

After the Madrid bombings

Moves toward European-wide police-state methods

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Coming just a few weeks after the train bombings in Madrid, the “war on terror” moved to centre stage at the recent European Union (EU) spring summit, which took place in Brussels March 25-26. According to the European media, the meeting was a milestone for the further integration of Europe. The *Frankfurter Rundschau* newspaper, for example, saw the terror attacks as a “permanent catalyst” for continued European integration.

According to these arguments, the attacks have made possible a yielding of national interests in favour of joint action. The voting out of office of the conservative Aznar government in Spain and the resignation by the Polish prime minister Leszek Miller have eased the path for the possible adoption of the European constitution by June. Where only a short time ago a rift had developed between “old” and “new” Europe, the media is now evoking the unification of Europe.

However, what this integration means in the first instance is the integration of the different security apparatuses in Europe to better coordinate their activities. Consequently, the same process is taking place in Europe as in the US, where the terror attacks of September 11, 2001, were used as a pretence for a dramatic onslaught against the democratic rights of the population.

Within the space of only 10 days between the Madrid bombings and the Brussels meeting, the European governments and the EU Commission have given their blessings to an entire range of measures without any substantial discussion. The commission rushed to produce a draft proposal, entitled “Declaration on the Struggle against Terror,” which served as the basis for discussion on the first day of the summit.

At first glance, the declaration does not appear all that significant: current laws should be enforced, an EU security coordinator appointed and the exchange of information between nations improved. In reality, however, a series of security policies will be enacted that incorporate a previously unheard of level of surveillance and intrusion into the privacy of the entire populace, placing practically everyone under general suspicion as well as advancing the militarisation of domestic policies. These measures also allow for the suppression of protests and dissenting opinions.

Using the specious justification that a better exchange of security information between the EU states could have possibly prevented the Madrid bombings, the government heads agreed to increase the exchange of information on these matters.

However, this exchange does not just apply to that information which already exists, but to what must also now be collected—above all, biometric data. This includes the gathering of information about facial characteristics as well as fingerprints. These are to be digitised and recorded on special computer chips, together with other identity features. Currently, fingerprints are already taken for many visa applications and

saved in the European EURODAC database. Using this method, deported foreigners can be identified for future visa requests and prevented from attempting renewed attempts to enter the EU.

In future, applicants will only be able to receive visas if they can produce identity papers containing biometric data. This data will then be saved in the central visa information system VIS and made available to all border checkpoints and police departments. Through this ambitious project, the EU wants to create the largest collection of biometric data in the world. The aim is to gather around 70 million records, which will remain in the system for up to five years.

EU citizens will not be exempted. From 2006, one year earlier than initially planned, every passport issued in the EU will also contain biometric data. The central storage of this data will enable governments to track the movements of every person.

Future identification cards will contain such data as well. This means that the entire population will be placed under general suspicion, with a complete collection made of fingerprints and facial characteristics of every resident in the EU. Every surveillance camera connected to this data could, through a facial recognition system, detect where a person is at any particular moment. Such a system is envisioned for airports and train stations.

Further inroads will be made into the protection of data privacy. In future, airlines will have to make data available to the authorities for passengers taking EU flights, including the most sensitive of information. Alongside travel particulars, this will include credit card details, previous travels and, if required, health problems. At present, the US requests this information from European airlines for passengers taking transcontinental flights. Soon, the authorities in the US and Europe will even have direct access to the reservation systems of the airlines, which would allow all flights to be monitored.

Fingerprint data and DNA profiles drawn up through saliva tests carried out across entire regions, which have up until now been collected by individual countries, will be brought together and matched. Since 1997, EU member states have already been required to connect their databases containing DNA profiles. In doing so, no list of offences has been drawn up nor any limitations on the use of data, so that DNA profiles could be assembled and maintained virtually unhindered.

Acting on the proposal by British Home Secretary David Blunkett, the commission will draw up recommendations by June 2005 that would force telecommunications carriers and Internet providers to save customer usage data for a five-year period. Whereas mobile phones are alleged to have played a significant role in the Madrid terror attacks, the EU wants to permit the complete surveillance of their usage, as well as that of e-mail accounts and visited web sites.

The existing personal data management system, SIS I, will be upgraded

to a newer version (SIS II) to accommodate the increased data arising from the expansion of the EU in May. The SIS system was originally implemented to assist in the tracking down of stolen goods such as automobiles, but has since mutated increasingly into a personal information database.

