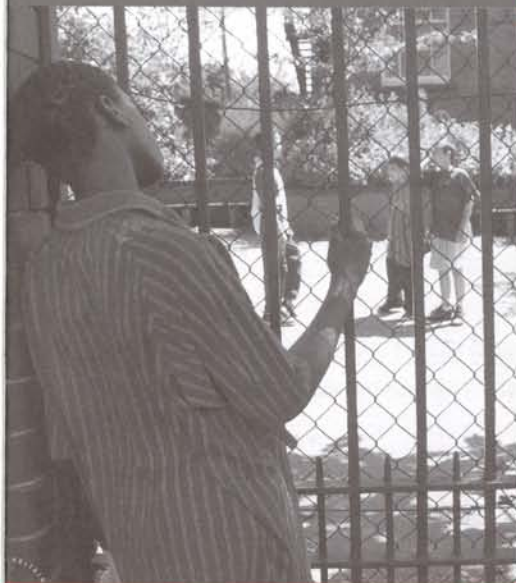


CAMPAIGN AGAINST
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RACISM & FASCISM

No 41 December 1997/January 1998 80p



WHOSE
hard
choices



Legal aid cuts
No refuge for Roma
Cleft stick at Campsfield

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EDITORIAL

Whose hard choices?

One of Labour's election pledges was to put an end to what Jack Straw calls the 'scourge' of social exclusion. A social exclusion unit, proposals on welfare to work, reforms to the youth justice system are all supposedly designed to tackle that scourge. A complementary aim for this modernising government is, through measures such as the Human Rights Bill and freedom of information laws, more open, more accountable, people's government.

But the Lord Chancellor's proposed changes to legal aid will have the contrary effect of increasing social exclusion, and of reducing accountability. The already poor and marginalised will be debarred from a remedy for police misconduct by the replacement of legal aid by 'no win no fee' agreements – for no lawyer will want to take risky cases against the police, and insurance companies will either refuse insurance (required to cover the risk of losing, and so having to pay the other side's costs), or offer it only at prohibitive premiums. Other changes to legal aid are likely to make challenges to government action much more difficult. The window recently opened on the CPS by the successful challenge to its refusal to prosecute police officers implicated in unlawful killings of detainees, for example, is likely to be closed if the legal aid changes go ahead.

Labour says it has to make hard choices. But what's eating up the legal aid budget isn't challenges to police and government; money is pouring into the pockets of fat-cat barristers (some earning £1,000 a day), defending fat-cat businessmen like the Maxwell brothers. The hard choice would have been to tackle that gross abuse of legal aid. Instead, it's on the poor that the hard choices will devolve, as Labour decides to leave them even more socially excluded, with remedies against police or government misconduct rendered more difficult and expensive, and their access to justice severely restricted. ■



Sean Smith

As we go to press, we have just learnt of the death in mysterious circumstances of 20-year-old Asian student Lakhvinder Reel.

Lakhvinder's body was found in the Thames on 21 October, seven days after he went missing in Kingston, Surrey. His parents, pictured left holding a portrait of their son, want to know why the police investigation failed to consider evidence presented by three of his friends, who had been with him on the day he disappeared.

They told police of an attack by two white men who racially abused them. A fight followed, leading to a chase. The three friends ran off in one direction, and Lakhvinder in another. They never saw him again.

Campaigners have called on the Macpherson inquiry to investigate the circumstances in which Lakhvinder died. As in the case of Michael Menson, the police seem to have closed the case without any attempts to mount a proper investigation. CARF will report fully in the next issue. ■



Campsfield: the gloves are off

Not content with treating innocent detainees like criminals, the Home Office now seems determined to turn them into criminals

Detainees who participated in a protest at Campsfield detention centre in Oxford earlier this year, have now been charged with riot. The protest, on 20 August (see *CARF* 40) was a response to the removal of a detainee to Winson Green high security prison, against a background of unheeded complaints, including the claim that security guards watched pornographic movies during detainees' prayers. Detainees claimed that their complaints were binned and those who complained were transferred to prison. A hundred more were shipped out after the protest, and those remaining alleged that they were locked in their cells and denied visits and phone calls.

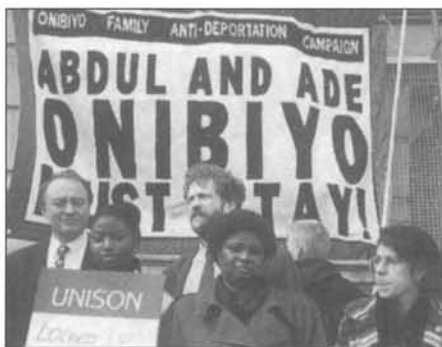
The government compounded the injustice at Campsfield which lay behind the protest – the latest of many – by having thirteen detainees charged with

violent disorder. A special incident room was set up to collect evidence for the prosecutions, at an estimated cost of £1.5–£2million (ten times the amount of damage caused during the 'riot'). A duty solicitor at Banbury police station who saw video footage of the 'riot' says that the violence it shows is less than what would occur at a Saturday night pub brawl. The solicitor claims that charges were brought after ministerial instructions. 'Even the Conservative government did not bring charges against asylum-seekers. This is the first time that criminal charges have been brought against those held in detention awaiting their appeal,' said Bill MacKeith of the Campaign to Close Campsfield.

The campaign fears that the case will be a political show trial aimed at deterring future protests by detained asylum-

seekers, however legitimate their grievances. These fears seem to be borne out by the replacement of the initial charges of violent disorder by riot charges, which carry a maximum sentence of life imprisonment. Such charges have a six-centuries history of abuse against the most oppressed and voiceless groups in society; to that extent Labour, for all its radical pretensions, is merely carrying on the old tradition, while extending it to new oppressed groups.

But the intimidation of the asylum-seekers has not ended with the bringing of the charges. Some potential defence witnesses for the 'Campsfield 13' have been deported, including one who claims to have been beaten and had his leg broken. Others claim to have suffered threats. The fight for justice will be long and dirty. ■



Lessons in hypocrisy

The Home Office, the Onibiyos and Pardeep Saini

Finally, in late November, as Abdul flew into Britain from West Africa and Ade arrived from Guyana, the Onibiyo family could celebrate. Joyce Onibiyo was 'overjoyed that this nightmare is over. For the first time in years I have my family back together,' she said.

To hear immigration minister Mike

O'Brien speak, you would think that the reunion of the Onibiyo family in Britain is just what the government had been working for since it took over in May. Announcing that he had overturned the deportation order made in 1995 and was allowing Abdul and his son Ade to return to Britain, O'Brien said: 'I personally

examined the Onibiyo case in great detail... We hope that the Onibiyo family will now be able to put the difficulties of the last few years behind them.' What O'Brien neglected to mention was that the family's difficulties over the last few months have been caused by him and his boss, home secretary Jack Straw, who,

having supported the Onibiyo family campaign in 1996, refused Abdul and Ade permission to return to Britain when they were in power, labelling them bogus asylum-seekers (see *CARF* 39 and 40) despite a large dossier of evidence compiled by their lawyers, which included the full-page advertisement taken out by the Nigerian High Commission in 1996 for the sole purpose of attacking the family.

But in October, an immigration adjudicator accepted that Abdul had been imprisoned and ill-treated on his return to Nigeria, and that he was a genuine refugee. He held that the Home Office refusal to allow him to return in June 1997 was 'not in accordance with the law'. His wife, too, won her appeal, satisfying the adjudicator that she was in danger if she was forced to return to Nigeria because of her family connection with Abdul. The adjudicator went out of his way to distance himself from the Home Office findings, saying that 'no question arises of opportunism or bad faith' on the part of any member of the family. And although there was no appeal on behalf of Ade, who (with Jack Straw's help) had been sent to Guyana as an alternative to Nigeria in 1996, the Adjudicator 'invite[d] the Secretary of State to give urgent consideration to his situation' isolated thousands of miles from his family, 'to enable him to return to the UK'. As a campaign spokesperson said, 'The truth is that the family is together because of the immigration adjudicator, in spite of Mike O'Brien's opposition.'

Pardeep Saini refused

Abdul Onibiyo had to go through a horrendous ordeal in prison in Nigeria to vindicate his claim. The ordeal of Pardeep Saini, however, continues. Having arrived in the UK under the wheel of an aircraft, after a ten-hour flight which killed his brother (see *CARF* 40), he has now had a final refusal of his asylum claim and faces the prospect of return to India, or the stress and uncertainty of months waiting for an appeal. The usual bureaucratic arguments are marshalled that someone using 'extreme methods' should not be given preferential treatment. When will the government realise that it is the extreme methods adopted by European governments to keep out refugees which force thousands to take desperate measures; and that a system which sets its face against that desperation isn't 'firm but fair': it's inhuman. ■

How is it possible, just 50 years after the Holocaust, to revile the Gypsies of Europe?

