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'Fortress Europe?'- Circular Letter is the organ of **Platform 'Fortress Europe?'** and of the **GENEVA GROUP - Violence and Asylum in Europe**. The 'Platform' is an informal international network concerned with European harmonisation in the fields of internal security, policing, justice, data protection, immigration and asylum and its effects on fundamental rights and liberties. It is associated with the European Civic Forum. The **GENEVA GROUP - Violence and Asylum in Europe** came into being in 1993 at a conference organised by the University of Geneva. The Group wishes to contribute to international multidisciplinary discussion on the right to asylum and its interaction with other developments in society. The objective of the Circular Letter is to offer a forum for mutual information, analysis and critical debate among experts and laypeople, scholars and practitioners. The Circular Letter is published 10 times a year. It offers a selection of news, comment and messages based essentially on the contributions of its readers.

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EUROPEAN UNION

EUROPOL'S ANALYSIS REGISTERS TO CONTAIN DATA ON RACE, POLITICAL OPINION AND SEXUAL

BEHAVIOUR

Europol shall be allowed to store and process comprehensive information on features such as the race, sexual behaviour, and political views of persons not suspected of any crime. This follows from a draft document on implementing rules for Europol's so-called analysis registers (AR) made available to the CL. Moreover, the rules further extend the already far-reaching scope of the ARs to persons not named in the convention, whenever their registration "could be of interest for a particular analysis".

The purpose with Europol's ARs is to support criminal investigations through the collection and computerised processing of data (see CL No.32, p.6, No.33, p.6). The data may be used for "police purposes". This comprises the prevention, and prosecution of offences, as well as the maintenance of public order.

As provided by the Convention, a distinction is made between "strategic" and "tactical" analyses. While the first are carried out for the general assessment of crime-related developments, the latter are to serve operational purposes in specific crime cases.

Article 10 of the Europol Convention already provides for extensive registration of data on non-suspects such as possible future victims and witnesses, "contacts", and "persons who can provide information on the criminal offences under consideration". Instead of setting some clearly defined limits to the interpretation of article 10 as one might have expected, the implementing rules amount to a blank cheque for unrestrained data-hunting by the Europolice. Indeed, article 3 of the implementing rules not only allows the collection and use of data concerning the categories of persons named in the Convention, but also of "other persons who are not mentioned there [Article 10.1 of the Convention], but whose registration could be of interest for a specific analysis".

Article 4 of the internal rules specifies the type of personal data that may be stored in ARs. Besides the particulars they include items such as other "general" personal data, objective unchanging physical features, place of residence, phone number, firms or places of work, and ... "other indications of use for identification that are not expressly named in this article".

The sexual behaviour and political views of future victims

Article 4.3 allows the collection of "special personal data" on:

- racial origin
- political views
- religious and other convictions
- indications on health
- indications on sexual behaviour.

Article 5 names the non-person related data that may be registered. They include offences, offences for which cautions have been issued, means used for committing offences, the degree of danger that the persons involved pose, suspicion of "involvement in a criminal organisation", and many more. However, to make sure that no category of data is missing on the list, Art. 5.9 provides for the registration of "other data without relation to a person that are not expressly mentioned but that could prove of interest for the purpose of the analysis".

Article 6 specifies that personal data may be collected only for the prevention of a concrete threat or the prosecution of a specific offence. This (very elastic) restriction shall apply "particularly" for information named in article 4.3 (race, political opinion, etc). Data of this type shall be stored only when they are "absolutely necessary" for the analysis concerned and only when they complement other personal data in the same register. The selection of a particular group of persons on the mere grounds of these "special personal data" is prohibited (Art. 6.1).

The wording of article 6.2 is characteristic of the spirit of the implementing rules as a whole: It first states that only "precise data" [i.e. verified data] may be stored. But the sentence ends: "... as well as data needed for the purpose of the analysis" [i.e. non-verified data!].

Data in the ARs must be distinguishable according to various criteria: information based on facts must be made distinguishable from information based on opinions or personal assessments (soft data). The reliability of sources must be defined by the person supplying information. Data are classified according to:

- their sensitivity: "secret", "confidential", "of general interest". Data are secret whenever their content and subject represent a threat to fundamental interests of Europol or a member state. All the data in tactical registers are confidential, as well as data in strategic registers, "whenever this seems recommendable with a view to the surrounding circumstances".
- their quality: "very reliable", "relatively reliable", "not very reliable".
- their state: "active" or "passive".

A register is "active" from the moment its setting up has been decided and as long as an analysis is being conducted. It becomes "passive" when the analysis operation has come to an end or when the reasons for creating it have changed and it no longer seems "advisable" to continue a specific analysis. In this latter case, the register can however be re-activated if "sufficient grounds" arise (Article 9). The wording of the article suggests, that no data are definitely deleted.

Article 10.1 and 2 specifies the proceedings in

defining the persons allowed to participate in analyses of various sensitivity. In secret analyses, only persons designated by the director of Euro-pol may participate. In confidential analyses, the person charged by the director with surveying the analysis designates the participants.

After the successful conclusion of an operational analysis, the data stored in the AR are transferred to Europol's Information System. An exception is made only for "special personal data" (Art. 4.3) that may be processed only for the purpose of analysis.

The internal rules further contain provisions specifying member states' access to "passive" registers, physical measures for the protection of the computer sites, and technical access controls.

Source: Entwurf von Durchführungsbestimmungen für die Arbeitsdateien zu Analyse Zwecken, European Union, The Council, Brussels, 24.7.95, 9205/95, limite (All quotations from the documents are our translations from the German text). See also: Europol on drift, by Lode Van Outrive, CL No.37, p.9).

Comment

The draft implementing rules are outrageous in their present shape, but they might become worse later. Indeed, article 15 of the implementing rules says only that any change of the internal rules must be decided unanimously by the Management Board. It does not follow from the document whether such a decision of the Management Board requires the approval of the JHA-Council or not.

Be that as it may, the implementing rules are a new disquieting example of the risk inherent in vague "skeleton" laws such as the Europol Convention. They are fleshed out with their real content afterwards - not by the legislative bodies, but by the executive bodies making their own laws via internal regulations (see CL No.34, pp.10-13).

In the present case, however, national parliaments theoretically still have a chance to thwart the plans of their executive bodies - by refusing to ratify the Convention.

N.B.

JOINT POSITION ON A COMMON DEFINITION OF THE TERM 'REFUGEE'

The Justice and Home Affairs (JHA) Council has approved a "joint position" on a common definition of the term 'refugee' in the 1951 Geneva Convention. The inter-ministerial agreement does not legally bind the member states. Nonetheless it represents a further step towards an ever more restrictive interpretation of the Geneva Convention. The move of the JHA Council has been condemned by the European Council on refugees and Exiles (ECRE) for "trying to define refugees out of existence" and the UNHCR strongly opposes the EU's attempt to limit the validity of the Geneva Convention to persecution by state authorities only.

