

PLATFORM 'FORTRESS EUROPE?'

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Platform "Fortress Europe?"(PFE) is an international network of groups and individuals concerned with European harmonization in the fields of internal security, policing, justice, immigration and asylum and its effects on fundamental rights and liberties.

By serving as a forum of mutual information, analysis and critical debate among experts and laymen, scholars and practitioners in both the East and West of Europe, PFE wishes to encourage a common search for alternative policies in conformity with human rights and constitutional democracy. As an informal and open network, PFE refrains from taking public stands, leaving such to the own initiative of each participating group or individual.

PFE is associated with the European Civic Forum.

The PFE's **Circular Letter (CL)** is published 10 times a year. The Circular offers a selection of news, comment and messages based essentially on the contributions of its readers. Its main aim is to facilitate direct contacts among the participants of PFE.

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EUROPE

**FRENCH AND GERMAN MINISTERS INAUGURATE EUROPOL OFFICE IN STRASBOURG
IN THE ABSENCE OF THEIR EUROPEAN PARTNERS**

In what appeared to be a purely Franco-German inauguration ceremony on 4 September the French Ministers of European Affairs and Home Affairs, Elisabeth Guigou and Paul Quilès, accompanied by their German colleagues, Mr. Schmidtbauer and Mr. Seiters announced the creation of a staff of European police officers in charge of proposing the modalities of the setting up of Europol. The staff's office is located in the Strasbourg suburb of Neuhof, on the same site as the Schengen Information System (SIS).

The first Europol office will be run by 15 high ranking police officials under the leadership of Mr. Storbeck, a representative of the German BKA (German Department of criminal investigation). According to sources within the European Parliament certain EC-member States have two representatives on the staff, while others, as for instance Belgium, are not yet represented.

The choice of Strasbourg as the location for the staff appears to be an important preliminary decision with respect to Europol's definitive location, an issue which had led to rivalry between a number of European cities (see CL No.3, p.3). It is not clear if the Franco-German inauguration ceremony for what is supposed to be a European police body is a common attempt of the two leading EC-powers to influence a future decision on the site of Europol or if there is already agreement among the ministers within the TREVI-group on the choice of Strasbourg.

As a result of TREVI's traditional policy of secrecy and "ad-hoc informality", nobody knows. And we will also have to wait for an explanation of the quite surprising fact that Europol is placed in the same building as the Schengen Information System, although, in theory, it is not a Schengen body.

The French Home Affairs Minister Quilès described the Europol-staff in Neuhof as "the embryo of a European police".

N.B.

Sources: Le Monde, 6/7.9.92; our sources.

DENMARK

THE MAASTRICHT TREATY AND CRIMINAL LAW

In his inaugural lecture as a professor of law at the university of Copenhagen in May, Vagn Greve commented on the possible consequences of the Maastricht Treaty on criminal law. Greve makes out a fundamental contradiction in the treaty itself between the striving, on the one hand, for more centralization as expressed for instance by the decision to set up Europol and the insistent reference to the so called principle of subsidiarity on the other.

To begin with, it is difficult to make out any interest of the EC in the issue of criminal law at all. EC ambitions have focused on coal and steel, the creation of a common policy on agriculture and the abolition of commercial barriers as pointed out in the 313 points for the creation of the single market agreed upon in 1985.

Nonetheless, the EC has already some jurisdiction that could be defined as criminal law in the domain of anti-trust legislation: the EC may inflict penalties in cases of severe competition limiting acts. In a famous case the Tetra Pak company was condemned to pay 600 million Danish crowns.

It is only recently that considerable harmonization in domains related to criminal law are discussed in various fora such as the European Parliament, the Council of Ministers, the European Commission and in the context of the setting up of Europol.

International drug trafficking, terrorism and "organized crime" have been defined as areas of high priority. The areas of cooperation within the framework of Europol shall however be expanded as early as 1994.

Greve remarks that a super-national police force with a certain degree of executive power makes no sense without a previous common development in the field of sanctions, i.e. jurisdiction.

Indeed, the "common aim" of the Member States to develop cooperation in the field of criminal jurisdiction and other domains of internal security is stated in the Maastricht Treaty.

In other parts of the Maastricht Treaty however, the principle of subsidiarity is defined as one of the corner stones of the Union. In a democratic understanding, subsidiarity means that competences should be delegated "upwards" if the decision-making bodies of the lower level feel that such is in their common interest. But until now, practice tends to show that the EC's interpretation of subsidiarity is another one: it is the central EC-bodies which decide whether competences shall be delegated "downwards" or not.

