

What's wrong with Scotland's Census – the Abu Ghraib Connection

Scotland's census is being carried out with the help of **CACI Ltd**, a wholly-owned subsidiary of US based defence contractor **CACI International**.

CACI International was involved in human rights abuses at **Abu Ghraib Prison** in Iraq. It should never have been awarded the £18.5 million contract for Information Technology and "back-office" work for the census. **The census doesn't deserve your co-operation.**

Most forms of non-cooperation are perfectly legal. But If you refuse to answer the census questions, or provide false information in response to them, you could be prosecuted and, if convicted, you could be fined a maximum of £1000 and acquire a criminal record. Convictions after previous censuses have **been extremely rare** (3 in Scotland in 2001) and fines have been well below the maximum. Prosecution of people who do not wish to be prosecuted and understand their rights would be very difficult indeed.

Whether or not you have filled in your census form or intend to fill it in, **DON'T TELL CENSUS STAFF** what you have done. This is a perfectly legal form of non-cooperation. It will make the census much harder to carry out and it will help protect people who don't fill in their census forms.

Census staff are just doing a job. Please be courteous towards them. Feel free to tell them about the links between the census, CACI and Abu Ghraib.

More information: www.ethicalcensus.org.uk

Phone: 07936432519

Census Dos and Donts

- **DON'T RUSH** to complete and return your census form. There is no statutory limit to the amount of time you can take to fill it in.
- **DON'T FILL IT IN ONLINE.**
- **DON'T TELL CENSUS WORKERS** whether you have or have not received your census form, whether you have or have not filled it in or intend to fill it in, whether you are or are not the "householder."
- **DON'T TELL CENSUS WORKERS** your name.
- **DO REMOVE ALL IDENTIFYING INFORMATION** (including all codes, bar codes ets) from your census form if you intend to return it uncompleted
- **DO CONTINUE YOUR NON-COOPERATION** even if you send in your census form (whether blank or filled in).

About CACI, Abu Ghraib and Scotland's census

- **CACI International** is a US-based defence contractor. From August 2003 until the early autumn of 2005 it was contracted to provide "interrogation services" for the US Army at Abu Ghraib prison in Iraq. While CACI staff were employed as interrogators at Abu Ghraib, prisoners were humiliated and tortured there by US military police. Photographs of the abuse shocked the world and led to the conviction of a number of low-ranking US soldiers by courts martial.
- **CACI denies** any responsibility for the abuse that was photographed and denies any wrongdoing. But it is trying to block lawsuits brought against it by former Abu Ghraib prisoners by claiming "official immunity."
- **CACI staff** interrogated people held without charge or trial at Abu Ghraib. Prisoners they questioned were deprived of human rights guaranteed in international norms. The "rules of engagement" at Abu Ghraib permitted sleep deprivation, sensory deprivation and intimidation by dogs.
- **CACI Ltd** is a wholly owned subsidiary of CACI International. That means that all the money it makes belongs to CACI International. But CACI International remains beyond the reach of Scottish and British law.
- **EU Procurement rules** give the Scottish Government discretion to exclude a contractor that "has been guilty of grave professional misconduct proven by any means which the contracting authorities can demonstrate." The Scottish Government chose not to use this discretionary power.

What will happen after Census Day

Follow-up will continue for many weeks after Census Day. The responses that we suggest are all completely legal.

- After Census Day, census staff working on the "Census Coverage Survey" and the "Census Quality Survey" will call on selected households. This is a check on census coverage, not a check on whether you have completed your form. **Don't** tell them whether or not you have received a census form. **Don't** tell them anything about yourself or your neighbourhood. You don't have to answer the door to them, but if you do speak to them you might wish to tell them that, in protest at CACI's involvement with the census, you are refusing to give any assistance to the census that you aren't legally required to give.
- If the Register Office believes that the information you provided on your census form was inaccurate or incomplete, census staff may visit you to check it. You are legally obliged to answer the questions on the census form fully and truthfully (except for the question on religion, which is optional), but you are not obliged to discuss your answers with census staff.
- If the Register Office believes that you haven't returned your census form, you may get a visit from an enumerator. You aren't obliged to answer the door to them, but if you do, whether or not you have returned your form:
DON'T confirm your name, or tell them the name of anyone else living at your address, or confirm that you are the "householder". **DON'T** say anything to confirm or deny their belief that you haven't returned your form. **DON'T** sign anything or agree to anything. **DON'T** complete your form in the presence of census staff
Census staff may return on several occasions. Be courteous but firm with them. If they become intimidating or refuse to leave when asked, **call the police**.
- If the Register Office believes that you haven't returned your census form, you may receive a reminder card as well as or instead of a visit from an enumerator. Whether or not you have returned your form, **IGNORE THE CARD**
- If the Register Office believes that you haven't complied with the legal requirements of the census even after return visits from enumerators, you may be visited by members of the "non-compliance team." Respond to them in the same way as to enumerators. **DON'T** tell them anything that could assist them in carrying out the census.
- If the Register Office persists in its belief that you haven't complied with the legal requirements of the census, the Registrar General may send you a warning letter.
- If the Register Office believes that you still haven't complied with legal requirements following the Registrar General's letter, your case may be referred to the Procurator Fiscal for possible prosecution. Census staff will then try to arrange for you to attend an interview under caution. **We strongly recommend that you consult a lawyer at this stage.** The interview under caution will normally be conducted by staff working for the Register Office; the police will not normally be involved. You are entitled to have a lawyer in attendance at the interview; **we strongly recommend that you do so.** The interviewer will seek to obtain a signed statement from you admitting that you have refused to answer census questions or that you have answered them falsely or incompletely. Without such a statement it will be very hard for them to proceed with the prosecution. You are not obliged to say anything to the interviewer; in most cases we would recommend that you say nothing (but you should be guided by the advice of your lawyer).
- Data from census forms returned after 15 August 2011 **won't** be included in the census statistics, but will be included in the archive of census records, scheduled to be made public in 100 years time.

The **EthicalCensus Campaign** opposes the involvement of CACI in Scotland's census. EthicalCensus is run by civil liberties group **Scotland Against Criminalising Communities (SACC)**. SACC will do whatever it can to support anyone prosecuted for not filling in their census forms.

Ethical Census and SACC do not offer legal advice, and nothing in this leaflet should be construed as legal advice. If you need legal advice, consult a lawyer.

More information:

www.ethicalcensus.org.uk

<http://news.ethicalcensus.org.uk>

www.sacc.org.uk

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