

Prison and Repression: a Summary

Rehabilitation is increasingly becoming a more secondary aim of the penal system in discourses concerning the penal code in most countries.

The public can read and hear about a change in favour of safety from alleged criminals in nearly all political discussions, debates and media. This was most plainly expressed by Tony Blair, the Prime Minister of the United Kingdom, who announced an end to the "mollycoddling" of criminals, referring to all rehabilitation programmes as a "68er's mistake". It is suggested that this safety can only be reached through surveillance and preventive penalties.

Attacks such as in New York, Madrid and London, as well as sexual offences and in particular murders or even riots after football matches are spectacularly sold by the media, and all make it easier to introduce restrictions in individual freedoms and tougher legislation.

Prison in Germany

According to a study by the criminalological research institute in Lower Saxony, German residents believe that the number of murders rose by 27% between 1993 and 2003, while the number of sexually motivated murders increased by 260%.

These figures have little to do with reality. According to crime statistics, the murder rate has been decreasing for years whilst the number of sexually motivated murders and attempted murders fell from 81 cases in 1981 to 26 in 2004. Despite this, laws have been becoming increasingly tougher since the end of the 90s.

In the meantime, there is now the additional preventive detention, a tougher criminal code for sexual offences and new compulsory rehabilitation laws. Earlier, it was still possible to get a probationary exemption from compulsory rehabilitation, whereas today this is only possible if "it is expected that the inmate... can never again commit criminal acts." As this stipulation is almost impossible to meet, there are now double the number of people in compulsory rehabilitation as there were at the beginning of the 90s.

According to a professor of forensic psychology at the Göttingen University, this new practice is the same as a hidden preventive detention. The upper house of parliament in Germany suggested changes to the penal code in September this year. With this, the German federal states would be given the possibility to insist on inmates making a contribution to the cost of their healthcare. The federal government rejected this proposal for being unnecessary, prisoners have already had to pay for dental prosthesis for example, as well as many other things for many years. In contrast to the upper house of parliament, the government has currently no plans to introduce the proposed cost contribution from patients in so-called rehabilitation programmes.

In Berlin, compulsory rehabilitation programmes take place in Berlin-Buch and in Berlin-Reinickendorf (on the grounds of the Karl Bonhöfer psychiatric clinic).

In Brandenburg, the privatisation of the state-run psychiatric clinics and rehabilitation programmes is currently being negotiated.

The state government is hoping to receive an 8 figure income from the sale of these facilities and programmes. According to

statements from the "Märkischen Allgemeinen" (a Brandenburger newspaper), Brandenburg finances 245 places in the 3 Rehabilitation facilities Eberswalde (Barnim), Brandenburg/Havel and Teupitz (Dahme-Spreewald).

Judges have been giving out increasingly harsher sentences for some time. In the last 3 years, the number of prisoners has risen from 64,533 to 81,166.

According to the Justice Department, some prisons are running at up to 36% over capacity. Unlike at the beginning of the eighties, the answer is not the pardoning, deferral or interruption of sentences, but that more prisons should be built.

Most of the new prisons will be built in a partnership between state and private enterprise. New laws were passed this year to enable the regulation of these "partnerships" and to make them easier to make.

The prison in Hünfeld counts as a model example. After 4 years in planning and construction, the prison will be handed over in November this year. The savings through partial privatisation should supposedly be up to 15% annually (660,000€).

With the higher number of prisoners, the prison business is becoming steadily more lucrative. In the meantime, nearly all prisons either sell their products over the internet or have their own retail outlets and workshops with a retail function. The company Herr Ledesi, which is known for its label "Prison Wear", sells its products now Europe-wide and also works together with the British government. The company has become quite famous through its sale of forced-labour products, and has won several designer awards for its website and posters. The address is still Mehringdamm 60.

Europe

In Prüm the Schengen III contract was signed in June. This allows for easier access to data such as fingerprints, DNA, etc. within the EU, and for prosecution also across borders. One topic was public order at mass gatherings and protests. It was decided to work closer together during the 2006 world cup or EU or G8 summits. Within the frame of this closer working relationship, it was decided that people who either are listed as so-called "hooligans", or as politically active people, would be banned from travelling out of the country and would be obliged to report their whereabouts.

Meanwhile, hooligans have become an important group of perpetrators for the German authorities, as well as in many other countries. Important in the sense of statistics about their repression, as they, like junkies, punks and homeless people don't really have a lobby group, and many raids and attacks on them are therefore not registered. Only in particularly extreme cases, such as the brutal SEK operation in the disco "Jeton" in Berlin, is their repression publicly discussed. Therefore no-one reacts against the travel bans placed upon them.

That these laws don't apply only to a few individual groups, became clear to the political activists at the protests against the G8 summit. In 2001, through a travel ban to the summit in Genoa, it was possible to experience that, as according to the Berlin minister of the interior, Körtling, there is no fundamental right of travel abroad.