Article K.1 in chapter VI on cooperation in the spheres of justice and home affairs names the following domains related to criminal law as areas of "common interest": The combat against drug addiction, the combat against fraud on an international scale, judicial cooperation in criminal matters, customs cooperation and "police cooperation for the purposes of preventing and combatting terrorism, illegal drug trafficking and other serious forms of international crime, including if necessary certain forms of customs cooperation in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol)." Measures of police cooperation are further detailed in the Declaration on police cooperation.

According to Greve, all this must lead to a massive shift of competences in a number of legal spheres to the Union. There will be no space for national diversities - whether with regard to criminalization or the organization of the system of sanctions. Greve draws the conclusion that "it is realistic to assume that Danish criminal law will cease to exist within the next ten years and will be replaced by a European criminal law - under the condition of course, that the referendum of the 2nd July results in the acceptance of the Maastricht Union."

This would have drastic effects on jurisdiction in Denmark. Greve points out that while in the core of criminal law (murder, burglary, robbery etc.) criminalization is fairly similar in all EC-countries, there are fundamental differences in less central spheres as for instance abortion, euthanasia, drugs and freedom of expression.

Differences are even more significant regarding the severity of sanctions (e.g. the length of imprisonment). According to Vagn Greve, Denmark would have to create 900 additional prison places if German law was applied in Danish courts and 1500 under the rule of UK jurisdiction.

The fact that there is such great variation in criminal law is due to the different history and cultural background of the EC-countries. As a matter of fact, jurisdiction is simply a codification of reigning social values in a particular society at a specific time. It is therefore not surprising that criminal law even differs between England and Scotland or between Denmark, the Faeroe Islands and Greenland.

Article K.1. shows an "obvious lack of understanding that central parts of each judicial system are and should be dependent on the culture of its environment, its conception of man and society", Greve says, and the provisions regarding harmonization in the field of criminal law are in obvious conflict with the respect of national identities as stipulated by article F and with article 3 B on subsidiarity. How this conflict will be solved will become a matter of purely political decision making. Jurists will not have much to say.

Vagn Greve concludes that it would be regrettable if such values as formulated in the jurisdiction of each country would be disconnected from their cultural background.

Behind such criticism one can clearly make out the concern of the Danish professor of law that European harmonization of criminal jurisdiction is likely to result in a more repressive criminal law and longer prison sentences in countries like Denmark, with a more liberal conception of criminal jurisdiction.

Eberhard Stüber

Source: Vagn Greve, aktuelle strafferetlige spørgsmål, tiltraedesforelaesning de 12te maj 1992.

SWEDEN

SWEDISH POLICE WANTS TO CROSS THE BORDER

The national police board (Rikspolisstyrelsen, RPS) wishes to station more Swedish police officers abroad in order to control and prevent illegal immigration into Sweden. Three police officers have already been dispatched to Syria and the United Arab Emirates, among others. Now the RPS demands the stationing of further officers in Estonia and Portugal and urges the government to name a police attaché in charge of developing cooperation with the police structures of the EC-countries.

The demands are made in the RPS' budget request. The police demands for additional 3 million Swedish crowns destined for combatting illegal immigration.

"The common evaluation of Sweden and the European countries is that the need for special efforts against illegal immigration will last for a long time and that Swedish police must continue its action against illegal immigration into Sweden inside the country as well as out in Europe", writes the RPS.

Moreover the police board believes a contact officer should be stationed in Estonia because of a "worrying increase in crime" in the Baltic states which "strongly affects Swedish interests". According to the Swedish police the Baltic states already function as transit countries for narcotics and stolen goods.

Portugal too is considered as such a transit country mainly with respect to drug trafficking from other continents and particularly South America.

"In Portugal tourism from Sweden and the other Nordic countries is increasing and Portugal has become very attractive for criminal activities which affect Swedish and Nordic interests. This is true not only for drug related crime but also for business crimes.

Very much in line with EC-calls for compensatory policing measures in the wake of the abolition of internal border controls the RPS demands for increased internal control of "foreigners and of various forms of illegal transactions between countries which in the future can no longer be stopped at the border any longer".

Moreover, the RPS demands a larger number of policemen in view of an expected rise of the crime rate as a result of high unemployment in the nineties.

Source: Svenska Dagbladet, 31.8.92

NO ASYLUM FOR PERUVIAN REFUGEES SUSPECTED OF INVOLVEMENT IN GUERRILLA MOVEMENTS

In an open letter addressed to the government, a Swedish organization for the defence of asylum seekers and refugees, FARR, protests against the recent decision of the government to summarily reject asylum applications of Peruvians who are members or otherwise involved in violent movements as e.g Sendero Luminoso and Tupac Amaru. These refugees are sent back directly to Peru. FARR accuses the government of breaching the Geneva Convention on Refugees.

In its letter, FARR unambiguously dissociates itself from the random violence of the above movements but says that mere membership in or other links with such political groups cannot motivate the rejection of an asylum request on the grounds named in article 1 F of the Geneva Convention. "It must be a fundamental principle of justice that it must be proven that the person concerned is guilty of one of the crimes covered by the article."