"The joint position binds the Governments of the member states within the limits of their constitutional competencies; it does not bind either the legislative powers or the judiciary of the member states", say the introductory provisions of the text (our translation from the French version). Consequently, all following provisions aiming to define common criteria for the determination of refugee status are termed "guidelines" (French: "*orientations*"). Once a year, the Council shall examine to what extent the guidelines are actually implemented in the member states and, if necessary, adapt them to the evolution of asylum policies.

Non-refoulement and right to individual examination confirmed

The joint position re-affirms the validity of the principle of *non-refoulement*. According to this principle, a rejected asylum seeker may not be sent back to a country of origin where his life, physical integrity or freedom is at risk.

It also (theoretically) confirms the right of any asylum seeker to have his claim examined individually.

Burden of proof

According to the Geneva Convention, an asylum seeker shall be granted refugee status when he has a "**well-founded fear** of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion". In the UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status it says: "After the applicant has made a genuine effort to substantiate his story there may still be a lack of evidence for some of his statements. (...) [It] is hardly possible for a refugee to 'prove' every part of his case and, indeed, if this were a requirement the majority of refugees would not be recognised. It is therefore frequently necessary to give the applicant the benefit of the doubt".

The joint position suggests a more restrictive practice: the asylum seeker must present the "necessary elements" for assessing the reality of his story. Once the reliability of the applicant's claims are "sufficiently established", detailed evidence for all facts stated by the applicant is no longer necessary and the benefit of the doubt **should** be granted, "unless good reasons speak against this".

The joint position notes the lack of a common definition of the term 'persecution' in the meaning of the Geneva Convention, but refrains from formally introducing one: "The guide-lines of the present document do not constitute a definition" it says in point 4 of the text; but it goes on naming a list of criteria qualifying for the term 'persecution'. The experiences endured or feared by an asylum seeker must, inter alia, be "sufficiently serious" by their nature or their repetition, or must amount to a basic breach of human rights involving threats to life, freedom or physical integrity or the "manifest impossibility" for the applicant to continue living in his home country.

The text recalls that various forms of persecution might overlap and cumulate in the story of an asylum seeker and that this must be considered in examining his application.

Persecution by state authorities only?

Point 5 of the joint position says that persecution generally emanates from an organ of the state (*Les persécutions sont généralement le fait d'un organe de l'Etat*). There is no basis whatsoever for such a drastic restriction in the Geneva Convention. What is more, the provision goes on to catalogue many state-sponsored uses of violence termed as "legitimate", particularly "general measures" taken by public authorities for maintaining public order and state security, that may involve the use of force and restrictions of certain liberties. Such forms of repression exerted by the state shall not be considered as persecution in their own right.

As for individuals persecuted by state authorities beyond the limit of the above "legitimate" measures, they shall be eligible for asylum only if the persecution suffered is "intentional, systematic, and lasting".

Persecution by other parties than state organs shall be considered only when it is "encouraged and authorised" by the public authorities.

When state authorities simply remain inactive in the face of persecution by third parties, the joint position recommends a "specific examination of each application". The applicants concerned may be granted "appropriate forms of protection conforming with the national law [of the member state handling the application]". A 1994 draft proposal for the provision on non-state persecution was more generous. It said: "People may also be persecuted by third parties, if any asylum seeker is seriously threatened by his fellow citizens... and the government encourages, permits or deliberately tolerates such persecution...[The] person concerned may also be eligible for refugee status if the public authorities are unable to provide adequate protection".

Asylum seekers should seek "other forms of protection" first

The joint position provides for the rejection of asylum applications on the grounds that the applicant concerned could have resorted to other forms of protection. Thus, applicants are expected to seek protection and legal remedy available under the national legislation of their home country before seeking protection elsewhere (Point 6). If this rule is applied to the letter, this could result in many rejections on formal grounds. An application may also be turned down, when an asylum seeker can find protection in another part of his country and it can "reasonably be expected" that he moves there (Point 8). This assumption of "safe areas" in manifestly unsafe countries is a creation of the EU with no basis in the Geneva Convention.

Deserters and other persons avoiding military service

The joint position does not recognise conscientious objection, draft dodging or desertion as a sufficient ground for asylum in itself. However, it states that asylum **must** be granted when the very conditions under which an applicant is called to serve in the armed forces of his home country amount to persecution according to the Geneva Convention.

Asylum **may** be granted, whenever by doing his military service a person would have been forced to participate in crimes against peace, war crimes, crimes against humanity, serious non-political crimes, and acts contrary to the purposes and principles of the United Nations.

It does not clearly follow from the provision whether it also applies to deserters from civil wars or not. It is characteristic of the joint position that it leaves asylum on the above grounds to the discretion of the receiving state. This is a big step back as compared with an earlier version of the provision that said: "Deliberate refusal to perform military service or desertion will in any event be deemed acceptable and will constitute grounds for fear of persecution if it can plausibly be shown that they represent a conscious refusal to participate in military action of a kind which is condemned by the international community because of its inhumane nature or in accordance with generally applicable norms under international law. In such cases the asylum seeker's political convictions, for which he is being persecuted by the authorities are in line with what is expected of him by the international community".

Withdrawal of refugee status

No attempt is made to further specify the criteria established by the Geneva Convention (Article 1C) for the withdrawal of the refugee status. The joint position only says that the member states will do their best to harmonise their policies in this field.

Harsh criticism from the UNHCR

Commenting on the adoption of the joint position by the JHA-Council on 23-24 November, Christiane Berthiaume, a spokeswoman for the UNHCR said in Geneva that "principles of asylum are undermined and that many refugees might find themselves without sufficient protection". "The new interpretation creates an abnormal situation where people persecuted by their government in an internal conflict can be granted asylum, but not people who are just as innocent but being persecuted by the opposition", Ms Berthiaume said, and she emphasised that the Geneva Convention makes no distinction as to where persecution originates from. "We called on the EU not to take this restrictive decision. Even if it is non-binding it will affect asylum policy, particularly with the xenophobic winds blowing through Europe. The decision also threatens to have a negative effect on countries of asylum in the rest of the world, the spokeswoman noted. According to the UNHCR, the EU-decision was taken in order to match with "a more restrictive policy run by a minority of EU-countries - France, Germany, Italy and Sweden".

Reacting to the UNHCR's criticism a Swedish senior official said that his country has added a declaration to the joint position which states that the Geneva Convention shall apply also when a state is incapable of protecting persecutees.