No

This Autumn, as Roma from the Czech Republic (CR) and Slovakia sought refuge in Britain, the racism of the tabloid press reached heights not seen here since the anti-black-immigration scares of the 1960s. The Gypsies were 'invading' Dover, where people were 'overrun' with a 'flood'. They were 'an abuse of our generosity', the 'influx' had to be stopped. Endless articles, with headlines like, 'Giro Czechs hit London', told us that the Gypsies had learnt all kinds of tricks 'to play the system', because they were part of 'rackets' – and, when they got here, they were busy thieving from Kent shops and taking housing away from deserving locals, especially Dover's old folk.

Would papers dare to write in such an inflammatory way about Jews, if they arrived penniless in Dover? And yet, like the Jews, the Gypsies of central Europe were systematically wiped out by the Nazis: an estimated 500,000 died. How does British racism then compare to that in the CR and Slovakia?

There and here

Politicians in Slovakia openly encourage racism. Prime Minister Meciar has said of Romani children, 'If we don't deal with

them now, they will deal with us in time.' And last year the minister of labour, social affairs and the family told a London conference that Roma 'simply do not want to work'. Are we any better? Don't our politicians condone racism? When the shadow home secretary demanded 'an end to the influx', Mike O'Brien's response was to send half the Gypsies back to France, bring in visa restrictions and force ferry firms to pay the cost of Roma removals.

Much of the resentment to Roma in CR and Slovakia is about their access to social and welfare benefits. In CR, by depriving many Roma of citizenship, they have also been deprived of any benefits and their unemployment runs at over 70%. Those that do qualify for any benefits are bitterly hated. The mayor of Marianske Hory offered every Roma 'a departure grant' of \$600 to go to Canada – on the basis that it would be cheaper than supporting them locally through social services.

What happens here? A barrage of racist vitriol confronts the Roma about 'milking the welfare state'. Papers demand we 'Bounce the Giro Czechs'. And when 60 Gypsies, in desperation to avoid the racists of Dover and the National Front, took a



Neville Elder

safety for Roma

bus to Westminster to ask for help, they were immediately 'bounced back' to Dover.

In midsummer, two local authorities in north-eastern Slovakia passed ordinances banning Roma from coming within town limits. Other places have brought in residence permits. In Dover in October, taxpayers gathered over 3,000 signatures on a petition to demand an end to 'hand-outs to Gypsies'. Polls in the CR and Slovakia are often run to ascertain opinions towards Roma. Over 80% of the population admit to disliking them: solutions to the Roma 'problem' range from genocide to forced assimilation. A phone poll run in Britain by the *Sun* newspaper produced a ratio of 19-1 'in favour of booting them out'. While asylum-seeker Zladava is describing to the *Observer* the kind of hostility which drove them out: ('Back home they call us, "black gob" - "Gypsies to the gas chamber"'), British taxi driver Jim Harvey proudly tells the *Daily Telegraph* his solution: 'We should dump them in the English Channel - and you can quote me on that.'

The popular racism in Britain against the Roma is built around ideas that they are somehow genetically thieves, tricksters



The Gypsy ghettos of Letanovce, eastern Slovakia, have 720 inhabitants, but no water, sewage system or electricity. Below left: a Roma child rests at Calais P&O after being deported from Dover. Approximately 50 Roma from the Czech Republic were camped out at Calais.

and scroungers, that they never want to work and that they form themselves into intimidating gangs. According to Bella Edginton of the Central European desk of VSO, these are very similar to stereotypes of Gypsies in east and central Europe, except that there they extend to saying that they are dirty, they smell, they do not want to educate their children and they are just 'not like us'.

The history of anti-Roma hatred

Present-day anti-Roma feeling has deep historical roots. And even in this century, each layer of racism has built on that of the past. For centuries the Gypsies in central Europe were, like the Jews, society's outcasts. They had their own language and customs, and in feudal times when workers were tied to the land, their nomadic life-style was regarded as a threat. Gradually, as they became more and more marginalised and forced to work in certain trades, they became not just a people, but also a class, apart. Concentration work-camps for them were already being discussed in Czechoslovakia in the 1930s. Hitler simply harnessed the prejudice felt among local populations to systematise

their persecution - ending with the final solution. Almost no Roma in the area now forming the CR survived the Holocaust. But after the war, those Roma from the Slovak side of Czechoslovakia, who had survived, were forcibly removed to the other side of the country (which was then becoming industrialised) to replace the workforce of Sudeten Germans who were expelled from Czech lands.

Under Communist-controlled Czechoslovakia, the racism against the Roma continued, but in a different form. The ideology stressed equality and conformity. The Roma, therefore, were persecuted because they resisted sedentary employment and refused cultural assimilation. But overt acts of racial violence were contained.

Now, in the post-Communist era, as market-led economics increases competition, many groups of people, including the old and the disabled have become marginalised - but none, perhaps, as much as the Roma. And though democracy has brought a new freedom of speech, enabling people to form their own political associations, it has also meant the rise of the far Right and a huge increase in violence. An openly anti-Roma political



Neville Elder

party claimed 8.5% in the 1994 parliamentary elections.

The 1993 division of Czechoslovakia into two separate countries added a new dimension to anti-Roma bigotry. The 100,000 Roma forcibly relocated after the war in what is now the CR have been deemed to be non-citizens (see *CARF* 31). The Czechs now believe that just as they got rid of the Slovaks, whom they regarded as draining their resources, so too, they should get rid of the Roma – who have anyway never been seen as Czech! A recent poll showed that 70% of Czechs were not against 'deporting the Roma to another country' as a means of solving the 'Gypsy question'.

Institutionalised racism

Racism against the Roma in the CR and in Slovakia is completely institutionalised. Roma are frequently expelled from farms and settlements. And just recently it was revealed that Czech job centres are marking the names of Roma applicants on their books. One ministry has admitted that Roma have been listed alongside foreigners and criminals as a threat to the establishment. Studies have shown that Roma with German or Czech names are invited for job interviews, but the moment employers see their skin colour 'the job has gone'.

Popular racism

In a country like the CR, which affords no effective protection and deems them outcasts, the Roma are sitting ducks for the popular racism which has now been unleashed. (Even the British tabloids have reluctantly published stories of neo-Nazi hostility and persecution against them.) Between 1991 and 1997 the human rights group HOST documented 1,250 racially-motivated attacks on Roma. In these at least nine Roma were killed. Two months ago a Romani woman died during a skinhead attack. The European Roma Rights Centre believes that since Roma tend not to report attacks, the real number of attacks must be much higher.

And it states that the CR provides neither protection from attack nor legal remedy afterwards. 'When large groups of racists attack Roma, often only a few individuals are charged with crimes; the racially motivated crime provisions are frequently not applied; the charges brought against racist skinheads are often too light to reflect the true gravity of the attacks.' The ERRC goes on to show that Roma themselves are often charged with racial motivation, their testimony is not

believed in court and that police officers who beat up Roma go unpunished. The same thing goes on in Slovakia, where authorities just deny that such crimes have taken place, minimise the role of racism and describe attacks as youthful pranks. Roma victims who lodge complaints are charged, while skinheads who are taken to court get minimum sentences.

Fifty years after the Holocaust, the Gypsies of central Europe are indeed fleeing for their lives. Thousands forsook their homes, friends and kin to make their way half way across the globe to seek safety in Canada, earlier this year. Now others are trekking across Europe in the hope of being able to provide some sort of life for their families. And what do they find here? A particular brand of British racism which combines the 1960s little-islander hatred of the immigrant with the 1990s European obsession with the welfare scrounger and the centuries-old distrust of the roving Gypsy.

The National Front has followed the

lead of its counterpart in central Europe by protesting in Dover against the Roma. But anti-racists, with the honourable exception of one or two journalists on the *Guardian* and *Observer*, *Searchlight* magazine and the Jewish Council for Racial Justice, have remained conspicuously silent. It is not enough just to expose the intemperate language of the people of Dover. After all why should they, if indirectly, pick up the tab for the Roma refugees? Two things need to happen. The government has to take a principled stand – not just run scared from tabloid headlines. They could use the fact that central European countries are so keen to join the EU, to put pressure, via international organisations, on countries like CR to improve their human rights record, break with the past and stop their persecution. If 'Never Again' is to become a living slogan once more, it needs to be used now, about what is happening now. The Holocaust was not a time apart. ■

Ironically, as racism drives the Roma to seek sanctuary in Europe, the Czech Republic is, for the first time, being forced to acknowledge the depth of racism within its own borders. On 8 November skinheads murdered a Sudanese student and badly injured another outside their hostel, just minutes away from the tourist attractions of central Prague. For the very first time a mass demonstration against racism has been officially organised in the city.