Article 1 F states that the Convention does "not apply to any person with respect to whom there are serious reasons for considering that" he has committed a crime against peace, a war crime, or a crime against humanity, a serious non-political crime outside the country of refuge or if he has been "guilty of acts contrary to the purposes and principles of the United Nations."

Recent rejections of asylum requests of Peruvians were motivated as follows by the Swedish immigration authorities: "Even if NN has not participated in such crimes, he has been active for an organization whose methods must be considered as comprising acts which are covered by article F 1."

This clearly indicates a change of practice. Previously, cases of rejection on the grounds of article F 1 were extremely rare in Sweden and concerned only persons found guilty of serious crimes (e.g. non-political murder and torture).

FARR points out that even families with children are threatened with deportation back to Peru and draws the government's attention to the fact that even the rejection of an asylum request on the grounds of article 1F does not automatically allow for the deportation of an asylum seeker back to a country where there are well founded reasons to believe that he is threatened with torture or the death sentence.

FARR refutes the government's argument that the refugees concerned are not at risk in their home country as they were free to leave their country with a valid passport.

"It is difficult to imagine that our authorities should not know that one can obtain a passport and pass the passport control by bribery", it says in FARR's letter.

Meanwhile it has become known in Peru through media reports that Sweden intends to send back members of organizations such as Sendero Luminoso.

Refugees sent back from Sweden therefore face almost certain arrest upon arrival in Peru, even if their involvement in one of the above organizations was not known to the Peruvian authorities before.

In accordance with a decree promulgated by Peru's president Fujimori, mere membership in a terrorist organization is punishable with imprisonment not under 20 years.

Source: FARR, Open letter to the government regarding the decision to reject Peruvian nationals with relations to certain organizations, 19.8.92

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UNITED KINGDOM

ABOLITION OF BORDER CONTROLS: COMPROMISE BETWEEN UK AND EUROPEAN COMMISSION WITHIN SIGHT

A compromise agreement between the UK government and the European Commission over the abolition of internal border controls on the territory of the Community is within sight. The British government had long opposed any relaxation of controls at its frontiers (see CL No.7, p.7 and No.6, p.7).

A compromise discussed by the British Home Secretary, Kenneth Clarke, and the commission's vice-president, Martin Bangemann, could mean the end of systematic passport controls for EC citizens arriving in Britain from other community countries.

There is agreement that as much as possible should be done to segregate handling of visitors from the community and from non-EC countries at British ports and airports.

It is still possible that Britain will require even EC citizens to carry passports or other ID documents, but spot checks would be made only in cases where the British authorities had reasons for suspicion. However, neither the British government nor the commission intend to formally abandon their diametrically opposed interpretations of whether the Single European Act requires the abolition of internal EC border checks.

One possibility being looked at by London and Brussels is a system under which EC citizens would merely have to display a passport or identity card or some other insignia on arriving at a British port or airport. This would not 'normally' be subject to any detailed examination unless authorities had reason to suspect law-breaking.

Mr. Bangemann however made it clear that any compromise might be acceptable only for a transitional period until the 12 EC member states had approved an external frontier convention establishing common rules on visas and other controls on third country visitors.

"We do not see a black and white difference before and after the adoption of an external borders convention", a British government official said. "But the government has undertaken to

improve the arrangements for EC citizens arriving in Britain. We are looking at technical ways to put this into effect.'

Source: Condensed from The Guardian, 3.9.92.: EC's border controls set to end soon, by John Palmer.

Comment: Both the Schengen Agreement and the EC convention on external border controls stipulate the abolition of internal controls for all persons travelling within the territory of the community, irrespective of their being EC citizens or not. The 'compromise' agreed upon by the European Commission and the British government, while meeting half-way the commission's ambition to strengthen feelings of European Unity by the very symbolical and visible measure of abolishing passport controls for EC citizens travelling within the Community, will result in additional discrimination of non-EC citizens (and probably particularly non-whites) who will continue to be systematically submitted to examination at British borders, even when arriving from an EC country.

N.B.

GERMANY

WALLS AND BARBED WIRE - NEW ASYLUM PROCEDURE IN FORCE SINCE JULY

The only significant reaction of Germany's leading political parties with regard to steadily mounting racist violence in Germany consists in further clamping down on the rights of refugees.

Mass reception camps for asylum seekers, internment-like conditions, camp judges, police powers for camp administrations, summary procedures, mass deportations...

These are the measures agreed upon in a "party compromise" between parties of Mr. Kohl's ruling coalition (CDU/CSU and FDP) and the Social Democrats (SPD). Since 1 July 92 the proposed measures have become law in spite of massive criticism by Amnesty International, the churches and renowned legal experts who had labelled the bill as "amateurish and partly anti-constitutional".