Sources: Projet de position commune définie par le Conseil sur l'application harmonisée de la définition du terme 'réfugié' au sens de l'article 1er de la Convention de Genève, 11786/95; Corrigendum COREPER, COR 1 Limite, ASIM 317, 21.11.95; Addendum COREPER ADD 1 Limité, ASIM 317, 22.11.95; Guidelines for the application of the criteria for determining refugee status..., Presidency proposals, 6675/94. UNHCR-Handbook for determining refugee status, Geneva, January 1992; Svenska Dagbladet, 25.11.95, Reuter, 23.11.95.

Comment

As usual with inter-ministerial agreements, the wording of the joint position is evasive on many items and open to interpretation. Moreover, the authors of the text have shown little imagination. Most of the provisions of the joint position appear to be clumsy and somewhat more restrictive re-wordings of principles defined far more skilfully in the UNHCR's handbook for determining refugee status.

The joint position is not legally binding. It is therefore difficult to predict in how far this text as a such will affect the member states' asylum practice.

For the time being, we can only note that, except maybe for the provisions on war resisters, the joint position does not show any new approach in determining refugee status that would imply a more generous interpretation of the Geneva Convention. Instead, restrictive practices that have been or are being gradually introduced by all EU-member states are further formalised. Any asylum law practitioner knows what this means in reality: Algerian victims of Islamic fundamentalist violence (non-state sponsored persecution) are even less likely to be granted asylum than before; Kurdish victims of persecution will be sent back in allegedly "safe areas" of their manifestly unsafe home country, Turkey; civilian Tamil victims of the Srilankan government's military operations against the "Tamil Tigers" will be denied asylum on the grounds that measures of a government to maintain state security by the use of force are legitimate; and deserters from the war in former Yugoslavia "may" be eligible for asylum if the states until now have used all possible means to get rid of them as fast as possible should suddenly deign to consider their claims.

It is of little comfort, that the joint position as such will probably not strongly affect European asylum policies. As a matter of fact, instruments such as restrictive visa policies and "safe third country" regulations have already effectively undermined the right of asylum to such an extent that scholarly definitions of the terms "refugee" and "persecution" have little importance for the people concerned.

N.B.

JUSTICE AND HOME AFFAIRS MINISTERS MEET IN BRUSSELS

The EU's Justice and Home Affairs Council met in Brussels, on 23-24 November. No agreement was reached with regard to powers of jurisdiction for the European Court of Justice on Europol, and the signing of both the External Borders Convention and the Convention on the European Information System (EIS) is effectively blocked due to the Gibraltar dispute. Agreement was reached on a harmonised definition of the term 'refugee' (see this issue p. 3) and on common measures aiming at imposing airport transit visa for nationals of 10 countries.

Europol

Britain rejected a Spanish compromise proposal aiming at giving the European Court of Justice (ECJ) limited powers to interpret the Convention.

The Spanish proposal takes the form of a Draft Protocol to the Convention. The text would enable member states willing to accept preliminary rulings by the ECJ to attach a declaration relating thereto to the protocol. Britain, however, opposed even this solution as "unnecessary".

After this, the Spanish presidency said it would take the case to the Madrid EU Summit in December, as further delays were unacceptable.

The JHA Council also discussed a set of internal rules necessary for the implementation of the Europol Convention. The ministers approved the internal rules of Europol's Management Board, but noted that work on

other regulations (including the implementing rules for Europol's "Analysis Registers": see this issue, p.1) had to be continued.

Airport transit visa

The Council decided a "joint action" aimed at imposing an airport transit visa (ATV) for nationals of 10 countries (Afghanistan, Ethiopia, Eritrea, Ghana, Iraq, Iran, Nigeria, Somalia, Sri Lanka and Zaire). Bangla Desh and Pakistan were withdrawn from the list upon British request.

The measure targets air passengers not bound to EU member states, whose plane makes a stop at a European airport. The objective of the Joint Action is to prevent would-be asylum seekers from making use of such stops to file an application.

Convention on extradition

The ministers stressed in a special declaration that "some progress" was made. Agreement in principle was reached on provisions bearing on the facts that give rise to extradition. Most delegations also agree on the principles that must govern the extradition of nationals. The question of whether the political nature of an offence can be a motive for refusing extradition between member states is still a matter of disagreement.

Other items

The Ministers adopted

- a Resolution on the status of third country nationals residing in the EU for long periods
- a decision on a warning and emergency procedure for burden-sharing regarding the temporary reception of displaced persons.
- a Resolution on the protection of witnesses in the context of the fight against organised crime.

Sources: European Council: Communication à la presse, Brussels, 24.11.95, 11720/95 (Presse 332); Agence Europe No 6612, 24.11.95. See also this issue: Documents and Publications.

SCHENGEN: "MOBILE" CONTROLS AT INTERNAL BORDERS

The Schengen Group has accepted a French idea of creating binational and multinational mobile border-patrol units as a "compensatory measure" for the suppressed fixed checks at internal borders, the Brussels based *Migration News Sheet* reports.

The accord was announced by the Executive Committee of the Schengen Group after its meeting of 24 October. "Even if the Schengen Convention suppresses fixed checks at frontiers", said the French Minister responsible of European Affairs, Mr Barnier, "it does not exclude all checks". Therefore, the French concept of "mobile frontiers" does not breach the Schengen Agreement, in the view of the French Government.

By agreeing to the principle of creating multinational mobile patrol units, the other Schengen ministers have now given in to French pressure. Indeed, France is the only country of the Schengen Group that has until now resisted the effective suppression of controls at its internal borders. By accepting the French proposal on mobile checks, the other Schengen member states obviously hope to safeguard at least the principle of abolished internal border controls as stated by the Schengen Agreement.

Belgium and France will now examine ways and means of setting up joint cross-border patrols. The other member states will be able to participate in them or set up their own units in cooperation with their Schengen neighbour-states.

Mr Barnier also proposed the setting up of "joint police departments" in order to combat organised crime more effectively. He gave to understand that the complete application by France of the Schengen Agreement will largely depend on the acceptance by its partners of French proposals aimed at establishing alternative measures of checks and police cooperation.

Source: Migration News Sheet, No.152/95-11 (MNS is available at: 172-174, rue Joseph II, B-1040 Brussels, Tel/Fax: 32/2 2303750).

FRANCE

HUNTING A SPECTRE: THE FRENCH FIGHT AGAINST TERRORISM

Since the end of July, France has been hit by a wave of terror bombings. So far, 7 have died and some 180 were injured in eight attacks.

In August, the Government launched *Vigipirate*, a plan of action against terrorist threats, last applied in 1991 at the height of the Gulf war. In October, 32,000 men including police, gendarmerie, intelligence services and 15,000 soldiers, were mobilised under the plan. In Paris, members of the French Foreign Legion are posted in front of the Eiffel tower, random checks have become a part of daily life everywhere in the country, and the poor suburbs of all major cities are virtually under siege by the security forces.

