Non-EC countries. According to the Danish Minister of Justice random checks at the internal Scandinavian borders will be intensified only if "contrary to expectation" the external border controls of the Scandinavian countries should prove to be less efficient than those carried out by the EC Member States.

This means that the Nordic Non-EC countries are willing to align themselves with EC border policies and thus indirectly with EC asylum and migration policies.

It remains to be seen whether this alignment will happen through the signature of the Dublin Convention (on asylum policies) and the Convention on external borders (which were limited to

Member States of the EC until now) or if the Nordic Non-EC states will simply proceed with a de facto harmonization of their national policies along EC standards.

According to Christina Rogestam, director of the Swedish Immigration Board "Statens Invandrarverket", the EC has already offered Sweden to join the Dublin Convention.

Kristina Koppel

Sources: Notat om en række problemstillinger med relation til den politimaessige indsats in Danmark i forbindelse med en eventuell fremtidig ophaevelse af politikontrollen vid den dansk-tyske landegraensen, Dansk Justitsministeriet, 1. Afdeling, 25.9.91, LBL/LBL - 22; SIVAN, 7/92, Statens Invandrarverket, Sweden.

NORWAY: FURTHER REVELATIONS IN THE MOSSAD AFFAIR

The Norwegian Minister of Justice, Kari Gjesteby has admitted that the Mossad officials who had succeeded in interviewing a number of Palestinian refugees in Norway last year by presenting themselves as "Nordic policemen" had been provided with genuine Norwegian passports by Norwegian security police (Overvåkingspolitiet). The news has led to further turmoil.

Indeed, this new evidence of active collaboration between Norwegian police and the Israeli secret service had been suppressed in a government report on the affair addressed to the Storting (Norwegian Parliament).

Source: Neue Zürcher Zeitung, 21.2.92

PORTUGAL

AMNESTY FOR ILLEGAL IMMIGRANTS

Portugal has granted impunity to immigrants, who have illegally entered the country, but at the same time the government announced new measures for tightening entry controls in accordance with the Schengen II treaty.

At present, more than 100'000 foreigners benefit from a regularized situation in Portugal. An additional 100'000 have entered the country illegally. Most of them come from Portugal's former colonies in Africa.

The illegal immigrants must legalize their status within four months and residence permits will only be granted to applicants who have a place of work or sufficient means of existence. Moreover, they must have lived in the country since at least six months. Preferential treatment will be granted to nationals from the former colonies Angola, Mozambique, Guinea-Bissau, Cap Verde and Sao Tome and Principe.

Source: Neue Zürcher Zeitung, 23/24.2.92

MESSAGES

TV PROGRAM ABOUT EUROPEAN POLICING: EXAMPLES WANTED!

I am working on a television program about European policing - Schengen/Trevi etc. I am trying to find examples of policing mistakes that are the result of misused technology. For example, someone being arrested because their name is incorrectly on the police computer.

I am also looking for cases where European police forces have exchanged data with each other about their citizens: the kind of thing that will happen even more with the Schengen Information System and the European Information System.

If you know of any case like this, I would be very grateful to hear about them. I would also like to know of organisations in European countries that campaign about these matters - civil liberties, data protection etc.

Jolyon Jenkins

My address is:

125 Stonhouse Street

London SW4 6BH, UK

I can be faxed on +44 71-7399307

My telephone is +44 71-7393211 (work) or +44 71-7203919

cix.compulink.co.uk

RESEARCH ON PRISON SYSTEMS IN EUROPE:

The Norwegian society for penal reform KROM is interested in information on the development of the prison systems in Europe: alternative forms of detention, judiciary security, the development of penal procedures and criminal law in conjunction with European integration etc.

Write to KROM

Postbox 6740

St. Olavs Plass

N - 0130 Oslo 1

INFORMATION ON INTERNATIONAL DRUG POLICIES

Kikki Morén is in search of information on international drug policies, and more particularly on the influence of European integration on international drug policies and changes in European policies of control as a result of the internal market of the EC.

Contact Kikki Morén

Dronningensgate 23

N - 0154 Oslo 1

PUBLICATIONS

In Circular letter No.3 we presented Kikki Morén's dissertation "Den europeiske festning"? - asylpolitik og politisamarbeid mot 1992. Erroneously the publisher was named as the Institute of Sociology of the Oslo University.

The right adress for your orders is:

Institutt for Kriminologi

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