The mass accommodation of all asylum seekers in camp facilities, the shortening of the asylum procedure down to 6 weeks and mass deportations are among the central elements of the new law.

The Länder (constituent states of the FRG) are obliged by law to set up "reception facilities". Each of these camps shall accommodate at least 500-850 asylum seekers at a first stage. The camps are systematically set up in former military barracks which all can be equipped for the accommodation of additional numbers of refugees and are located far away from city centers. They are surrounded by walls and barbed wire. All this leads to an almost total segregation of the asylum seekers. Public control of the situation in the camps is practically impossible. The asylum seekers are held in internment-like conditions. They are prohibited by law to leave the camps without special permission. Unauthorized absence is punishable with up to one year imprisonment.

Thus refugees are under permanent control of asylum authorities and police.

In every camp a police station of 24 officers is set up, with 24 hours per day service. **For the first time since 1945 camp administrations are again entrusted with police powers (**

59) and can detain refugees. All camps have particular arrest cells, destined among other things for the detention of asylum seekers awaiting deportation. All asylum seekers over the age of 14 are systematically submitted to criminal identification (finger prints, data collection). In case of non-authorized absence from a camp, the persons concerned are set on the national police search list within a week.

Critics say that with the new procedure refugees are interned under inhuman conditions, at the mercy of police and state arbitrariness and systematically criminalized.

Within days after their arrival the refugees undergo "preliminary examination" of their asylum request and then are distributed among the various reception camps. Asylum claims preliminarily rated as "manifestly ill-founded" or "irrelevant" are to be decided upon within six weeks. The preliminary evaluation is mainly based on a non-published list of "safe countries". Claims of persecution by nationals of these countries are summarily rated as untrustworthy.. In order to accelerate procedures and deportation measures all authorities involved in the procedure have branch offices on the camp sites. Thus, in a de facto breach of the principle of separation of powers, police, justice and asylum authorities work hand in hand. Officials of the asylum authorities and camp judges (deciding alone on appeals) guarantee a speedy procedure. A special deportation administration (Zentrale Abschiebungsbehörde) is in charge of a smooth organization of deportation measures. Deportation can be carried out already a week after the rejection of an asylum request.

Under the former procedure asylum seekers had to motivate their claim only several months after their arrival. Thus, they had time to seek the advice of a lawyer and prepare evidence for the procedure. Since the introduction of the new procedure, asylum seekers are interviewed upon arrival in the reception camps at the same time as they present their request. At this stage, most refugees are still under the traumatic impression of their flight and persecution suffered at home, they have no access to interpreters or lawyers of their choice, are unaware of the law and afraid to speak. They are thus seldom able to sufficiently motivate their claim in front of an official. The presentation of additional evidence at a later stage of the procedure is no longer admitted.

The deadline for appealing against a negative decision of the asylum authorities has been reduced to one week for refugees whose request is rated as "irrelevant" (Two weeks for "manifestly unfounded" requests). Within this time-limit the appeal must be motivated with all facts and pieces of evidence. Neither the refugees nor the lawyers are able to observe such terms.

Jurists critical of the new law view these procedure accelerating measures as an almost total suppression of the right to legal protection guaranteed by article 19 of the German Constitution (Grundgesetz). They fear that the far reaching encroachments on the fundamental rights to legal defence and fair procedure, once introduced in the field of asylum, will tend to spread into general jurisdiction.

Legal advice and social assistance will no longer be provided to refugees in the camps. The charities previously entrusted with these tasks have refused to continue their activities because of what they characterize as "unacceptable conditions". The social workers of the charities were the only administration-independent persons inside the camps whom refugees could address in urgency situations.

Under the new procedure refugees are exposed to arbitrary behaviour of police and camp administration outside any form of independent and public control. "Non-authorized" persons are prohibited from entering the camps.

On several occasions, policemen have been suspected of grave physical abuse of asylum seekers in camps. In one case in Bremen, the German daily "Die Tageszeitung" accused policemen of torture. According to the newspaper, the policemen had manhandled refugees with electric cattle-drover sticks.

Meanwhile, further racist programs in Rostock and other German towns have prepared the ground for the next political offensive against the right to asylum. The leadership of the Social Democrats has bowed to insistent calls of the Christian Democrats for an amendment of article 16 of the German Constitution which - a unique thing in Europe - stipulates the subjective and enforceable legal right of "political persecutees" to asylum. According to the Christian Democrats the maintenance of this right of any asylum seeker to his claim before ordinary courts prevents Germany from benefitting from the provisions in the Schengen Agreement and the Dublin Convention "Third country removal" [asylum seekers can be sent back in the first EC-country of arrival for the examination of their request and applications by asylum seekers who have been denied asylum in any other EC member state can be rejected without consideration].