Algerian Islamic extremists are suspected of being behind the bombings. Consequently, surveillance measures have first affected the country's large North African population. While *Vigipirate* is thus contributing to the further discrimination and exclusion of an already segregated minority, it is doubtful whether it will be successful in putting an end to the wave of terrorism. Many believe that it cannot be imputed to one particular terrorist organisation but is rather fuelled by a multitude of complex political and social factors.

The current events in France might soon prove to be just a first expression of what is likely to happen in the whole of Europe, if governments continue to resort to policing only to combat mounting violence actually caused by social, political and legal exclusion.

A chronology

On 11 July, a moderate Islamic leader, the Iman Sahraoui was assassinated in Paris by unidentified gunmen after having publicly condemned terrorist acts of Algerian Islamic groups. The Algerian *Sécurité militaire* (Military secret service) had earlier warned the French authorities against an imminent assassination attempt against the Iman. In the wake of the murder, French security forces carried out a number of spectacular raids in the Algerian community and arrested dozens of alleged "Islamic extremists".

On 25 July, a bomb exploded at the St Michel station of the RER underground railway killing 7 and injuring 80. Identikit pictures of three men of North African appearance seen by witnesses at the site of the bombing were widely published in the media. A policeman claimed that one of the suspects was identical with A. D., an Algerian resident in Sweden known for his sympathies with the GIA. The man was arrested in Stockholm, but a French request for his extradition was rejected by Sweden (see CI No. 37, p. 6 and this issue, p. 6).

On 1 August, the Government launched the first phase of *Vigipirate*, consisting of increased police surveillance of public buildings, a wider use of ID checks, and more random raids in North African neighbourhoods.

On 15 August, policemen were shot at as they tried to stop three persons in a car owned by Khaled Kelkal, a young Algerian from the Lyons region known to the police as a petty offender. The three escaped.

The next bomb attack occurred on 17 August in Paris. It was followed by a failed bombing attempt against the TGV high-speed train Paris-Lyon on 26 August and another bomb blast in Paris on 3 September. Police investigators found the finger-prints of Kelkal on the bomb aimed against the TGV.

On 7 September, a bomb detonated in front of a Jewish school in Villeurbanne, minutes before the end of classes. It was only because classes were still in progress - but about to end minutes later - that a bloodbath was prevented.

The Government responded by launching the "second phase" of *Vigipirate*. The decision was taken at a meeting of the "Interministerial Committee for the fight against terrorism (CILAT). Army units were mobilised to assist the police in maintaining public security. According to President Chirac, under *Vigipirate* the Interior Ministry had at its disposal 70,000 men by the end of October.

On 29 September, a unit of the EPIGN, a special intervention force of the Gendarmerie tracked down Kelkal and two of his companions in a mountain area near Lyons. Kelkal was shot dead. The day after, Interior Minister Jean-Louis Debré suggested at a press conference that Kelkal played an instrumental role in all terrorist attacks since July and that his death amounted to a decisive blow against Islamic terrorism in France. The euphoric declarations of the Interior Minister were, however, quickly played down both by the prosecution authorities and Prime Minister Juppé.

An investigation of the shooting showed that Kelkal was alone and armed only with a pistol, when the EPIGN surrounded him. Kelkal was hit by 11 bullets, whereof only the last was lethal. On an audio-tape recorded by a TV team at the site of the shooting, the order of a EPIGN officer can be heard: "Finish him off!".

48 hours after the death of Khaled Kelkal, heavy riots broke out in his home town Vaulx-en-Velin, a Lyons suburb with a strong North African population. In a night-long battle angry youths burned dozens of cars and threw stones at the police.

Similar riots broke out all around the country in October, and almost every night clashes between youths and security forces were reported in some suburb of one of the country's larger cities. While it is probable that the killing of Kelkal and the police hunt of "Algerian extremists" was a contributing factor in triggering the riots, in most cases other, local, reasons were instrumental.

In Strasbourg, rioters attacked tramways and buses. 60 soldiers of an infantry regiment mobilised under *Vigipirate* were hurried into the city to deter what seemed to be ordinary young hooligans rather than Islamic terrorists.

On 31 October, angry youths attacked the town hall and other public buildings of Vigneux-sur-Seine during 4 hours, and the same day, clashes between rioters and security forces were reported from Evry, another Paris suburb.

In late September, security forces detained 28 persons and seized 44 kilograms of explosives in raids in remote mountain areas in the départements of Vaucluse and Alpes-de-Haute-Provence in the South East of France.

On 7 October, the GIA claimed responsibility for the terrorist attacks in a letter signed by its leader and threatened further acts of violence on French soil. According to the police, the signature under the letter was authentic.

In late October, President Chirac met his Algerian counterpart, General Zérroual, at the UN 50th-anniversary celebrations in New York. The meeting was widely interpreted as a further sign of continued French support for the Algerian military regime.

On 25 October, the French Government adopted a proposal for new anti-terrorist legislation consisting of an extended list of offences that under certain circumstances can be considered as "acts of terrorism". One of the offences mentioned on the list is assistance to illegal aliens.

On 2 November, the French police arrested 6 suspected GIA terrorists in Paris after the discovery in an apartment in Lille of an explosive device of the same type used in earlier attacks imputed to the GIA. According to the police, the six were planning a bomb attack on a market place in Lille and had "contacts" with Boualem Bensaid, a 28 year old Algerian arrested a day earlier, whom the police presented as the "Emir of the GIA", the actual wire-puller behind the terrorist attacks.

On 4 November, two Algerians, whom French authorities claim to be "key figures" in the GIA, were arrested in a joint operation of Scotland Yard and MI5 in London. Both are recognised refugees in the UK. One of the men, Abdelkader Benouif, is suspected by the French investigators of having planned the attacks in Paris from London.

From the Stockholm man to the London man: the French authorities have pointed out a lot of suspected terrorist "masterminds". However, it remains to be seen whether there is only one wire-puller (the GIA) behind the terrorist attacks. For the growing number of young North Africans in France, there are many reasons other than Muslim fundamentalism to turn violent. And there are groups other than Algerian fundamentalists that might have a political interest in scaring France into a state of emergency.

Sources: Research by Geneviève Mayeur, Radio IFM, Grenoble; France Soir, 26.10.95; Info Matin, 23.10.95, 11.9.95; Le Monde, 9.9.95; Neue Zürcher Zeitung, 5.10.95, 6.11.95, 26.10.95; Svenska Dagbladet, 2.11.95.

OPERATION VIGIPIRATE: A COUNTRY UNDER SIEGE

Since the Government decreed the full scale implementation of *Vigipirate* in early September, France has resembled a country under siege: military troops are used for internal security purposes. Is France heading for a permanent state of emergency?