Evening Standard

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GIRO CZECHS HIT LONDON

The Telephone Legal Advice Service for Travellers (TLAST) believes that recent press coverage on Gypsies amounts to incitement to racial hatred. It is preparing a submission to the Press Complaints Commission. While TLAST can monitor national dailies, much racist coverage is in local newspapers. TLAST urges supporters to send any examples of racist coverage to it by the end of December.

Contact Rachel Morris, TLAST, Cardiff Law School, PO Box 427, Cardiff CF1 1XD. Tel: 01222 874580

Legal aid: no cash, no justice

The government's proposed changes to legal aid will deprive poor, black, immigrant and refugee groups of access to justice

Lord Chancellor Derry Irvine proposes to abolish legal aid for money and damages claims, and other far-reaching changes to the legal aid system. His proposals go much further than the Tories'. Ministers in the Lord Chancellor's department have made quite clear their belief that legal aid makes the poor 'privileged' in access to justice, and that this should not go on.

Legal aid was one of the great postwar socialist initiatives which formed the welfare state. The founding principle was that law, like medical treatment, should be free at the point of need and equally accessible to all; it was 'to provide legal advice for those of slender means and resources so that no one will be financially unable to prosecute a just and reasonable claim or defend a legal right, and to allow counsel and solicitors to be remunerated for their services'. This is a cornerstone of the welfare state and of labour history, and aimed to redress the desperate inequality which put the poor and powerless naked into the legal lions' den against the large companies, employers, government departments who controlled their fate. The right is so fundamental that

it is enshrined in the European Convention of Human Rights – soon to be incorporated into British law.

Legal aid has not kept pace with legal developments since its early days in the late 1940s. While those assaulted or falsely imprisoned by police, illegally evicted, negligently treated in hospital, refused housing by a local council, owed money by an employer or subjected to high-handed treatment by government officials may get legal aid to take a case, they do not get it for representation in employment, social security, immigration or rent tribunals. The income threshold for legal aid has steadily fallen so that a smaller and smaller percentage of the population is eligible. At the same time, costs have risen dramatically. This is partly because of the growth of litigation, and partly because some counsel and solicitors are remunerated only too well for their services, leading to scandals such as the Maxwell and Guinness trials, where many millions of pounds went into the pockets of the lawyers defending extremely wealthy men on legal aid.

The government has, however, chosen

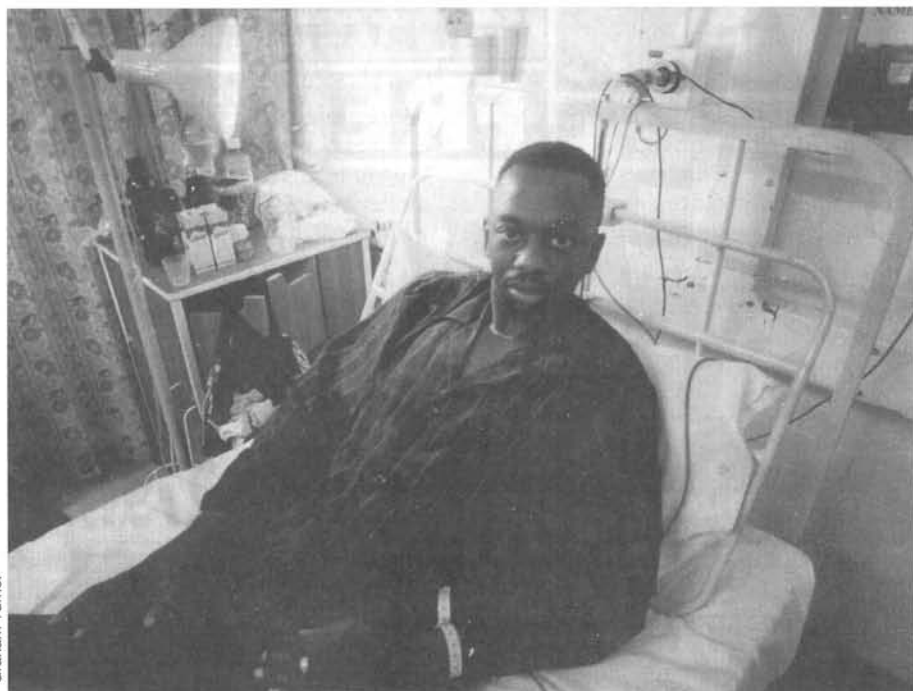
not to attack the legal fat cats – by cutting barristers' fees, for example – but has instead targeted the 'privileged' poor. This will lead to profound injustice. Irvine proposes to abolish legal aid for all money and damages claims and replace it by conditional fee agreements, whereby lawyers only get paid if they win, but then get more, out of the client's damages. He proposes to take claims for £5,000 or less out of the hands of lawyers altogether, into the small claims procedure, where rough and ready justice is available with no legal costs.

No win, no fee

No win, no fee sounds attractive: if you lose you don't pay your lawyer anything. But this means that lawyers won't take cases they don't think they can win. How will lawyers decide if a case is winnable? Investigating a case costs money. An action against the police for assault or false imprisonment needs a lot of investigation before the lawyer can assess the chances of success; an action against a hospital for negligent treatment needs even more. Those who are most often the victims of police brutality and medical negligence – the poor and the black – won't be able to afford the costs of investigation, and are unlikely to persuade their solicitor to bear the costs of these investigations to see if the case is worth running or not. Without cast-iron evidence such as a Rodney King-style video of a beating, lawyers will just say no to victims of police brutality or bad hospital treatment who want justice.

Bad risk

Although if you lose, you don't pay your lawyer anything, you will still have to pay your opponent's costs (which can easily run into thousands of pounds). To cover this risk, litigants will have to take out insurance. As Lord Irvine said in a September 1996 speech, there is no fat in state benefits such as income support which would enable recipients to pay insurance premiums – currently running at £160 for cases involving injuries not caused in traffic accidents, and up to



Claims against the police, like that brought by Leroy McDowell, who suffered a sickle-cell crisis following his wrongful arrest and won £18,000 damages, will be almost impossible without legal aid

£20,000 for medical negligence cases. Once again, if the client can't pay the premium, the lawyer will only do so in sure-fire winner cases. And what insurance company will offer legal insurance to someone with a criminal record, who wants to sue the police?

DIY justice

For cases worth under £5,000, those wanting justice will have to do it themselves, presenting their own cases to deputy judges in county courts under the small claims procedure. The government's research on the procedure shows it to be an outstanding success. But the research only covers people who've used the service. It doesn't deal with those so intimidated by the legal jargon, the intricate civil procedure and the court fee that they don't go to court at all. Small claims procedures are fine if you're middle-class, articulate. But for those who aren't, and for those whose first language is not English, it's a different story. Law centres report that tenants who are illegally evicted, or who are living in squalid and dangerous conditions, or employees whose wages aren't paid, simply don't have the confidence to present the case against their landlord or their employer themselves. They will be unable to obtain representation.

Cases not involving money will still be legally aided – but not as we know it. Under the proposed contracting system – an extension of the Tories' franchising schemes – approved firms will be awarded contracts to do legal aid work, and they will have a monopoly; firms without a contract will not be able to take any legal aid cases. And contractor firms will only be allowed to take a case if they can predict that it stands a 75% chance of success. Lawyers who constantly over-estimate their clients' chances will not have their legal aid contracts renewed. This change will affect, not just individuals, but the whole legal system.

Distorting legal development

A system built on case law, the common law depends for its development on new and by definition uncertain cases. Principles are worked out and developed case by case. Nowhere is this clearer than in the field of judicial review of government action, which has grown phenomenally over the last three decades. A long line of cases has established that government departments and other public bodies have to act fairly when dealing with individuals, usually have to give reasons for their decisions, that their decisions must be

rational and have regard to fundamental rights. The development of executive accountability simply could not have happened in the system put forward by the government. The ground-breaking cases in July against the CPS, which led to the inquiry into how the CPS takes its decisions on prosecution or non-prosecution of police officers, would not have been possible on a 75% chance test. Legal aid would have been refused. Miss B, who a year ago won a declaration that the rules withdrawing benefits from asylum-seekers were unlawful, could not have brought her action under the proposed test. The effect of the changes could be to debar many if not most of the intended beneficiaries of the government's Human Rights Bill from a remedy, for want of legal aid to go to court.