N.B.

Sources: Doris Künzel, BRD: Neues Asylverfahren - Zwischen Mauern und Stacheldraht, "Juridikum" (Vienna) No 4/92, p.23; Ratifizierungsdebatte im Bundestag zum Schengener Übereinkommen, Deutscher Bundestag, 12. Wahlperiode, 89. Sitzung, 30. April 1992; Bericht über den Stand der Harmonisierung des Asylrechts in Europa, Bundesministerium des Inneren, 27. April 1992; RA Hubert Heinhold, Stellungnahme zur Anhörung im Innenausschuss des Deutschen Bundestages am 18. März 1992 zum Entwurf eines Gesetzes zur Neuregelung des Asylverfahrens.

SWITZERLAND

NEW START FOR POLITICAL POLICING WITHOUT LEGAL BASE

The hunt against the "enemies of the state" is to be officially reopened in Switzerland after years of reduced activity in the aftermath of the Swiss police-file scandal (see CL. No 6, p. 1-5).

A legal base for these "state protective" activities is still lacking. A draft bill on state protection of the government drew such strong protest from different quarters that a new law can not be expected to come into force soon.

The government decided to circumvent the legal problem by resorting to "ordinances" and "directives" which present the advantage of not being subject to parliamentary approval.

The "directives regarding the carrying out of state protection" and the ordinance on ISIS, an electronic data base for state protection, will come into force on 1 October.

In spite of strong public calls for a precise definition of the role of state protection, the provisions of the governmental directive remain vague. "Violent extremism" for instance is defined as "organized efforts, whose representatives reject democracy, human rights or the constitutional state and carry out, approve or put up with acts of violence for achieving their purposes."

Critics point out that the term "approve" almost calls for spying on other peoples opinions, while the term "put up with" can be used against e.g. non-violent participants at a (maybe authorized) demonstration that ended with rioting.

State protection data can still be handed out to private persons. The filming and recording of any event in public places is expressly authorized. However, as opposed to a provision in the first draft bill on state protection, the collection of intelligence through the use of covert agents is prohibited.

The Swiss section of the International Association of Democratic Jurists (AIJD) remarked that the elastic provisions of the directive allow for snooping against "any organization or group". Together with the social-democratic party (SPS) and the Committee "Schluss mit dem Schnüffelstaat" (Stop the Snooping State) it calls for the withdrawal of the directive which is disputed even within the government.

The SPS furthermore announced parliamentary action.

The ordinance on the ISIS-data base regulates the stocking of the approximately 30'000 new personal files collected by state security since May 1990 in a computerized information system for state protection. In a next stage about 3 per cent (according to the Federal Police) of the 900'000 old state protection files will be transferred to the new system.

The fact that the federal police has succeeded in collecting 30'000 new files within two years is not only due to the relentless snooping spirit of the national police.

Indeed, the international information network on terrorist activities formerly known under the name "Kilowatt-group" (see CL No.2, p.1) hastened to up-date the Swiss Federal Police which found itself deprived of the totality of its files on 15 May 1990 after the "file scandal". "Kilowatt" made particular efforts in rearming the Swiss state protection system during the Gulf war. The Israeli secret services flooded Berne with such a list of "dangerous" Arabs that the federal Police thought it best to carry out a "cleaning up" operation in its data base after the war.

N.B.

Sources: Urs Frieden, Alter Pfusch in neuen Compis, Wochenzeitung (Zurich), 18.9.92; Neue Zürcher Zeitung, 13/14.9.92; Komitee Schluss mit dem Schnüffelstaat, Postfach 6948, CH-3001 Berne, tel: +41/31 454858, fax: +41/31 452258

PLATFORM 'FORTRESS EUROPE?'

REPORT ON THE PLATFORM'S WORKSHOP AT THE CONFERENCE OF THE EUROPEAN CIVIC FORUM IN LIMANS, AUGUST 92

PFE participated at the 3. Conference of the European Civic Forum which was held in Forcalquier (France) in August 92. The PFE workshop, initially planned as an annual gathering of its participants with a defined working program turned into something quite different. Due to an unfortunate accumulation of problems such as health, schedules, no visas (for Eastern European participants), many of the initiators and most active participants of PFE were unable to attend.

On the other hand, up to 20 "new-comers" participated at the workshop. As a result, the initially planned programme was dropped in favour of a more spontaneous round of information exchange, debate and contact knitting corresponding to the wishes and concerns expressed by the persons actually present.

Asylum policies

As many of the participants proved to be involved in asylum defence activities in their countries, a whole day was dedicated to European refugee policies.