800'000 ID-checks in less than two months

Heavily armed soldiers and police patrolling train stations, guarding post offices, cafés and school buildings fenced off by barriers even in small towns. Legionnaires in front of the Eiffel tower. Checks and searches of shoppers' bags at the entrance to supermarkets. Searches of lawyers' handbags at the entrance of court houses. Joint police and army platoons patrolling troubled suburban areas inhabited by the poor, the immigrants - the breeding grounds of "terrorism". Gendarmerie and soldiers combing remote valleys, raiding abandoned farm buildings, checking visitors lists in the three room bed-and-breakfast pension in some mountain village. Helicopters flying along railway tracks and border areas. A total of 800,000 ID-checks in one and a half months, and an estimated cost of 1 million francs per day.

Soldiers under the orders of the police

The *Vigipirate* plan was decreed for the first time in 1986 following a series of attacks in France by Near-Eastern terrorist groups. The plan was reactivated in 1991 during the Gulf war, when Iraqi President Saddam Hussein threatened the Western allies with terrorist retaliation on their own soil.

The main declared objective of the plan is to relieve the police forces of the manpower burden of guarding and patrolling tasks and the free as many police as possible for more demanding tasks. Military officers in charge of operation *Vigipirate* are eager to emphasise that the army has no police powers under the plan. The military merely "accompany and reinforce" patrols under the command of Police or Gendarmerie officers.

Dubious legal basis for *Vigipirate*

Critics are stressing that there is no legal basis for the use of the army for internal security and policing purposes, while military officers point to a passage in the first (!) French constitution of 1792, according to which "the armed forces are public forces" which they stress provides for their use under *Vigipirate*. Be that as it may, the *Vigipirate* scheme is not based on a law but merely on an "inter-ministerial instruction". It is decreed by the Prime Minister,

and implemented by the Interior Minister. All police and military forces involved in the scheme are placed under the Interior Minister or his representatives at the département level, the prefects.

According to the Chief of the National Police, Claude Guéant, tasks are divided as follows: police in uniforms and the military ensure the security of the public, the intelligence services, *Renseignements Généraux* (RG) and DST shall "infiltrate and detect the Islamicists", and the *Police judiciaire* (PJ) shall "dismantle the networks and find the bombers".

70,000 police and army forces

Under *Vigipirate*, the Interior Minister has a maximum 70,000 police and military at its disposal. At the end of October, some 32,000 men were actually involved in the scheme, whereof 15,000 were soldiers. About half of these forces are concentrated in the Paris region. In the capital, 2,400 soldiers are on active duty 24 hours a day. The regular 3,700 security personnel of the Paris underground, RATP, are reinforced by 400 police.

Vigipirate activities are extraordinarily widespread even in the provinces. Thus, police in the city of Grenoble (département Isère) checked more than 18,000 persons and some 10,000 motor vehicles in three months. 173 persons were detained, whereof 23 were illegal aliens. 16 persons were deported. As for the Gendarmerie (the police force in charge of rural areas), it checked an estimate 20,000 persons and 20,000 vehicles.

***Vigipirate's* catch: traffic offenders and clandestine workers?**

According to the regional chief of the Gendarmerie, Lt Col Alain Georges, his men concentrate on checks in rural hotels, the surveillance of isolated areas and the protection of the TGV track. In an interview with a local radio station, Georges stressed that cooperation between the Gendarmerie and the army was excellent, because "the gendarmes are part of the military, after all". Questioned about the use of *Vigipirate*, the Gendarmerie chief pointed to the large number of tip-offs from the population and the increase of random checks that had led to a drop in crime and a large number of arrests... of "traffic offenders and illegal workers".

An emergency scheme for daily use?

Indeed, while it remains to be seen whether *Vigipirate* will prove effective in protecting the public against acts of terrorism, the use of joint army and police forces for every day public order purposes such as intimidating illegal immigrants, deterring hooligans and petty criminals, and controlling "problematic" suburbs, appears to be a constant temptation for certain government politicians and police chiefs. In this context, one should recall President Chirac's long-standing but never realised dream to create a "National Guard", a sort of combined police-military rapid intervention force for the control of public order. The longer the *Vigipirate* operation goes on, the greater the risk for its institutionalisation. For the time being, no end of the operation is envisaged. Recently, the chief of the national police, Claude Guéant said that the GIA was to France what the ETA was to Spain and the IRA to Britain. "The security plan *Vigipirate* is here to last", he concluded.

Sources: Research by Geneviève Mayeur, Radio IFM, Grenoble; Libération, 26.10.95; Info Matin, 11.9.95, 23.10.95; Dauphiné Libéré, 11.9.95, 24.10.95; Le Monde, 9.9.95, 12.9.95, 27.10.95; IFM radio-interviews with senior police and military officers in the Département Isère (Grenoble), October 95.

RIVALRIES AND BLUNDERS HAMPER TERRORIST HUNT

Rivalries between various police services and within the judiciary are hampering the French fight against terrorism.

In September, President Chirac said in blatant contradiction of his Interior Minister that nothing was known about the origin of the terrorist attacks and denounced the "lack of coordination in the combat against terrorism".

Interior Minister Debré angrily expressed his "consternation" about the presidential criticism: "He [Chirac] should never have admitted that he didn't know where the attacks came from", Mr Debré is reported to have said.

However, the presidential avowals did not come as a surprise to anybody. Indeed, rivalries between the plethora of magistrates, special police and gendarmerie units as well as intelligence services involved in one way or the other in the anti-terrorist hunt appeared from the very beginning. Thus, the well-informed satirical Paris weekly, *Le Canard Enchaîné*, revealed that one of the leading investigating judges (*juge d'instruction*) in the St Michel bombing travelled to Stockholm to seek the arrest of the suspected Algerian, A.D., without informing the office of public prosecution nor Prime Minister Juppé or Justice Minister Toubon. As for the *Direction de la Surveillance du Territoire* (DST: the French internal secret service), it did not find it necessary to inform the *Police Judiciaire* (PJ: the police unit in charge of criminal investigations) of the (illegal) presence of DST officers on Swedish soil. In its turn, the PJ "forgot" for several days to inform the other police and security services of its discovery of the finger-prints identifying Kelkal as a main suspect in the failed TGV bombing.

According to the *Canard*, an "apalling atmosphere" characterises the meetings of the various police and secret service chiefs "cooperating" in UCLAT, the coordination unit for the fight against terrorism.

Tensions appeared also between the two main French police services, the *Police Nationale* (under the

Interior Ministry) and the *Gendarmerie* (under the Ministry of Defense). Thus, a high-ranking police officer in Lyons commented on the shooting of Kelkal by the Gendarmerie-unit EPIGN: "The paratroopers of the Gendarmerie wanted to make war, just as they are used to in Ouvéa [New-Caledonia]... Their job is to make war, so they went hunting... 'Finish him! off'. To say so, is very grave, not to mention that Kelkal was armed only with a 7.65 [pistol]".