Passports from those affected were barred from 10 countries. As a legal justification, the passport legislation was used. This legislation was newly tightened in 2000. After this, travel restrictions could be entered into the passports of known "violent offenders", when there was an increased danger against the interests of the federal republic. Those who disobey such travel

restrictions, can reckon with prison sentences of up to one year.

Large sporting events such as the world cup in 2006, are increasingly becoming the testing ground of new security techniques. This was the case at the 2004 Summer Olympics in Athens, and it is a fact that this is also planned for the 2006 World cup. This includes amongst other things, the use of RFID-chips instead of barcodes on world cup tickets, having to divulge personal information such as name, age, address, passport or ID card number in order to buy a ticket, as well as video surveillance of public places, sometimes with computer controlled facial recognition software. The many requests from fanclubs for information from the political parties and parliament on whether or not these cameras will be taken down after the world cup, remain unanswered.

Unrest during the world cup should be "avoided at all costs!", many different measures were decided upon under the motto of "zero tolerance" (e.g. spot controls by the police, stadium bans, travel bans, registration of whereabouts, etc.). "Foreign hooligans" should be stopped before they even leave their home countries. However, only the UK has such a law, which was introduced there in 2000. Therefore steps were taken to abolish freedom of travel within the EU and to reinstate border controls, also by Schilly.

Administrative Incarceration

Since September 11, 2001, the number of countries where people are held in custody without any evidence or conviction has increased. Administrative incarceration or preventative, unlimited incarceration already existed before these attacks and the "worldwide war against terror". For example, suspected IRA members were arrested and placed in custody after attacks or riots without a reason being given. However, it was easier to introduce such laws after September 11. Preventative custody has been and will continue to be discussed in many countries, in Germany since the 70's.

Although the groups affected continually change, like always, measures are still being called for to imprison people over long periods of time without reason or conviction, e.g. in cases where there might be a justifiable initial suspicion, but the evidence is insufficient for a conviction. The reason for arrest in such cases is solely the possibility that a criminal act could be committed.

In contrast to preventive detention, where imprisonment is justified by the possibility of future criminal acts, but a previous history of crimes that were actually committed exists, administrative incarceration is not based on any kind of "criminal act". People who are placed in administrative custody, have merely found themselves in the wrong place at the wrong time, have befriended the wrong person, go to the wrong mosque, or allegedly have too much of a radical ideology, etc., and therefore come under suspicion that they might eventually plan an attack one day.

In Australia, preventative custody goes further. This form of custody will remain kept secret, according to the new anti-terrorism legislation that was proposed at the end of October. This means that the direct family and lawyers wouldn't be informed in case of an arrest. Many comparisons were made in the Australian press with the practices of the dictatorships in Chile and Argentina. Many leftist and civil liberties groups justifiably are afraid that secret, unlimited incarceration will be used for torture. In Germany recently, Beckstein (CDU) discussed a similar so-called **safety custody** for "Islamic terrorists".

That the "war against terror" is only the official reason for the

general implementation of repression apparatus, can be seen for example in Great Britain. The first group that the new anti-terrorism legislation targeted, was the animal liberation movement.

Demonstrations in front of laboratories using animal testing, or in front of the homes of workers from these labs, were banned. Three people are already enough to be counted as an illegal gathering.

In the USA, these anti-terror laws are being used to destroy prisoner organisations and unions inside the prisons. An investigation is being carried out through these laws against a network of prison gangs in California, for allegedly planning attacks, while the only proof is that two of these men are Moslems. The FBI is also using these new laws to investigate the MPLU, a prisoner's union in Missouri.

In Germany, after Moslems, leftist groups are the second biggest target for the newly increased police powers of phone tapping, surveillance, etc., for example in Potsdam, Frankfurt/Oder,..... and many other cities.

But...

To sum up, you can say that the danger of landing in prison is steadily increasing. The probability of receiving a prison sentence or being held in preventative custody has risen rapidly in the last ten years. Criminality is no longer seen as in a social context, but rather as individual delinquency and a "lack" of a sense of right and wrong.

Criminal codes are becoming tougher and tougher until they infringe on the private lives of citizens. The answer to so-called non-conformist behaviour ends in sanctions and repression. An example of this is legislation in the U.K. against "anti-social behaviour". A woman was sentenced to 20 days in prison because despite several demands that she do so, she didn't mow her lawn. Another woman had to go to jail because her child didn't go to school regularly enough. Also urinating off bridges is a criminal offence, as well as public drunkenness in places such as footpaths.

The tragic thing is that the state is being helped by its citizens to do all this. There doesn't seem to be any kind of real resistance against this normalisation campaign, which goes under the motto of "safety". Even the radical left is silent.

Come to the demonstration against repression and prisons!

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