There was common agreement on the fact that an effective individual legal defence aiming at preventing deportation and obtaining residence for particular asylum seekers is becoming all but impossible throughout Europe. In a number of countries, particularly those confronted with a strong influx (e.g. Switzerland, Germany), asylum legislation and practice have become restrictive to a point, that a chance to a fair asylum procedure is all but non-existent. In several countries the rejection quota for asylum seekers is over 95%. Countries with a formerly more liberal practice, as for instance Sweden and Austria, appear to be in great hurry to "harmonize" their policies along the most restrictive models. Racist campaigns, often tacitly encouraged by biased governmental information policies are not only threatening the security of refugees but are also leading to a dangerous political isolation of citizens groups defending the rights of refugees and foreigners. In a time of economic and social crisis these groups are confronted with the growing discontent of the needy in their own countries who lack understanding for any activity of support for "foreigners" at a moment when the number of nationals threatened with social exclusion is increasing.

There was agreement among the participants that the European movements defending the rights of refugees and immigrants are doomed to rapid and total failure if they do not succeed in linking their struggle with those opposing economic and social exclusion in our own industrial societies. Without this broader approach the political preconditions for the effective use of law in the defence of Human Rights will simply cease to exist.

However, this does not mean giving up the defence of individual asylum seekers. Indeed, going public with particular cases is still a means to confront public opinion with the reality of persecution and the hypocrisy of current governmental asylum and

immigration policies. It is further an opportunity to create personal human relations and understanding between refugees and the national population as opposed to efforts of immigration authorities to segregate refugees from the population by for instance placing them in isolated camp facilities.

Human Rights in theory and practice

The use of law in the political defence of Human Rights was the theme of a paper presented by Christopher Pollmann. With a number of examples Pollmann demonstrated the conflict between Human Rights as a legal abstraction and jurisdiction. Among other things he mentioned the insistent reference of Western states to the freedom of travel, at a time when inhabitants of communist countries were prevented by their regimes from traveling to the West. Since the collapse of the communist regimes the same Western states have set up a new "iron curtain" of legislation and policing in order to prevent Eastern Europeans from leaving their countries.

Stated equality often turns into inequality. The citizens' right to vote for instance implicates the exclusion of all non-citizens.

Pollmann further pointed out that abstract legal provisions provide the possibility to compare their application in reality. In times of rapidly changing social and technical conditions the meaning of abstract legal provisions can change in a way not foreseen by their creators. Legal security thus tends to become a very relative thing.

In Pollmann's opinion there are two preconditions for the successful use of law in the defence of Human Rights: Legal action must be accompanied by political action of a social group and the individuals constituting the social group must feel that common political and legal action serves their very own interests. A movement tending to forget these premises will not get far.

Pollmann's conclusion confirmed the workshop's analysis of the failure of the asylum defence movement to gain wide public support. This led to a discussion on how to create individual concern among European citizens for an issue as asylum which many view as having nothing to do with their own problems. How can one demonstrate that undermining the civil and human rights of refugees will end up in undermining everybody's legal security? The continuous call for legal and political charity is obviously no answer to this question.

German policies of 'pro-active' policing and Europol

Europol: A mere "message switching" organization or a centralized European "general staff" of police and security with own executive power and operational role? Nicholas Busch briefed the workshop on recent developments in Germany towards 'pro-active' policing based on new legislation on data exchange between police and secret services, on organized crime and the creation of the KGT (Coordinating group for the combat against terrorism), a sort of a permanent general staff for urgency management uniting police, justice, intelligence and government representatives under the leadership of the BKA (Federal office of criminal investigation). Germany has played a leading role in the creation of Europol. Is Europol to become a European BKA, respectively KGT?

The provisions on police and intelligence cooperation as well as on data collection in the Schengen Agreement, the provisions and the declaration regarding police cooperation adopted at the Maastricht summit and the fact that, once again, the setting up of a genuinely European body as Europol is confided to the fairly secretive TREV1 group in the framework of intergovernmental agreement and thus outside EC institutions and parliamentary control, paves the way for such a development. Strong public support for the European Parliament's claim for democratic transparency in this domain is urgent.

Eastern Europe

A particular meeting of the workshop was dedicated to the improvement of the previously very limited participation of Eastern Europeans in the PFE-network. The presence of a large number of Eastern Europeans at the Congress of the European Civic Forum provided an excellent opportunity. Thus contacts were established with interested groups and individuals from Russia, Ukraine, Bulgaria and Romania.

Ukrainians and Romanians drew a chilling picture of the situation in their countries. The dramatic economical situation seems to leave no other choice than emigration to young people. The problem of "brain drain" was mentioned by Andrei Zaiats from Ukraine who said that ten of the twelve doctors at the hospital of his home town had left, most of them for Hungary or Slovakia, where wages are higher.