Whose interest?

The government says it is setting up a special fund for 'public interest' cases, which would be exempt from the 75% test. But who decides which cases are in the public interest, and so exempt? And what happens when the money runs out? No justice today, wait till next year?

Fixed-fee contracts

The final proposal is to move to fixed-fee contracts for criminal and civil legal aid cases. This would mean the lawyer getting paid the same whatever the length and complexity of the case. The US has much experience with fixed-price contracting in criminal justice, and the reports from there are grim. US prisons are full of its victims, mainly black, languishing on lengthy prison sentences or on death row because their lawyer didn't have the time or the inclination to investigate, prepare or present their case thoroughly, or obtain forensic or other evidence to rebut the case against them. The quality of justice

for the poor under fixed-price contracts is so bad that a number of states have declared that it violates the constitutional right to access to justice. In other words the representation given is equivalent to (or worse than) none at all.

Fixed-price contracting is an incentive to laziness by the lawyers, an incentive to guilty pleas and a morning's work, a disincentive to thorough investigation, preparation, proper research, obtaining forensic and other evidence for the defence. And Lord Irvine knows it. Responding to Tory proposals on contracting a year ago, he said there was a risk that block contracts would go to the cheapest, not the best; that they were an incentive for solicitors to turn away the complex in favour of the straightforward and to go down the path of least resistance. 'Legal aid would in practice', he said, 'become a discretionary benefit, available at bureaucratic disposal, disallowed when the money ran out or when another category of case was given precedence. It would cease to be a service available on an equal basis nationally.' The ESDA tests which proved police had fabricated confessions in the Winston Silcott and Bridgewater 4 cases, the forensic tests which established the innocence of the Guildford 4 and the Birmingham 6 cases, would stand even less chance of being performed at the right time (ie, for the original trial) under a fixed-fee contract system.

More miscarriages of justice

What the government now proposes is a scheme which will ensure the perpetuation of miscarriages of justice for want of adequate preparation in the criminal justice system, where the initial mistake or fabrication by the police is compounded by the lawyers' failure to investigate and expose it at trial, for want of time and money to do the job properly. A scheme which will shift power to the institutional



Miscarriages of justice like that of the Bridgewater Four will be more common without legal aid

Winston Emmanuel Silcott



**I'NNOCENT
I WILL
ALWAYS
BE
IN SORROW
UNTIL
DEATH
SETS ME
FREE**

FORWARD TO TOMORROW

Winston E. Silcott

FOR FURTHER INFORMATION CONTACT:
WINSTON SILCOTT DEFENCE CAMPAIGN, TELEPHONE: 081 365 0438

Winston Silcott: without legal aid, who would pay for the ESDA test which proved his confession was fabricated?

defendant in the civil justice system. Met Police Commissioner Paul Condon expressed his dismay last year at the number and rising cost of actions against the police, and said that the force must fight more cases. These proposals will ensure there will be fewer cases to fight. This 'redressing of the balance' will result in the reversal of recent gains in transparency and accountability in the police and prosecuting authorities and the Home Office, and in the institutionalisation of official abuse. It is not what the founding fathers of legal aid had in mind at all.

It is ironic that at the same time as the legal aid changes remove another deterrent to illegal, arrogant and brutal behaviour, the government proposes a Human Rights Bill. But it is no coincidence. The Labour government, like the Clinton administration in the US, wants to appear modern and to speak the language of rights, so long as the rights are cultural not class-based: gay rights, rights to privacy, rights to free expression, rights to property. But the rights of asylum-seekers, immigrants, those charged with criminal offences, or rights to obtain redress for police misbehaviour, carry less weight to a government obsessed with law and order, whose priority is to retain the votes of the business community and of 'middle England'. The proposals are reminiscent of Thatcher's determination to make the poor pay their share of poll tax. Let's hope they go the same way as that last experiment in removing the 'privileges' of poverty. ■

Will community safety orders solve racism?

The 'community safety order' contained in the forthcoming Crime and Disorder Bill has been trumpeted as another weapon against racial harassment. Will it work?

Mal Hussain and Linda Livingstone, the Lancaster couple who have suffered constant racial harassment and attacks for six years, are at first sight exactly the people the government is seeking to help through the proposed community safety order. The idea of the community safety order is that it allows injunctions to be served for 'behaviour against the community' (likely to be defined as anti-social behaviour including vandalism, noise, threats, abuse and violence) without the victim of the behaviour having to go to court. Police and local authority housing workers will be able to give evidence of what the victims have told them. Breach of the injunction will be a criminal offence, and could result in instant arrest, 24-hour detention before being brought to court, and imprisonment for up to five years.

Many inner-city housing estates have become frightening places to live for many of their residents, and the CSO could play a part in protecting victims who need help but are afraid to go to court themselves. But there are problems. The power to make draconian orders on hearsay evidence is

to be behind bars. The anti-stalking legislation, the Protection from Harassment Act, brought in by the Tories with Labour support, provides a recent example of abusive use of a well-meaning law. Hailed as a move to protect women from threatening ex-partners, and black people from racial harassment, it has been used almost exclusively to protect corporations, animal breeders and furriers from animal rights protests and pickets, putting protesters at risk of imprisonment for breaching wide injunctions against organising or encouraging protest.

As CARF has often argued, the powers to deal with racial harassment already exist. As Liberty has pointed out in its briefing paper on the civil liberties implications of the CSO, ordinary civil law injunctions are already available to prevent actual or threatened wrongdoing. In addition, local authorities can evict tenants for anti-social behaviour, including racial harassment of neighbours, and have for 25 years had powers to apply for an injunction to protect 'the interests of inhabitants of the area', but have rarely invoked these powers. It is the racism of the police and other authorities which prevents their full use and creates a climate of impunity for racists. Ironically, Mal Hussain and Linda Livingstone would not in fact benefit from these provisions, which require the active involvement of the local authority. In October, as CARF reported, they won the right to sue their local authority for its complete failure to protect them: despite 46 separate criminal convictions of the perpetrators, for persecution including graffiti, bricks, petrol bombs and death threats, the authority took no action. So the orders add little to the panoply of powers to deal with harassment which make lives a misery, and depend on the institutions – the police and local authority officials – who have been found wanting in the past.

But there is a further objection to the CSO – namely, that such orders only patch up social problems that should not be allowed to develop in the first place. Punishment is all very well, but what about prevention? Most anti-social behaviour on estates is carried out by youths who react to the mixture of resentment, deadly boredom and frustration which has confined them to the scrap heap before they have even left school. If Labour's early pledge, 'Tough on crime, tough on the causes of crime', means anything, it means improving the social conditions and employment prospects of the young never-employed. If that half of Labour's pledge is now ignored, infinitely more difficult but infinitely more rewarding than the first half, we are in the familiar vicious circle of criminalisation and further exclusion. Labour should be looking at projects like the Bede Detached Youth Project, which CARF reported on in the last issue, if it wants to instil a real sense of community safety.



Mal Hussain – would a community safety order benefit him?

double-edged. A familiar harassment tactic for racists is the fabrication of complaints against black families to housing officers or police, and the proposed new powers – particularly the power of arrest – remove important safeguards and make it easier to hound unpopular black families out on spurious evidence of noise or nuisance. Anti-racists are all too familiar with the scenario of police arriving on the scene of an 'incident' between black and white, seeking – and acting on – the white version of events. The officers would, under these proposals, be able to go off to court and present the white family's case, and the black family would have no means of challenging that version of events. Armed with an order against someone, it would take only a phoned complaint that the order had been breached for that person

Beware the New Missionaries

CARF's examination, in the last issue, of new approaches to working with white, racist working-class youth, struck a chord with readers. In this issue we warn anti-racists not to be derailed by trendy academic theories about white identity and racism – such as those that emanate from the Centre of New Ethnicities Research.

The Centre was set up in 1992 as an adjunct to the University of East London. It publishes monographs, video lectures, working papers, research reports and curriculum materials, and organises conferences and seminars, as part of the university's 'response to political and intellectual developments in the field of race and ethnicity'. Apart from its staff, it boasts a wide range of research associates, not just in the UK but in Europe, the US and Australia. The Centre's director, Phil Cohen, has conducted research projects into cultures of racism amongst young people in working-class neighbourhoods – at times carrying out 'field work' in east London schools. He is presently researching 'the racial formation of the white working class'.

But Cohen's isn't just a lone voice that is best ignored. As one of the few academics who writes theoretically about youth work (and one who boasts a 1960s-left-wing pedigree) Cohen has become a point of reference for students at universities and those training to be youth workers. His work provides the theoretical foundation for the next generation of youth workers who will be dealing with white working-class racism. And that is why we need to look at his work more closely.