Following a number of embarrassing leaks to the media (resulting among other things in TV crews appearing at operations before the police), Interior Minister Debré severely warned police officers against violations of the confidentiality of the investigation. Ever since, some investigators are voicing suspicion that they are being eaves-dropped by rival police services. An unnamed member of the national police headquarters quoted in the *Figaro*, complained that "this has never happened before, not even during the Algerian war".

When military troops mobilised under *Vigipirate* were used in Strasbourg for riot control purposes, the General Union of Polices denounced the "anti-republican use" of the army. In late October, a group of high-ranking magistrates struck an oblique blow against the Government, certain judges and the police. In an article published in *le Monde* under the pseudonym "Cicero", the magistrates denounced a "civilian and military mobilisation not seen since the Algerian war" and the "suspicion across the board of Islamic fundamentalists". The "anti-terrorist" investigating judges are accused of having "jailed 160 Muslims" as "hostages of the Republic", in an attempt "to fight back enemies of whom nobody knows who they are". The magistrates further contend that "the special relations of certain investigating judges with certain members of the police hierarchy permanently short-circuit the public prosecutor". Commenting on the investigating "trio" made of the office of public prosecution, the investigating judges and the police, the magistrates conclude: "There is one pilot too many in the plane. It is not the policeman".

Sources: 14.9.95; Canard Enchaîné, 13.9.95, 4.10.95; Humanité, 23.10.95, 26.10.95; Le Monde, 9.9.95, 23.10.95; Figaro, 14.9.95.

GOVERNMENT PLANS NEW ANTI-TERROR-IST LEGISLATION

On 25 October, the Government adopted a bill aiming to extend the list of offenses that can qualify as "acts of terrorism" under a 1986 law against terrorism and offenses against state security. Under the bill, people helping illegal immigrants can be tried as terrorists.

The 1986 anti-terrorist law

A law introduced in 1986 under the then interior minister, Charles Pasqua, established a special procedure and massively increased punishment for a number of offenses such as theft and possession of explosives and deliberate attacks against peoples' lives, whenever they are committed for the purpose of seriously disturbing public order by intimidation or terror. Under the 1986 law suspects can be held in police custody for 4 days (instead of two) without being presented to a judge or informed about the charges. All terrorism related procedures are centralised in Paris and tried by a special court made of magistrates only (the normal French criminal procedure provides for the participation of juries). The law did not establish new criminal offenses but merely new powers and rules of procedure.

The new French penal code introduced in 1994 provided for automatically and massively increased punishment of offences tried under the 1986 law and abolished suspects' right to receive the visit of a lawyer during police custody. Finally, in 1995, the statute of limitation for terrorism related offences was extended.

The Toubon bill: new terrorist offences

Under the new bill presented by Justice Minister Toubon, the following offences are added to the list of crimes to which the special rules of the 1986 anti-terrorism law can apply: participation in a combat group, re-constitution of a banned organisation, hiding of criminals, the possession of certain types of fire-arms, and, last but not least, assistance to an illegal alien.

The bill further introduces a new criminal offence - the "association of terrorist wrong-doers" and increased sentences for assaults against police and Customs officers. Finally, police shall be allowed to search houses at night-time whenever terrorism-related offences are concerned. Hitherto, searches were prohibited by law between 9 PM and 6 AM.

Linking terrorism with immigration

Justice Minister Toubon says the bill aims at providing security forces with an "efficient legal arsenal" for the fight against terrorism, but it is not only civil liberties organisations who have voiced concern that the proposed changes, while being of little practical use in deterring terrorists, further undermine fundamental rights and freedoms. The general secretary of *Syndicat de la Magistrature* (SM), a union of magistrates (judges and public prosecutors), called the bill a "publicity stunt" aiming at legitimising random police raids against innocent people - "friends, cousins, just about anybody". Indeed, incriminations such as involvement in an "association of wrong-doers in relation with terrorist undertakings" are catch-all clauses that are likely to widen the circle of "suspects".

The country's largest police union, FASP, is among the signing organisations of a joint statement warning against establishing an apparent link between terrorists and immigrants: "There is a serious risk of marginalisation of a sector of the population already strongly affected by the economic crisis. This could result in confrontations benefiting only the extremists of all sides".

Danièle Lochak, a Paris based professor of law and president of GISTI, a French NGO that provides legal advice to immigrants and asylum seekers, said: "What strikes me is the incrimination of assistance to foreigners lacking stay permits. I do not really understand. As far as I know, until now all terrorist attacks are imputed to French citizens or persons on a perfectly legal stay here". Ms Lochak also criticized the increased sentences for assaults against representatives of public order provided for in the anti-terrorism bill: "Honestly, I have never heard anybody say that mounting violence against policemen has anything to do with terrorism. This is a law text aiming only at re-assuring police officers and demonstrating that the government trusts them. Considering this, the fact that this text will remain in the penal code, gives cause for serious concern". In an editorial in the Paris daily, *Libération*, Guillaume Malaurie sums it up: "Step by step, a new equation is being imposed: for more security, let us sacrifice our liberties".

Sources: *Libération*, 26.10.95; *Humanité*, 23.10.95, 26.10.95; *Le Monde*, 27.10.95.

SWEDEN

ALGERIAN ALLOWED TO STAY DESPITE EXPULSION ORDER

On 31 October, the Swedish government formally ordered the expulsion of an Algerian, A.D., on the grounds of his alleged involvement in terrorist activities, but decided at the same time that the expulsion measure could not be executed, because the man faces persecution in Algeria. The government's decision came 10 days after the Swedish Supreme Court finally rejected a French request for the extradition of the man.

After 2 months of detention, A.D. was released the very day of the Government's decision and is now free to stay in Sweden until further notice, as long as the Swedish government deems that he would face persecution (including a possible death sentence) in Algeria. A.D., who is married to a Swedish woman and father of two, will however have to register with the police three times a week and may be subjected to additional police surveillance measures under a Swedish anti-terrorism law (see CL No.37, p.6). Moreover, the decision not to carry out the deportation will be considered afresh at least once a year.

The Swedish Minister of Justice, Ms Leila Freivalds justified the expulsion order against A.D. with his "connection" to the Algerian armed Islamic organisation, GIA, but once again failed to specify these accusations which are based on secret reports of the Swedish security police, Säpo.

A.D. has always denied any involvement in terrorist activities. He contends that he did no more than make use of his rights and liberties to spread information on the situation in Algeria. This appears to be confirmed by Justice Minister Freivald's admission that A.D. is not suspected of any crime in Sweden.

