

UK: The attempt to deport Learco Chindamo

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Learco Chindamo was 15 years old when he killed headmaster Philip Lawrence outside his London school in 1995. He was sentenced to be “detained at Her Majesty’s pleasure”—the formal judgment pronounced in the most serious juvenile cases as an alternative to handing down a life sentence to a child. He can be considered for parole after serving a tariff (minimum) of 12 years detention, which expires in January 2008 when Chindamo will be 27.

When he was six his mother brought Chindamo to Britain, where he has lived ever since. He has no family ties in Italy, his country of birth, and does not speak Italian.

The moves by the Labour government—supported by sections of the media and the Conservative Party—to seek Chindamo’s deportation to Italy once he has completed his prison sentence are an attempt once again to shift politics to the right and undermine basic democratic rights.

There is no basis in law to seek deportation. This was confirmed when the Asylum and Immigration Tribunal upheld an appeal by Chindamo against being deported to Italy at the conclusion of his prison term.

In its 33 page determination, the Tribunal sustained Chindamo’s appeal largely on the basis of European Union legislation—the 2004 Citizenship Directive—that only allows the deportation of an EU citizen where they have previously lived in a member state for at least 10 years and when there are “imperative grounds of public security.”

In a rebuff to the Home Office’s attempts to portray Chindamo as a hardened and unrepentant murderer who would continue to represent a serious danger to the public were he released, the Tribunal “concluded that there do not exist grounds of public policy in this case which justify exclusion.”

The Tribunal’s determination included several references to the progress Chindamo has made while in

jail, both in furthering his own education, dealing with the behaviour that led to his offence in the first place, and his expressions of remorse for the crime he committed while still a child.

“He has obtained [qualifications] GCSEs [General Certificate of Secondary Education] in maths, English and art and GBTSs in hospitality and catering and health and social care. Before he went to prison he could not read properly or spell his address or his mother’s second name,” the Tribunal noted.

The Tribunal found “particular significance” in what was said by Mr. Hughes, the Deputy Governor of Ford Prison, in his letter to Chindamo’s solicitors of 8 March 2007. The Tribunal noted: “He [Hughes] had been in the prison service for thirty years and had dealt with numerous offences. There were only a small minority who had demonstrated a change for the better and gone on to lead lawful and purposeful lives and he strongly believed that the appellant was a changed person who had realised the gravity of his index offence and if given a chance would prove himself worthy of trust. All the reports on him had been very positive and the Parole Board had been very impressed.”

The Tribunal also supported the appeal on the secondary grounds that to deport Chindamo would breach his rights under the 1998 Human Rights Act, which incorporated the European Convention on Human Rights into English law, since Chindamo and his family have lived in the UK almost his entire life.

The determination, signed by Senior Immigration Judge David Allen, found that his removal would be disproportionate, since “the family have been living lawfully in the United Kingdom for twenty-one years and are established here. In Italy the appellant has no home, family, language, connection or support. In the United Kingdom where he has spent all but three or four years of his life, the appellant has a home, a

supportive family, supportive agencies and language skills. We conclude that the Secretary of State has not shown that the breach of the Article 8 [Human Rights Act] right to family life that would be occasioned by the appellant's removal to Italy would be proportionate."

It was this part of the Tribunal's findings that incurred the wrath of sections of the rightwing press such as *The Sun* and *Daily Mail*.

"Scrap the Act" railed Rupert Murdoch's pro-Labour *Sun* in its editorial following the announcement of the Tribunal's verdict. The rag also directed its venom against Chindamo personally in editorials entitled, "Lowest of the low" and "Forever evil." The *Mail* approvingly quoted Conservative Party leader David Cameron calling for the abolition of the Human Rights Act.

This diatribe against the minimal democratic protections offered by the Human Rights Act is of a piece with the long-running campaign by the gutter press calling for harsher measures against "foreign" criminals.

Labour is at one with such demands.

Home Office minister Tony McNulty told the press Chindamo had "forfeited any right to domicile in the UK." Justice Secretary Jack Straw was quoted saying that the government would "vigorously appeal" against the decision and would seek to uphold its original deportation request. As Home Secretary in 2001, Straw had presided over the first attempt to gain a deportation order against Chindamo, which failed because it was initiated too soon after he was sentenced.

From its inception, the Labour government has championed the most reactionary social conceptions, seeking to position itself to the right of the Conservatives as the party of "law-and-order." In 1993, following the murder of toddler Jamie Bulger by two ten-year-old boys, Labour's then Home Affairs spokesman and future leader Tony Blair called for children to face a harsher legal environment.

In power, Labour has enacted measures that constitute a form of creeping authoritarianism. Long-standing legal and democratic rights, such as the right to a jury trial, the presumption of innocence, *habeas corpus*, the privacy of the individual and others, have been severely weakened or tacitly abolished.

The socially progressive notion of *doli incapax*, that a

child cannot be held responsible for crimes they commit in the same way as an adult, has been constantly eroded and undermined. Measures such as ASBO's, "anti-social behaviour orders," are directed at criminalising children as young as nine.

Learco Chindamo was not only still legally a child when he committed his crime. He was functionally illiterate, with a difficult family background. He had problems integrating at school and became involved in a gang. It was in the course of a gang-related fight that he stabbed and killed Philip Lawrence.

Despite his efforts to overcome his lack of education and deal with the behaviour that led him to commit his crime, Chindamo has suffered both from constant vilification in the tabloid media and the regressive judicial policies of the government. While he was in Ford open prison he had wanted to go to college to receive training as a plumber and gain work experience. However, this came to nothing when he was transferred back to a closed prison as part of Labour's crackdown on "foreign" prisoners.

The moves to have Chindamo deported once his prison term expires would in effect punish him twice for his crime. After serving the full sentence imposed at the time of his trial, and despite clearly having made significant progress towards his own rehabilitation, deporting him to Italy would be a form of legally-imposed exile, removing him from his family and forcing him to live in country with which he has no connection.



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