Framing the white working class

Phil Cohen declares himself to be an anti-racist, but an anti-racist critical of all the old ways of thinking and a pioneer of new approaches to deal with racism among white working-class youth by giving them a (reconstructed) white identity.

But what does Cohen really think of the white working class youths he champions? And how does he view labour history and working-class culture? If he is truly interested in giving the children of the white working class a sense of identity, an obvious starting-point would be to

study the richness of the working-class tradition of struggle in the East End of London, given that it is here that Cohen has carried out much of his field-work. After all, this is an area that experienced some of the most damaging effects of industrialisation – poverty, pollution, bad sanitary conditions, disease, structural unemployment, infant mortality and low life expectancy. But it is also an area where workers fought to overcome those

Anti-racist education is not about instilling black pride in some people, white guilt in others. You do not have to dwell on identity and ethnicity or appeal to some abstract morality to understand racism. It is simply a matter of producing an inclusive history which tells everyone – black and white – the truth about Britain and its relationships to the Third World and its peoples.

A. Sivanandan

established the positive aspects of that history, Cohen would have been in a better position to discuss how jingoism, anti-immigration themes and racism came to enter the labour movement and corrupt its best traditions. But Cohen's writings barely mention working-class struggles; rather, labour history is patronisingly described as 'that most fractious and fragmented of beasts'. And Northside primary school, where Cohen carried out one of his studies on white boys' attitudes, is sneered at for deliberately trying to keep alive an 'imaginary sense of working class community'.

A negative labour history

Cohen describes working-class political combination as a negative thing from the word go – a by-product of the psychological and emotional weaknesses embedded in the working-class psyche at the onset of the industrial period. Manual labour was so degrading and domesticity so emasculating (hang on, didn't women, and children too, work in the factories and perform other back-breaking jobs?) that men became alienated from their own

bodies. Alienation, in turn, set in process a compensatory desire for an 'imagined community of labour', a projected 'body', in which men could invest their displaced emotions and find 'redemption from the toils of labour'. Thus, Cohen speaks of labour's two bodies: the 'object' and the 'sublime'. The object is a reality so degrading that it must be disavowed, and sublimation can only be found in the 'imagined community of labour'.

Someone should tell Cohen that manual labour is not, of itself, degrading, although the conditions attached to the exploitation of labour are. And it is precisely such conditions and such exploitation that working-class people sought to overcome by combining into trade unions. But then words like exploitation do not enter Cohen's vocabulary (that would smell too much of the old-style left that Cohen despises); nor does Cohen mention trade unions. But these, presumably, are his 'imagined communities of labour', which come into being through inventing a set of customary rules, rituals and traditions into which subjects are inducted, and closing ranks against anyone who tries to enter this work 'habitus'.

History is out

But labour history isn't the only thing Cohen wants to dispense with. He also wants to de-contextualise the history of British racism by separating it, say, from colonialism – since white kids would view such an approach as 'historical guilt tripping', 'a powerful device for enabling ethnic minorities to put political pressure on members of the majority community'. Similarly, he uses the views of white kids to criticise disciplinary measures against racist behaviour because white kids come to despise anti-racism as part of the 'civilising mission' of schools. In the process, he elides the victims of racism from the equation altogether – and, to use his own imagery, emasculates the anti-racists.

Cohen is more explicit when he comes to attack attempts to connect racism to European history which he sees as driven by ideological imperatives (he talks contemptuously of a 'teleology of the oppressed') which 'drastically narrow the

scope of educational application'. One of Cohen's tricks is to erect imaginary dragons which he can then bravely slay. Describing anti-racism in reductionist terms is one such trick. Thus, he attacks the 'simple-minded model of European hegemony' which reduces the history of racism to 'the story of white Europeans oppressing black non-Europeans on the basis of skin colour: whites are intrinsically racist, and a black European is a contradiction in terms'. But this is not what anti-racism sets out to do – it merely attempts to present European history from other vantage points than that of Europe alone.

Deconstructing masculinity is in

Where does Cohen's approach take us? As teachers, as youth workers, as anti-racists we are warned against methods that link racism to history. And when it comes to labour history, Cohen frames it in such a way that working-class struggles are seen, at best, as enfeebled attempts by workers to disavow their own subjugation. So where to begin? The answer is obvious: with the construction of masculinity.

Cohen argues that the labour movement was always a masculine project. The sublime body of labour was for working-

class men like a second womb that workers had to defend from outside forces. Each incursion from outside was seen as an attack on the maternal body. Nationalism in the white working class is also linked to the construction of masculinity. And here Cohen's writing reaches new farcical/phallic heights. Labour came to see itself as the backbone of the nation, he writes, but it masculinised the nation so that labour itself became 'the hidden armature of the phallogentric body politic, stiffening its resolve against outside interference, erecting defences against the forces of decadence within'.

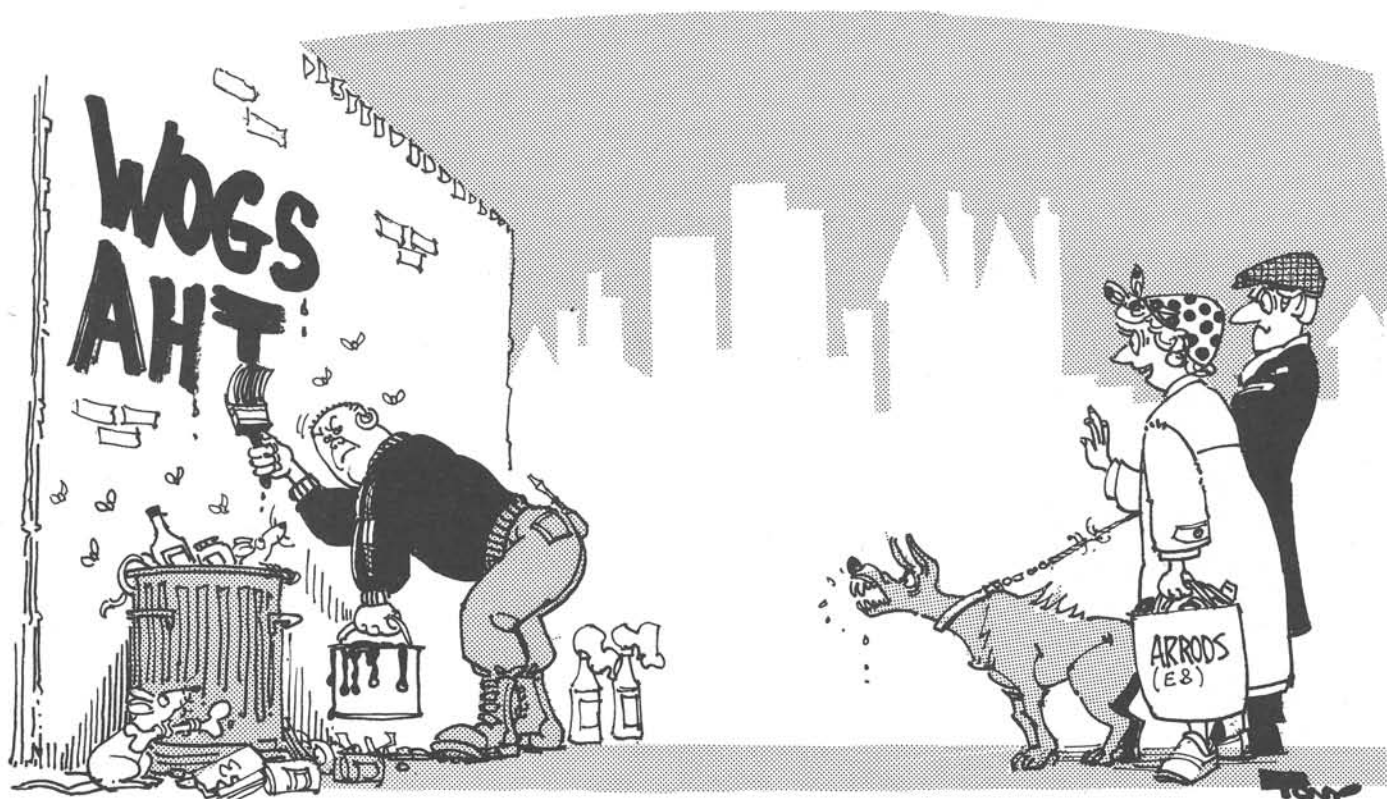
Masculinity in crisis

But these are post-modern times. And we are now moving from the construction of white working class masculinity to its crisis. Now the work 'habitus' has been rationalised, and post-Fordist labour forms no longer engage the body in an obvious process of degradation. Youth unemployment dismantles the customary practices of working class apprenticeships. All that the white working class are left with are the nationalisms of the neighbourhood and white male territorialism. Territorialism was always masculine, but what men defend, when they defend their territories, is – you've

guessed it – their mother's body. Thus, 'the contemporary experiences of working-class masculinity are all too easily articulated through a culture of racism' (don't let the blacks fuck your mother?). It all comes from feelings of abandonment, exile, loss, which echo 'the pattern of our earliest relationships to the maternal breast'. (Gulp! Or should we say, Burp!)