French anger about refused extradition

Ten days before the government's decision, the Swedish Supreme Court had finally rejected a French request for extradition of A.D. The extradition request was based on the claim of French investigators that he was identified by a witness to a bomb attack in Paris as one of three Algerians near the site at the time of the explosion. But referring to conclusive evidence that A.D. was actually in Stockholm on the day of the attack, the Swedish High Court found that the French decision to order A.D.'s arrest in his absence, was "defective".

Considering the decision of the Highest Court, the Government had no other choice than refusing the Algerian's extradition to France.

The French Justice Minister, Jacques Toubon, showed deep disappointment over the Swedish decision and regretted the "lack of solidarity" in combating terrorism. "A number of countries do not take Islamic fundamentalism as seriously as we do. We are striving for genuine human solidarity within the EU, both on the political and judicial level", Mr Toubon said.

Sources: *Dagens Nyheter*, 1.11.95; *Svenska Dagbladet*, 1.11.95, 21.10.95.

SWITZERLAND

GERMANY AND SWITZERLAND TO MATCH FINGERPRINTS OF ASYLUM SEEKERS: TEST RUN FOR EURODAC?

Germany and Switzerland are planning to electronically match the fingerprints of a random selection of asylum seekers stored in their respective electronic fingerprint registers.

Government officials in both countries stress that the objective of the operation is to gain statistical information on the extent of multiple applications of asylum seekers, but there are reasons to believe that the data-matching operation is also a test run for the planned European fingerprint database for asylum seekers, EURODAC.

According to a draft arrangement between the Swiss Federal Department of Justice and Police and the German Federal Interior Ministry, The German BKA (Federal Office of Criminal Investigation) will send high quality copies of a random selection of 9,000 fingerprints of asylum seekers to Switzerland, where they will be digitally entered into the Swiss fingerprint register, AFIS. The 9000 "German" fingerprint samples will then be automatically matched with the entire data stock of the Swiss AFIS. This shall enable the Swiss Federal Office for Refugees to track down identical fingerprints. These "hits" will then be evaluated according to criteria such as:

- the quota of double/multiple identities, listed according to the countries of origin;
- the number of multiple applications made by one asylum seeker using different names;
- the country in which the first application was made;
- checks on whether asylum seekers have mentioned a prior application in Germany when seeking asylum in Switzerland.

It is stressed in the draft document that the operation is "non-recurring" and only for statistical purposes. Its findings may not be used in deciding on individual applications. The Swiss authorities bind themselves to delete all the German data as soon as the operation is completed.

According to a spokesman of the Swiss Office for Refugees, a similar data-matching operation between Switzerland and Austria in 1993 revealed a 10 per cent rate of double applications.

Neither the Swiss nor the German federal data protection commissioner object to the data matching operation. Nonetheless, it is questionable from a legal point of view. The German asylum law does not expressly provide for the exchange of asylum seekers' data with foreign countries, and in Switzerland, the federal data protection commissioner has earlier contended that already the systematic storage of the fingerprints of all asylum seekers in the AFIS system breaches the constitution. The Swiss Government seems to be aware of the problem and is now planning a change of the asylum law providing both for the registration of all asylum seekers' fingerprints and for the exchange of these data with foreign countries.

Swiss anxious to join EURODAC

Switzerland has for a long time pressed for the setting up of a European fingerprint database on asylum seekers and has even proposed a Swiss made system, EURASYL, to the EU (see CL No.7, p.5). The EU, however, rejected the Swiss bid in 1992 and began developing its own system, EURODAC. Ever since, Switzerland that is not a member of the Union has shown itself anxious not to be cut off from the EU member states' cooperation in the domain of asylum. Switzerland is currently negotiating so-called parallel treaties that would link the country both to the Dublin Convention and the planned EURODAC system.

The objective with EURODAC is to prevent "asylum abuse" by asylum seekers making multiple applications and to help finding the member state of first entry responsible for the deportation of refugees whose application for asylum has been turned down.

Sources: Absprache über den Abgleich von Fingerabdrücken, Entwurf, Swiss Federal Department of Justice and Police and German Federal Interior Ministry, undated; WochenZeitung, 3.11.95, article by Heiner Busch.

ASYLUM AUTHORITIES OFFICIAL COUNTERFEITED ID-DOCUMENT

Swiss asylum groups have for a long time pointed at the often unconventional means used by the Federal Office for Refugees in order to enable the deportation of rejected asylum seekers.

The most recent case concerned a Tamil asylum seeker who tried to resist his deportation by refusing to sign a passport issued by the general consulate of Sri Lanka in Geneva upon request of the Swiss authorities. The man's "obstruction" proved in vain. He was deported with a Sri Lankan passport carrying his signature.

Back in Sri Lanka, the man informed Swiss friends who started to investigate the case. They eventually found that the signature originated with a document held by the Federal Office for Refugees. The signature had been cut out and sent to the Sri Lankan general consulate, thus enabling it to issue the passport.

In the meantime, a criminal procedure has been opened against a senior official of the Federal Office for Refugees. The official is suspected of document counterfeiting.

Sources: Neue Zürcher Zeitung, 3.11.95; our sources.

SPAIN

BARBED WIRE BETWEEN CEUTA AND MOROCCO

Spain has begun to cordon off its African enclave of Ceuta on the North African coast in an effort to prevent illegal immigration. According to official information, workers began setting up an 8 kilometres long barbed wire fence between Ceuta and Morocco. The measure aims at making it impossible for African would-be immigrants to cross the border that has proved difficult to control. In mid October violent clashes opposed Spanish police and residents of Ceuta to illegal immigrants attempting to make their way to Spain.

Source: Neue Zürcher Zeitung, 21/22.10.95.

OPINION

LONG TERM SOLUTIONS TO THE QUESTION OF MIGRATION: THESES OF THE DUTCH 'THIRD CHAMBER'

In CL No. 38 we published the first part of a contribution to a discussion in the Netherlands, known as the "Third Chamber" - on four big issues within the Dutch left - migration, environment, the welfare state and democracy.

In the following second part, the authors present a number of theses open to debate.

General observations

Long-term solutions to the question of migration can only derive from abolition of the discrepancy between the rich and poor through actual democratisation.

Migration is a question of poverty before anything else. There are four ways in which poverty may be reduced:

- money earned by the rich, makes its way down to the poor;
- economic market forces;
- provision of the means for economic autonomy;
- development aid.

The first method (known as "trickle down") has next to no effect on the prevention of poverty; nor will the current market system eliminate poverty.

The most effective means of combating poverty is through education and the conveyance of property and assets through aid (so-called "endowments").

Besides direct emergency aid, there is the need for provision of the means for economic development of local communities based on economic independence.