A Ukrainian girl drew a lively picture of Western European efforts to prevent people from travelling to the West. In order to obtain a visa to France, the student had to travel 300 km from her hometown to Kiev, where she had to wait for nine days under humiliating conditions until she finally obtained her visa from the French embassy. Her conclusion: "Freedom of travel is for people with money".

A Romanian participant noted that his country is now confronted with the effects of Western European "Fortress"-policies. Romania has become an immigration problem: Somalians and Albanians most of whom are heading for Western Europe, are trapped in Romania, which lacks all infrastructural and financial means to receive them.

Nonoi HacBang representing the Filipino Migrant Workers said the description of the situation in Eastern Europe strongly reminded him of the Philippines. Misery is stronger than fortresses. No matter how high the barriers are set, people will always find ways to travel. The adventure and risks of an uncertain future as a migrant is still more attractive than "no future" at home.

A future for PFE?

Within a year, PFE has developed into a nucleus of a European network. The "Circular Letter" is now published 10 times a year. Although the editor has received a lot of encouraging reactions, the circulation is still low and the majority of the readers still do not appear to have understood that the CL can only fulfill its role with their active participation. We are not expecting readers to become regular correspondents, but to send in (even short) information (eg. press cuttings), papers, documentations, messages, whenever they have the opportunity. Until now, only readers in Britain, Switzerland, Austria and Scandinavia have sent contributions in a more regular way.

The lack of at least a French version of the CL obviously is a major handicap in inter-European communication. But with the present financial situation of PFE such a translation is out of the question.

Once again we had a discussion on the main objectives of PFE. We agreed that besides providing a structure for mutual information and debate, the PFE network should also be used to facilitate the preparation of European campaigns linked to particular issues and human rights cases with a character of precedent.

Between the workshop sessions much work was done on improving contacts and thinking about bringing together several European initiatives working on more or less the same subject. Proposals on possibilities of cooperation will be worked out in the following months.

The next half-way meeting of active PFE-participants will take place in February or March 93, presumably in Amsterdam.

No future without your subscription

Since June, we have introduced subscription for the CL. We call on all readers interested in the further publication of the CL, to make the little effort and subscribe and to send us address lists with potential new readers (they will receive three issues

of the CL free). It was decided at the PFE-meeting that readers receiving the CL free of charge will be barred from the mailing list after three months.

In order to ensure a more fair distribution of the costs and work resulting from our activity, we decided to decentralize the printing, mailing and administration of the CL. Since September, the CL is mailed from five centers: London (UK and Ireland), Vienna (Austria and Eastern Europe), Lugano (Switzerland), Berlin (Germany) and Leuven (Belgium and all other countries not covered by one of the centers above). We expect to open further distribution centers soon in Göteborg (Scandinavian countries) and Paris (France). Organizational and technical problems related with setting up the new distribution modus might lead to mailing delays in the beginning. If you don't receive your CL, contact the editor. Accounts have been opened in several countries in order to make it easier for you to pay your subscription fee. As European harmonisation unfortunately is more developed in the domains of police and immigration than regarding international payments, it is not always possible to add a pay-in slip to the CL. So please make the effort to fill one in yourself!

Read the instructions on the last page of the CL carefully.

In order to continue and expand its activity PFE is in need of grants and other forms of contributions. Please let us know, if you have suggestions on whom to approach in your country.

Report based on notes of Eveline Lubbers and Nicholas Busch)

Christopher Pollmann's paper can be ordered at: Ch. Pollmann, 28, Av. de Riedisheim, F-68100 Mulhouse. Paper on pro-active policing in Germany and Europol: Nicholas Busch, Lindsberg 10, S-791 91 Falun. Paper discussing the future role of PFE an cooperation with other groups available at: Eveline Lubbers, Jansen & Janssen, Postbus 10591, NL-1001 EN Amsterdam

PUBLICATIONS

3RD CONGRESS OF THE EUROPEAN CIVIC FORUM: A summary report on the Congress is available in english, french and german at: Forum Civique Européen, BP 42, F-04300 Forcalquier, tel: +33/92730598, fax: +33/92731818

DAS EUROPA DER ÜBERWACHER - Ein Krieg gegen die Flüchtlinge der Welt? Die Schweiz auf dem Weg ins Polizei-Europa? A 65 page documentation (available in German only) mainly based on press cuttings on European harmonization in the spheres of criminal law, policing, asylum and foreigners policies and the relations between Europe and the Third World with a particular focus on Switzerland. Published by Flüchtlingsinformation, Dokumentationsstelle der Stiftung Gertrud Kurz, Postfach 6175, CH-3001 Berne, and Komitee Schluss mit dem Schnüffelstaat, Postfach 6948, CH-3001 Berne. Price: sfr.15.-