Therapy for white boys

Which brings us to the question of solutions. Having taken us on this tortuous journey, Cohen actually has precious little to tell us about what he has to offer. As white working-class boys are still clearly in the nursery of human development, anti-racism is out. But psychoanalysis is in. Cohen is the psychotherapist extraordinaire, incorporating Freud's notion of the 'family romance' and 'Lacanian and post-Kleinian perspectives'. His attack on anti-racism is, consequently, all about advancing his own project, namely the combination of psychoanalytic theory with the concerns of labour history. Thus he states that his interest is not manifest but latent racism, and the study of the unconscious in order to come to grips with the hold of racism on the child's imagination. Clearly the



"OH LOOK DEAR, THAT'S INTERESTING, IT'S THE HIDDEN ARMATURE OF THE PHALLOCENTRIC BODY POLITIC, STIFFENING IT'S RESOLVE AGAINST OUTSIDE INTERFERENCE, ERECTING DEFENCES AGAINST THE FORCES OF DECADENCE WITHIN.."

white working class are too intellectually and emotionally impoverished to understand the mechanisms of their own unconscious; what they need is an academic shrink to unlock what has been buried and yet mysteriously transmitted from generation to generation.

The new missionaries

What Cohen is interested in is not racism but identity, and his interest in white working-class identity is to recast it in his own image(ing) – for, as it stands, it is far too simplistic an identity for modern times when ‘new ethnicities’ are sprouting up all around us. Cohen’s therapy rests on ‘promoting a dialogue between labour’s two bodies’, the sublime and the abject, but ‘outside the fixture in the racial binary’. According to Cohen, white working-class boys’ problem is that they have not entered the brave new post-modern world, where the Protestant work ethic has been replaced with the pleasure principles of the consumer society and the global bricolage of style. White boys have not learnt to ‘negotiate new identities’. So it is up to Cohen to take them to the Promised Land. For if he isn’t quite the new Messiah, Cohen, and his followers, are thoroughly modern missionaries, only this time the jungle is not the black jungle of Africa but the white jungle of London’s East End. ■

Quotes from Phil Cohen taken from: ‘Labouring under whiteness’ in *Displacing Whiteness: essays in social and cultural criticism* (Duke UP, 1997); Centre for Multicultural Education Working Paper No 1, ‘Monstrous images, perverse racism’ (1991); ‘Beyond the community romance’ (*Soundings*, issue 5, Spring 1997); ‘Forbidden games’, Centre for New Ethnicities Research Working Paper 5.



CAMPAIGNS AND REPORTS

JUSTICE FOR MIGRANT WORKERS

Support Chandrika Fernando

As Jack Straw promises reforms to the system binding exploited domestic workers to their employers in Britain, lawyers in Cyprus argue that a Sri Lankan housemaid, abused by her employers, should be allowed to stay in the country. Chandrika Fernando arrived in Cyprus in October 1996 to work as a housemaid for wealthy Maria Kyrnizi and her Nicosia family.

According to her complaint to the Interior Ministry, from the start she was made to work fifteen hours a day, with a total of 61 hours a week off (Thursdays from 12 to 4 pm, and Saturdays from 5 to 7.15 pm). Her employer hit her and systematically starved her, giving her no food at all for three or four days at a time, and then giving her leftovers from the family’s plates, such as chicken bones. Chandrika sought the help of the immigration department. The officers she complained to, however, first told her to

eat in secret when her employer was out (which she had been expressly forbidden to do) and then told her that if she complained again they would send her back to Sri Lanka. When her employer threatened to send her back, she left. She is now being held at the Limassol detention centre, where she has been refused access to a doctor, despite being sick. Lawyer Michael Vladimirov told CARF, ‘We need your help urgently in order to highlight the problem outside Cyprus as the authorities do not seem to be sensitive about these matters and treat foreign workers like slaves.’

In Britain, it is still illegal for a domestic worker to change her employer if she is exploited, beaten, sexually abused or starved (and many are). Jack Straw has promised reforms; but whether these will enable domestic workers to change employers – the only decent solution – is still not known. ■

Site deaths expose racism

Trade unionists in the Netherlands have launched an investigation into conditions at Hoogovens Industrial Holdings after two Chinese workers died at its steel plant in May 1997.

Hoogovens Industrial Holdings in the Netherlands is one of the largest integrated steel plants in the world. It has a proud record of investment in modern safer technologies. It can point to falling accident figures to prove it.

But now the death of the two Chinese workers has put paid to this rosy image and shown the dangerous side of Hoogovens operations. At its vast steel plant site, a team of Chinese workers had been dismantling a furnace for re-erection in Indonesia for future operation by a

Malaysian company. The area is fenced off and the Chinese workers have no contact with their Dutch counterparts. Workers are paid at Chinese rates (reputedly US\$20 a month), working very long hours and sleeping aboard a barge on a nearby canal.

The trade union investigation revealed appalling conditions including exposure to asbestos and heavy metals, unsafe scaffolds and rotten ladders. Although the company claims that working conditions at the site have now improved, trade unionists are threatening to stop work at the site indefinitely until more is done. ■

Further information from Workers Health International, PO Box 199, Sheffield S1 1FQ

Young refugees march

In Hamburg, young African refugees from Sierra Leone, Liberia, Zaire, Rwanda, Burundi, Angola, Sudan, Somalia, Togo, Guinea and Nigeria, are organising for their survival.

In November, 400 child refugees who came to Germany unaccompanied marched through Hamburg demanding, amongst other things, the right to go to school and to be given guardians to help them with proper legal advice when making asylum claims.

The young people explain: 'The civil wars in our countries have claimed thousands of human lives. Most of us were forced to be child soldiers. We could not go to school or learn a profession. We have lost our parents and families.'

Having escaped to Germany, young refugees who have a very precarious immigration status find themselves with permission to stay for just a few days, weeks or, if they are lucky, a couple of months. 'This means we cannot work or go to school. Some of us become homeless and have to live on the streets.'

In such a scenario some are forced to sell drugs for survival. 'We don't want to do this... This job is against our religious and



moral beliefs. We all want to earn our living in a honest way.'

'We are young people who have come to Germany because we have problems in our countries. We have no security and no future', the young refugees conclude. ■

Rights for African refugees in Germany, Charly Park, c/o Flüchtlingsrat, Amandastr. 58, 20357, Hamburg, Germany.

IN TOUCH WITH EUROPE

Out of touch with groups in Europe campaigning around similar issues? With this regular column, CARF aims to keep anti-racists in touch with some of the most important new initiatives.

Refugee hunger strikes: Tamils in Germany and Norway have gone on hunger-strike, fearful of mass deportation.

Refugee support group: The Asylum Committee of Stockholm and the Defence Committee for Iranian Women in Sweden have formed a support network to protect the victims of rape during war, and Iranian divorcees, from deportation. It can be contacted at SKI, Box 1047, S-751, 40 Uppsala, Sweden.

Against immigration and asylum laws: An alternative public inquiry into the Vande Lanotte immigration and asylum law was staged in Belgium by Frontiers Ouverts

Detention centres: A report by the National Association for Foreigners at Borders says that French detention centres are filthy and administered in a secretive fashion.

Campaign for foreign seamen: The International Federation of Transport Workers is campaigning for the creation of a welfare fund for foreign seamen abandoned by employers after ships are seized in Europe to pay unpaid bills.

Racist murders: The Turin Council Consultative Committee for Foreigners is campaigning to ensure that the Italians who killed Moroccan Abdellah Doumi are brought to justice.

Anti-fascism: 200 Anti-Fascist Action supporters prevented an anti-Semitic fascist rally in central Stockholm and in Gothenburg and Helsingborg there have been protests at the growth of the neo-nazi music scene in these cities. In Spain, the Zaragoza Anti-fascist Platform has launched a campaign against racist attacks in Aragon, citing the far-Right group THULE as being responsible for many of them.

Police: The Association of Moroccan Emigrants in Spain has launched a campaign after a Moroccan student was fatally shot by a former member of the civil guard.