Export subsidies and import levies in the West must be abandoned. The market rates of resources and agricultural produce must be fixed so as to ensure fair wages and reasonable working hours and conditions.

Human rights treaties and those as agreed upon by the ILO are to be actively complied with on the level of bilateral economic affairs, and must be subject to inspection through reports by local trade unions, women's organisations and other NGO's.

Local development in third world countries must be further enhanced through suspension of debts and the improvement through aid of local infrastructure, education, and production of primary necessities such as nutrition and housing.

Local democratic NGO's, trade unions and women's organisations are to serve a key role in this development, in order to prevent select cliques from re-monopolising life opportunities. This further implies that Western NGO's are to have substantial influence on the distribution and allotment of, and control over the means reserved for Third world development. A multiple of the current budget (1 per cent of the GNP) must be reserved for development aid.

The arms industry and trade are to be reduced.

Obsolete weapons and arms systems in the West are to be immediately destroyed, not exported.

Refugees of war and environmental disasters are to be provided with adequate shelter in their regions of origin. People must have a free say in whether to remain in said regions or not.

"Freedom" here implies that there must be a choice between real options. Said refugee centers are to be mainly financed by the affluent nations. They may not be cut down on development aid funds.

International networks of NGO's on issues such as human rights are to be initiated and extended. They are to monitor existing and potential conflicts. This information will allow them to put political pressure on governments and to instigate their own actions, such as information campaigns or consumer boycotts.

The Netherlands

Refugees must be allowed without exception. In the case of doubt concerning the backgrounds of flight, the refugee must be given the benefit of the doubt and should not, as in current practice, be regarded as suspect. Better to grant a refugee status to a certain percentage unjustly, than to unjustly disallow it and send them off.

Both legal and illegal migrants must, when voluntarily deciding to return to their places of origin, be given support in doing so. Repatriating migrants are to be given a prospect in their own countries or regions through seed money and/or education.

Family reunification or formation are not to be subjected to any restrictions.

Anyone resident in the Netherlands is entitled to basic allowances, regardless of their legal status. Should the authorities fail to enhance such rights, support groups and the general population are to create networks providing these facilities.

Unprecedented spending cuts await us over the coming years. Simultaneously, the pressure of migration may be expected to increase. The victims of spending cuts are pitted against victims of repression and exploitation abroad. Yet the causes underlying both kinds of misery are often the same. A national redistribution of Dutch assets is necessary, if we are to have a compassionate migration policy.

There is, at the present phase, hardly a question of democratic policy-making on migration in Europe. At the same time, there is almost no democratic control over the operations of multinational companies, who are an important factor in undesirable developments in the countries of migration. Environmental, Third world and refugees' support groups must combine forces in order to find their own means of generating political power and democratising society.

Points of debate

1a) As long as world trade fails to provide equal development opportunities for all countries, migration is not to be restricted under any circumstances.

1b) Reduction of migration to Europe and/or the Netherlands is inevitable. Measures such as annual quota must of necessity be taken.

2) Increasing migration means extra costs. At present, these are mainly transferred to the underprivileged sectors of society. Thus, migrants are pitted against sectors such as welfare recipients. The struggle for a fair international distribution of assets has to be coupled with that on a national level.

3) The debate as to (compulsory) migration and its solutions is not to take place on a national, nor even European, but on a global level. This means that Third World countries must be involved.

4) Migration cannot be viewed in isolation from Third World issues, environmental destruction, etcetera. Therefore it is necessary that the refugees and illegal immigrants' support movement should operate in close alliance with other social movements, such as Third World and environmental movements, welfare recipients' support groups, and so forth.

5) There are positive aspects involved in migration. Migration serves to level national barriers, and provides for a multiple cultural exchange. In this respect, it represents an improvement of both the Dutch' and the migrants' lives.

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EVENTS

ALTERNATIVE FORUM: 'THE OTHER FACE OF THE EUROPEAN PROJECT'

Madrid, 11-16 December

An "alternative forum" will be held in Madrid at the occasion of the EU summit of Madrid in December.

The following items of particular interest to our readers will be discussed in plenaries at the Forum:

- Thursday, 14 December: The EU prepares its military and policing structures to confront increasing ungovernability (Speakers: R. Grasa, C. Taibo, G. Martinez Fresneda, S. Zajovic);
- Friday, 15 December: The new borders of Europe: citizens, foreigners and the excluded (Speakers: S. Nair, J. de Lucas, T. San Roman, I. Alvarez).

Other plenaries will address the following subjects: The European project: economic convergence and social divergence; "Great Europe" and the aggravation of European and worldwide ecological disequilibriums; The expansion and reinforcement of the European Union perpetuates domination-dependence relations with the periphery.

Information: Foro Alternativo, Campomanes 13, E-28013 Madrid, Tel: +34/1 5411071; Fax: +34/1 5590334; E-mail: face95@nodo50.gn.apc.org

DOCUMENTS AND PUBLICATIONS

Justice and Home Affairs Council

- **Decision on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis.**

Doc OJ No C 262, 7.10.1995, 4 p.

- **Acte du Conseil adoptant une action commune sur le régime du transit aéroportuaire**, Brussels, 23.11.95, 11794/95. On transit visa obligation for nationals of 10 countries.

United Nations, General Assembly, 50th session: Situation of human rights in the former Yugo slavia.

Periodic report by Elisabeth Rehn, Special rapporteur of the Commission on Human Rights on the situation in the former Yugoslavia, 3.11.95, 19 p.

UNHCR: Background information on the situation in Poland in the context of the "Safe Third Country" concept, Geneva, November 1995, 3 p. The report notes, inter alia, that the admission of refugees at Polish land borders remains problematic. "UNHCR has no guarantees that persons requesting refugee status at the border are admitted to the procedure in Poland. This applies particularly to persons who are not in possession of valid travel documents or visas. Polish law does not contain provisions safeguarding the access of insufficiently documented asylum seekers at the border as would be required by Article 33 of the 1951 Convention".

According to government statistics quoted by the report, less than 1000 asylum applications were lodged in 1994 and the first 8 months of 1995. In the same period, less than 400 persons were granted asylum.

Helsinki Committee for Human Rights in Serbia: Proposals for a new citizenship act - an analysis of basic legal solutions. Authors: Prof. Stevan Lilic, Biljana Kovacevic-Vuco, 14 p. Among other things, this comprehensive analysis addresses the problems facing war refugees and deserters in the event of return to Serbia.

Human Rights Project, Bulgaria: Quarterly Progress Reports, April-July and July-October 1995. Reports of numerous cases of state and police violence against the Roma minority.

Available at: Human Rights Project, 13, Uzundjovska Str., 2nd floor, 1000 Sofia, Bulgaria; Tel/Fax: +359/2 875577.

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