YUGOSLAVIAN CONFERENCE, 1. SESSION, at the 3rd Congress of the ECF, 2-9 August 92: Around thirty citizens from all parts of ex-Yougoslavia participated at this peace conference which resulted in the adoption a 'collective platform' for peace and the setting up of six commissions (media, churches, refugees, minority and human rights, cultural action, municipalities and local authorities). Report on the conference (12 pages) available in english, french and german at: European Civic Forum, Postfach 2780, CH-4002 Basle, Tel: +41/61 446619, Fax: +41/61 446620

CALENDAR OF EVENTS

LA LIBRE CIRCULATION DES PERSONNES ET LES DROITS FONDAMENTAUX DANS LE "LABORATOIRE SCHENGEN", Journée de formation publique, samedi 31 octobre 92, Université de Lausanne, Suisse. Langues: français et allememand.

Programme: Présentation des structures et des conventions européennes concernant la libre-circulation des personnes en Europe par Julien-Laferrière, professeur à la faculté de droit de Limoges et président de l'ANAFE, Paris;

Schengen, laboratoire d'une Europe sécuritaire? Georges-Henri Beauthier, avocat, Bruxelles; La Suisse et les accords de Schengen. Où en est-on? J.-François Leuba, président du groupe de travail "Contrôle des personnes à la frontière", Département Fédéral de Justice et Police, Berne; La libre circulation des personnes et les rapports "Nord-Sud", H.-Philippe Cart, vice-directeur, Département Fédéral des Affaires Etrangères, Berne; Schengen et la constitution nationale. L'exemple de la Suisse, Andreas Auer, professeur, et Catherine Tirefort, chercheuse en droit, Département de droit constitutionnel de l'Université de Genève; Libre-circulation des personnes, Schengen, Dublin et droit d'asile en Suisse, Murielle Beck Kadima, avocate, FEPS, Berne; Les nouvelles frontières, vus depuis l'autre côté, Abdelmalek Sayad, sociologue algérien, spécialiste de l'immigration, Paris; Discussion-débat: évaluation des travaux du "laboratoire Schengen".

Renseignements: Marie Claire Caloz-Tschopp, tél: +41/21 6526443.

Inscriptions: SOS-ASILE VAUD, C.P. 3928, CH-1002 Lausanne.

EUROPA: FESTUNG ODER DEMOKRATIE - Informationstechnik und die Integration Europas, Jahrestagung des Forums InformatikerInnen für Frieden und gesellschaftliche Verantwortung (FIFF), 13. - 15. November, 1992, Burg Rothenfels am Main. Tagungssprache: Deutsch.

"Die politische und wirtschaftliche Integration Europas wird noch viele Jahre auf sich warten lassen. Die verwaltungstechnische Integration wird durch europaweite Informations- und Kommunikationstechnik schon jetzt betrieben. Computernetze bilden die Nervenbahnen des europäischen Sozialversicherungssystems, von Europol und einer gemeinsamen europäischen Verteidigungs-Infrastruktur und natürlich die Grundlage europaweit operierender Unternehmen. Für diese informations- und kommunikationstechnische Integration Europas werden erhebliche Forschungsmittel bereitgestellt. Auf der Strecke zu bleiben drohen die Rechte der Bürger."

Programm: In vier Arbeitsgruppen werden folgende Themen bearbeitet: 1. Sicherheitspolitik, 2. Konsum und Arbeit, Sozial- und Gesundheitssystem, 3. Forschungs- und Technologie-Politik, 4. Eurovision: Idyll oder Müll? Computeranwendungen auf dem ökologischen Prüfstand. Referenten: Arno Behlau, BUND; Hiltrud Beyer, MEP, Die Grünen; Othmar Brigar, Arge Daten, Wien; Kathrin Fuchs, MdB, SPD; Dr. Lorenz Hilty, Universität Hamburg; Lutz Ribbe, Stiftung Euronatur; Roland Schneider, DGB, Düsseldorf; Prof. Dr. Jürg Seggelke, Umweltsbundesamt; Thilo Weichert, MdL, Grüne/Bündnis 90; Klaus Peter Weiner, MdB, SPD.

Auskunft: Dagmar Boedicker, Daisenstrasse 45, D-8000 München 70, Tel: +49/89 7256547.

"QUATRIEMES ASSISES EUROPEENNES SUR LE DROIT D'ASILE" IN ROME, JANUARY 22-23, 1993

Program (to be completed): Historical aspects of the right to asylum; The Italian case; the crisis of the right to asylum in Europe; today's refugees, reasons and outlook. Workshops on: European law, transit zones, social rights, initiatives of the civil society, media and information, asylum and immigration.

For information contact: Lega Italiana per i Diritti e la Liberazione dei Popoli, Via Dogana Vecchia 5, I-00186 Roma, tel:+39/6 6864640.

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