Sport: A football club and other sports centres in Valerenga, Norway, have launched a campaign to stop racism in sport, adopting a t-shirt with the logo 'No to racism'. The extreme Right wants the logo replaced with 'Norway for the Norwegians'.

Health: African groups in Norway have launched a campaign to stop the former prime minister, Gro Harlem Brundtland, becoming the next head of the World Health Organisation, citing her failure to stop the stereotyping of Africans as Aids carriers.

Education: Despite SOS Racisme's campaign against psychology professor Guillermo Quintana's academic racism, the professor has been reinstated to Madrid's Complutense University. In Nantes, France, parents and pupils demanded that an anti-Semitic teacher be sacked.

List of safe countries grows: Netherlands believes that it is now safe to return army deserters and conscientious objectors to

Iran and Tamils to Sri Lanka. Norway is pressing ahead with a decision to deport 300 Tamil refugees who have no travel documents, despite warnings from UNHCR that it is unsafe to return them. Denmark and Germany are preparing a new agreement whereby Bosnians who cross illegally into Denmark will be deported. Sweden has reached agreements with the Yugoslav Federal Republic, whereby 23,000 Albanian refugees from Kosovo will be deported, and with two clan leaders in north-west and north-east Somalia who will take back between 50 and 60 Somalis in return for development aid.

AROUND THE EUROPEAN COURTS

As immigration and asylum decisions in one country increasingly affect campaigners in another, CARF continues its round-up of some of the most important legal decisions.

Germany: A Berlin court overruled a decision to deny a Peruvian economist, deemed a 'national security risk', entry to the country, arguing that the so-called 'friendly service' which provided the information on Carlos Benavides was unreliable.

France: In a pathbreaking decision, the Appeals Commission has granted refugee status to an Algerian raï singer, persecuted by the GIA. Previously, the government would only grant asylum to those persecuted by a state or government, and not by armed groups.



Jess Hurd

No soul in Dover

The arrival in Dover during November of a number of Romani families, asylum-seekers fleeing persecution from both the state and racist gangs in the Czech Republic and Slovakia, provided exactly the opportunity that John McAuley and the rump of the National Front required to relaunch their unreconstructed outfit and grab a few headlines. Anxious to preempt any planned activities by the rival British National Party,

the NF announced a protest march against the Romani through Dover.

On Saturday 15 November, about 50 fascist NF supporters assembled on the Dover seafront under the stewardship of Terry Blackham, an NF veteran and sometime supporter of Combat 18 (at least until he was jailed in 1994 for attempting to supply weapons to Loyalists in the north of Ireland). He has a reputation, and a string

of criminal convictions, for getting into fights. Unfortunately for him he loses most of them.

The pathetic NF turnout was all the more ignominious as the master race was totally dependent on the police for protection against several hundred anti-fascists who mobilised from around the country to oppose them. The fascists, so brave in confronting Romani families but so craven when it came to the anti-fascist opposition, chanted a few slogans before scurrying back to their minibuses and fleeing the area after half an hour. Meanwhile, anti-fascist demonstrators who attempted to confront the fascists ran a gauntlet of harassment and intimidation from the Kent police, who set police dogs on them, used stop and search and videoed individuals to target later.

The sad, screwed-up remnants of the NF are not the only fascist outfit attempting to use the situation in Dover. The British National Party – which has its own problems over 'street cred' after party führer John Tyndall and 'chief steward' (sic) Ian Dell took a well-publicised kicking last month – has also been active in the area. Anti-racists and anti-fascists must remain vigilant and be ready to come to the support of the Romani asylum-seekers against any attempts by the fascists to exploit their situation. ■

Scottish Gypsies ignored

The Scottish Office has been left red-faced after the Scottish Gypsy Traveller Association (SGTA) accused it of producing an 'unrepresentative, racially offensive' survey of local authority sites for travelling people. Although the SGTA is backed by the Commission for Racial Equality and Shelter's Housing Action Campaign in Edinburgh, the Scottish Office has refused to apologise.

Not one traveller was interviewed when the Scottish Office Central Research Unit commissioned Anne Douglas of Douglas Consultancy, Housing and Social Policy Advisers to carry out a survey of site provision. But the Scottish Office defended the decision to interview only site managers and senior local government officers on the grounds that research funds were limited and this was the best use of money available.

SGTA members are particularly incensed at a reference to travellers as a 'potentially volatile and violent client group'. But they also have more to say about the Scottish Office's reliance on site managers and local authority officers in assessing site provision. For the report to be objective, they say, it needed to include the 'perspective of independent experts in

housing and social policy as well as the opinion of the users'. On the contrary, 'the views of residents are constantly stated as perceived by site managers' and are therefore 'distorted and unreliable'. This is a view shared by Shelter, which said that 'the methods of research do not meet with

the accepted practice on such matters'.

But the Scottish Office will have none of it and is clearly miffed that the SGTA had the effrontery to criticise its report. ■

Further information from: Florence Garabedian, SGTA, Wilkie House, 37 Guthrie Street, Edinburgh EH1 1JG. Tel: 0131 650 6314



Prison service stung by CARF criticism

CARF's exposé of the outrageous behaviour of Securicor guards over the death of Peter Austin (CARF 39) has provoked a response from the prison service.

Regular CARF readers will remember the death of Peter Austin. It is difficult to forget. Austin hanged himself from a light fitting in a cell at Brentford Magistrates Court on 29 January 1997. He was left there while Securicor guards stood around his body for up to ten minutes discussing whether he was faking his death.

In response to a letter from Harry Cohen MP, who sent the Prison Service a copy of the CARF article, A J Pearson, Director of Security and

Programmes, has confirmed that CARF's criticisms of Securicor were well-founded. He has admitted that Austin's death was 'an avoidable occurrence', and that the failure to call a doctor or to put Austin on special watch when he was clearly mentally ill, or to call an ambulance when he was found hanging, constituted 'a lack of the basic duty of care'. The officer in charge at Brentford has been dismissed by Securicor. Other officers are under investigation by the prison service.

But while admitting that they screwed up on this case, Pearson is outraged at any suggestion that stereotypes of black men played any part in his death. 'I must reject totally the implication in the CARF article that Mr Austin's colour played any part in his treatment or death.'

It's small comfort to Peter Austin's family to know that he would have been treated with the same lack of care, unprofessionalism and inhumanity if he had been white. ■

DEATHS IN CUSTODY

Natural causes? In October the family of Oscar Okoye, who died months after being arrested by police in Streatham, were devastated by the 'death by natural causes' verdict. Oscar had been arrested on suspicion of drunk driving in June 1996 (although a blood sample later revealed no alcohol). He collapsed in his cell with a brain haemorrhage which left him paralysed. Although he survived and began to make a recovery, he never left hospital, where he died five months later of renal failure. In hospital he had communicated to his wife that he had been beaten by police officers.

Inquest into second CS spray death In October the inquest into the death of London man Peter San Pedro was adjourned until 4 December to give his family time to gather medical evidence. Peter died a short while after CS spray was used during his arrest in April (see *CARF* 38) on suspicion of being an illegal immigrant. After his release he wandered into the path of a lorry and later died from his injuries.

Inquest into body belt death In October, the inquest into the death of 29-year-old 'model prisoner' Dennis Stevens, heard how Dennis was restrained and held in a leather body belt for 24 hours in a special cell in Dartmoor prison (see *CARF* 29 and 30). Dennis died of 'acute renal failure and extensive muscle necrosis'. The inquest was adjourned.

Death by positional asphyxia - again In November, an accidental death verdict was recorded into the death of Ziya Mustafa Bitirim, diagnosed as a paranoid schizophrenic, who died after he was restrained by police officers (see *CARF* 32). PC David Wilkinson admitted kneeling on Ziya's back in order to restrain him. Other officers noticed that Ziya had turned blue and tried to resuscitate him, but he was pronounced dead on arrival at Barnet general hospital. A post mortem showed that Ziya had died from asphyxia caused by restraint.

Sudden death syndrome? According to research conducted by psychiatrists from Hampstead's Royal Free medical school, many deaths in police custody may actually be due to a medical condition rather than excessive use of restraint. The research, published in the *British Medical Journal*, claims that people in an 'acute excited state' could bring about their own death.

So the police have got it right for a change: they had nothing to do with the deaths of Ahmed El Gammal, Donovan Williams, Lytton Shannon, Wayne Douglas, Shiji Lapite, Brian Douglas ... they all 'excited' themselves to death?