More than 1 million people are already recorded in SIS, most of them refugees and asylum seekers who are due to be deported or to whom future entry is to be denied. This register will now be expanded to cover any person who has his or her entry or departure denied, such as protesters who wish to demonstrate against World Trade Organisation or G8 meetings.

Until now, recorded persons had only relatively small amounts of information tabulated about them—for example, refusal of entry into a country and the name of the office issuing the refusal. Data was only kept for a maximum of three years.

This period will be increased and the kind of data maintained dramatically broadened. Personal characteristics are to be kept along with biometric data and personal DNA profiles. The SIS II system will operate on the same technical platform as that for visa information so that both sorts of data will be compatible.

What is significant is not just the kind of data that will be saved, but also how it will be used. On this issue, German Interior Minister Otto Schily has for years argued that access should be granted on the lowest possible level. According to Schily's proposal, even traffic police would be given access and immigration departments also included in data registration.

If any of Schily's colleagues in the EU previously had reservations about invasion of privacy, these have fallen away after March 11. The previously agreed-on "Development of Principles for the Protection of Data" has been put on hold, which means that the unhindered flow and access of information is now all but inevitable.

Data collected by Europol will also be matched with this new data. The European police agency is above all an intelligence service that analyses data in the most varied of branches and whose databases contain up to 100,000 records. They document criminal activities and persons, including the convicted, suspects, witnesses, victims and contact persons. The collection of analyses and working data will not be assembled on the basis of specific instances of criminal activity, but will instead be based on the strategic and political considerations that Europol regards as relevant to its work.

Europol works closely with the respective intelligence services in each country and receives much of its data from them. The integration of SIS with the Europol computer servers will mean even closer collaboration between the intelligence services and the police. The separation of these two branches and the prohibition against using information from intelligence agencies in courts are to be largely lifted.

A massive attack against due process and the circumvention of many legal rights will also be brought about through the swift introduction of a Europe-wide arrest warrant. Although this was agreed upon long ago, five countries have yet to implement it in their national laws. These warrants are not just confined to terrorism, but also cover 32 other criminal acts.

Member states will be able to issue arrest warrants that specify the crime only, carrying with it no juridical proof concerning the guilt of the person or any facts surrounding the case—both of which are normal in extradition procedures. In effect, this will make raids and house searches possible without any form of juridical control, abrogating the basic right of habeas corpus, according to which no person can be arrested or placed in custody without an authorised arrest warrant.

The summit was used, on the one hand, under the cover of the "war against terror," to make inroads against data privacy; on the other hand, EU interior ministers used the forum to force through a number of resolutions that will militarise European domestic politics.

A new position of European security coordinator was created. The post will be initially occupied by Gijs de Vries, who last sat in the European parliament as a member of the Dutch liberals. He is to preside over a so-called "clearing house," in which intelligence about suspected terrorists and groups will be brought together and the activities of national agencies coordinated. The decision on which groups are to be classified as "terrorist" will no longer be made by unanimous agreement of the European parliament but by a simple majority.

The security coordinator will be a ministerial post and will support Javier Solana, who is currently responsible for security and foreign affairs of the EU. Its staff will therefore belong to the military headquarters of the EU.

This is entirely in line with the premature adoption of the solidarity clause in the controversial EU draft constitution (which still must be agreed upon). This clause states that EU member states are, in cases of terror attacks, obliged to support each other with all necessary means—the use of language similar to that of NATO is no accident. These "means" mainly include policing and military measures to protect "democratic institutions and the civil population." The solidarity clause could then be used to legitimise Europe-wide police and military operations.

According to civil rights groups such as Statewatch, the definition of a "terrorist act," which the EU advanced in a resolution for the war on terror, is broad enough to include mass protests against international governmental meetings. Military operations against such protests would be permitted according to the solidarity clause. The positioning of the security coordinator in the military centre of the EU makes clear that the ruling elite is deadly serious about this provision.

The measures adopted by the EU Commission will do little to contribute to the protection of the population against terror attacks like those in Madrid. Instead, police powers and their surveillance of the entire population in Europe will be intensified. The ruling class is once again using recent tragic events to dismantle democratic rights fought by the working class of Europe. The right to privacy with regard to personal information, the freedom to travel, the separation of the police from the secret services and the right to a fair trial are being abolished—all in the name of security.

At the same time, the police and military are being given a virtual blank cheque to go ahead with attacks against their own populations. The reaction by European authorities and police makes clear that for the European ruling elite, the recent political reaction of the Spanish population, who just a few weeks ago threw the Aznar government out of office, was even more significant and shocking than the Madrid terror attacks.



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