Fighting black school exclusions

Study after study has shown that black children are four to six times more likely to be excluded from school than their white counterparts. And according to government figures, 12,500 children were permanently excluded in 1995/6. Yet, till now, campaigns to help curb exclusions or advise pupils and their families have been local and *ad hoc*. This good practice guide published by the Commission for Racial Equality is the first of its kind to give simple yet radical advice to schools as to how to reduce exclusions. Obviously its recommendations are not enforceable by law, but at least it provides a valuable framework and checklist against which any school's practice can now be measured.

The treatment of exclusion should not be piecemeal. The guide suggests it become part of a school's development plan and related to its behaviour policy. It shows how exclusions can be reduced with good pastoral care, by working with parents, using community support services, addressing special needs, enforcing equal opportunities policies and making the curriculum relevant to black children's experiences. The exhaustive checklist suggests 31 steps which should be taken before an exclusion is finally made.

'It goes back to the fifties, when black children were labelled "educationally sub-normal"; what are we going to do?' asks an

LEA officer in the research by Audrey Osler of Birmingham University on which this guide is based. The answer, as the guide shows, is that there are hundreds of things a school or LEA could do. This is the sort of document which should have maximum



John Birdall

publicity. It makes both a very practical tool and a good campaigning document. But why price a 12-page pamphlet with more design than text at £3.00? ■

Exclusion from school and racial equality: a good practice guide, Commission for Racial Equality, 10-12 Allington St, London SW1E 5EH, £3.00.

Locking up the mentally ill

The fact that black people are far more likely than white people to be 'sectioned' under the Mental Health Act, ie, detained *involuntarily*, has been recognised for many years. But this is the first study to pinpoint exactly how and where racism plays its part.

It is clear that the police, who are far too often involved in sectioning black people, frequently make stereotyped judgements: 'One race that tends to get excited are Nigerians, it's the same with people from Arab countries.' 'Whenever Greeks get excited they revert to speaking in Greek so you can't understand them.' And African-Caribbean patients are constantly referred to in terms of their dangerousness, which may also help to explain why the police over-react to black people and use sectioning so often. Hospital doctors, too, sometimes see black 'culture' as indistinguishable from pathological states. And the 'dangerous' tag continues in hospital, where black people are more often secluded and given higher doses of medication. Black people also

receive a longer section (read sentence) than white people in similar conditions.

This report examines admission and



Orville Blackwood, who died from an infection in Broadmoor hospital after he was sectioned there in 1987

treatment as well as recording in-depth interviews with police, social workers, GPs and voluntary sector staff, and makes valuable recommendations to change racist practices. ■

Black people and sectioning, by Deryck Browne, Little Rock Publishing, PO Box 14908, London N1 1WH, £9.00

OCT 2 After six years of 'living hell' Mal Hussein and his partner win right to sue Lancaster City Council for its failure to protect them from racist tenants... Home Office unveils new powers to give judges the power to give longer sentences (up to two years) for crimes with a racial element **OCT 3** Home Office pays 32-year-old Peter Honegan from Jamaica £20,000 damages for four days' detention over Christmas 1993... Coroner urges review into the use of CS spray after verdict of unlawful killing on Gambian asylum-seeker Ibrahima Sey **OCT 5** Lord Tebbit, former chairman of the Tory Party and notorious for his 'cricket test theory', warns that multi-culturalism will create a splintered society **OCT 8** Assistant police commissioner Denis O'Conner says the Met will not withdraw CS spray from use **OCT 10** Computer operator Don D'Souza, 62, wins a record £358,000

from Lambeth Council who ignored four industrial tribunal rulings in what the Employment Appeals Tribunal called the 'worst case of persistent racial discrimination ever'... Former National Front by-election candidate Robin Gray jailed for 18 months for possessing 'threatening, abusive and insulting material'... Mother of two Florence Okolo wins right to stay in Britain after three-year fight **OCT 11** Report by MP Keith Vaz finds that Asians are under-represented in all levels of the civil service **OCT 12** Leading insurance company Axa Equity & Law is accused of racism after replacing picture of a black worker with a white worker on publicity material **OCT 13** British Army launches its first specialised Ethnic Minority Recruiting Team in an attempt to combat racism... Five London boroughs are investigating the possibility of housing refugees in a platform for oil rig workers on the Thames **OCT 14** Ian Newman, 25, tells an industrial tribunal how he has been called 'Sooty' by colleagues, in his claim against Unigate for unfair dismissal and racial discrimination **OCT 16** Jack Straw sees no 'significant threat' in the continued use of CS spray **OCT 17** 113 Gypsies arrive in Dover from eastern Europe **OCT 18** KKK leaflets found at the Eurostar terminal in Waterloo threaten to sabotage Eurostar trains, accusing them of bringing refugees into the country **OCT 22** Home secretary Jack Straw shelves plans to outlaw religious discrimination **OCT 23** Immigration minister Mike O'Brien confirms 103 Gypsies have been sent back to Calais... **OCT 24** Asian taxi driver in Leeds is awarded £1,000 compensation after a cab firm in Leeds is found guilty of operating a 'whites only' driver policy...

Government white paper details legislation to incorporate the European Convention on Human Rights into British law **OCT 25**

Memorial service held for Vijay Singh who committed suicide last year because of bullying **OCT 26**

Home Office considers abolishing all passport checks for those entering the country, except for 'targeted passengers' **OCT 27** Jack Straw acts 'swiftly and firmly' to restrict the number of Eastern European refugees arriving daily in Dover by slashing the time limit for producing more evidence in support of an asylum claim **OCT 28**

A report into racism within the police force by HM Inspectorate finds 'continuing evidence... of inappropriate language and behaviour by police officers' and recommends changes in recruitment procedures **OCT 29** 30-year-old Tahir Hussein from

1997

CALENDAR OF RACE AND RESISTANCE

Bradford is awarded £7,750 for discrimination after twice getting shortlisted for car dealership jobs when he posed as a white female candidate, while applications in his own name were rejected **OCT 31** DfEE report into exclusions reveals that Afro-Caribbean boys are still three times more likely than white boys to be excluded from school and five times more likely than Asian boys **NOV 1** Vandals burn prayer books and damage property at a Jewish cemetery in Edmonton **NOV 3** 29-year-old black florist Gillian Elmi is awarded £16,500 compensation for racial discrimination for Harrods' refusal to employ her because her speech was 'unpolished' and she was 'unclean and unkempt' **NOV 4** Football manager and former international Kevin Ratcliffe is ordered to pay black footballer James Hussaney £2,500 in compensation for making racist remarks about him,

but is cleared of racial discrimination in not offering Hussaney a contract **NOV 5** Prison Service director general Richard Tilt considers plans to convert former POW camp in Kent into immigration detention centre

NOV 9 Chip shop owner Manpreet Singh claims he is being harassed out of Swansea by racist youth **NOV 10** Relatives of 23-year-old Pardeep Saini plan appeal after Home Office rejects his claim for asylum

NOV 11 Hackney Council accused in independent report of repeated discrimination against black staff... Court of Appeal orders eviction of family of nine in Northampton for continuous racial harassment and abuse **NOV 13** 60 Gypsies seeking refuge in London from NF march in Dover are sent back by Westminster council **NOV 14** Home Office

to pay for anti-racism hotline in Swansea, where racial violence has been on the rise... Manchester University ordered to pay law lecturer Dr Asif Qureshi £44,800 for racial discrimination, after Tribunal rules it held him back from promotion... Catholic bishops from all over the UK urge government to take lead in recognising right to asylum... Deported asylum seekers Abdul and son Ade Onibiyo are given permission to return to the UK... Melanie Maxwell is awarded £2,000 by industrial tribunal for discrimination by JJB Sports who offered her white cousin an interview two hours after she was told the closing date had gone

NOV 16 National Front protesters give up their march against the Gypsies after clashes with anti-racist demonstrators in Dover... Guinness withdraws ad campaign featuring KKK after receiving complaints **NOV 17** P&O manager is interrogated by French officials

after refusing to allow Gypsies on ferry... Joy Gardner's mother, Myrna Simpson, is suing police for assault and psychological injuries caused to Joy's son Graham by her death **NOV 19** More than 250 Islamic groups representing over 500,000 Muslims form umbrella group to demand measures to combat Islamophobia **NOV 21** Two sickle cell anaemia sufferers win £38,000 damages from the Met for negligence for failure to seek medical attention for them **NOV 23** Herman Ouseley says he will leave CRE if government makes planned cuts to its budget... Surrey police criticised by family of Lakhvinder Reel, found drowned on October 21, for ignoring racial attack shortly before he disappeared **NOV 28** Frederick Low, 41, convicted of murder at Birmingham crown court of Norman Washington Manning in Long

Lartin prison

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