



News Online

20 July 2015 (17/15)

Home page: <http://www.statewatch.org/>

e-mail: office@statewatch.org

NEWS: <http://www.statewatch.org/news/>

1. EU: MED-CRISIS: European Commission & Council positions on: "safe countries of origin", "Hotspot pre-removal centres" & Frontex as a "removal" Agency
2. Eurodac fingerprint database under fire by human rights activists
3. UK: UNDERCOVER POLICE: Mark Ellison QC Review
4. UK: SURVEILLANCE: High court rules data retention and surveillance legislation unlawful
5. UK: Privacy campaigners win concessions in UK surveillance report
6. EU: Informal JHA Council: Remarks by Commissioner Avramopoulos
7. EU: European Parliament Resolution: European Agenda on Security
8. UK: Former girlfriend of undercover spy sues corporate security firm
9. Caspar Bowden Legacy Fund for privacy advocacy and technology
10. UK: Deradicalisation plan will brand Muslims with beards as terrorists, say academics
11. EU: DP REGULATION - TRILOGUE –Latest 4 col document: 10391-15, 683 pages
12. EU: EU databases: massive increases in "discreet surveillance" and asylum seeker fingerprinting
13. Institute of Race Relations (IRR): Self defence or a licence to kill?
14. EU: Informal Justice and Home Affairs Council, Luxembourg, 9-10 July 2015
15. CoE: ECRI: Dramatic increase in antisemitism, Islamophobia, online hate speech
16. UN: Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance
17. EU: European Asylum Support Office (EASO): Annual Report for 2014
18. EU: European Parliament study: Adoption without consent
19. EU Council of EU: Combating racism, Protecting Public Figures, Cybersecurity, DAPIX
20. UK: Walk down the wrong street and you're back in prison
21. EU: Council of EU: Europol: Improving information and intelligence exchange
22. UK: Police facing claims that senior officers knew about spying on Stephen Lawrence family
23. EU: EUROPOL- C-T: Sites to be referred to Internet service providers to take down
24. EU: Important challenge to secrecy of EU decision-making
25. EU: EDPS: EU Data Protection Reform: a historic opportunity for Europe
26. UK: Police publish secret training manual for undercover cops
27. Council of Europe: Passenger Name Records, data mining & data protection
28. GERMANY: Massive rise in recorded racist attacks
29. SLOVAKIA: Mandatory data retention unlawful
30. UK: INQUEST welcomes call for "radical change" on deaths of young people in prison
31. UK: New Prevent Duty Guidance: for England and Wales Guidance
32. EU: DRONES: Article 29 Working Party on data protection
33. EU: LEGAL AID: Council of the European Union: Trilogue meetings: Multi-column document

34. EU: LEAs PERSONAL DATA EXCHANGE DIRECTIVE:
35. GREECE: The 'Super-Panopticon' Scandal of Athens 2004 Olympics and its Legacy
36. FRANCE: Detention centres - Increased use of detention, including of children and EU nationals
37. UK: Prevent Duty Guidance: for further education institutions in England and Wales
38. EU-PNR: MEPs back surveillance and profiling of air passengers
39. EU: FRONTEX: Latest statistics and analysis from EU border agency Frontex
40. EU: EUROJUST: Agency dealing with growing number of cross-border criminal cases
41. GERMANY: Germany's Leading Digital Rights Blog Netzpolitik.org Accused Of 'Treason'

EU-UK-GCHQ-USA-NSA SURVEILLANCE

<http://www.statewatch.org/eu-usa-data-surveillance.htm>

1. UK: Report of the Intelligence Services Commissioner for 2014
2. Hacking Team Leaks Reveal Spyware Industry's Growth, Negligence of Human Rights
3. Interesting historical review: Editorial - Before and After Snowden
4. USA-GERMANY: ALL THE CHANCELLOR'S MEN
5. Mandating insecurity by requiring government access to all data
6. EDRI ask the European Commission to investigate illegal data retention laws
7. UK.gov spied on human rights warriors at Amnesty
8. GERMANY-NSA: WikiLeaks: US spied on Angela Merkel's ministers too
9. USA-NSA: XKEYSCORE: NSA's Google for the World's Private Communications
10. FRANCE-NSA: WikiLeaks: United States surveillance operations against France
11. NSA spied on French presidents: WikiLeaks

And see: **News Digest**: updated daily, dozens of news links every month:

<http://www.statewatch.org/news/Newsinbrief.htm>

NEWS

1. EU: MED-CRISIS: European Commission's positions: **"safe countries of origin", "Hotspot pre-removal centres" & Frontex as a "removal Agency"**

- [Information note on "safe countries of origin"](#) (18 pages, pdf): Steve Peers, Professor of Law, University of Essex comments:

"The CJEU ruled back in 2006 that the Council could not give itself special power to adopt a common list of supposed safe countries of origin, but had to follow the full EU legislative process. When EU law on asylum procedure was revised in 2013, the power to adopt such a common list was deliberately left out. But the Council now plans to draw up a de facto common list, with no democratic accountability whatsoever, in clear contempt for the rule of law."

- [Explanatory note on the "Hotspot" approach](#) (pdf): **"structured border zones"** are now referred to as **"first reception facilities"** or **"pre-removal centres"**

- [Support to be provided by Frontex to frontline Member States on the return of irregular migrants](#) (pdf) emphasises **Frontex's role as a "returns" Agency** rather than a Border Agency: *"The Commission has announced its intention to propose to amend the Frontex Regulation to strengthen the role of Frontex, notably so that it can **initiate return missions**."* [emphasis added]

- [Letter from Dimitris AVRAMOPOULOS to Justice and Home Affairs Ministers](#) (pdf):

*"The aim of the "Hotspot" approach is to provide comprehensive and targeted support by the EU Agencies to **frontline Member States which are faced with disproportionate migratory pressures** at the external borders.... Frontex will provide prompt support for the **identification of irregular migrants, the acquisition of travel document for their return**, as well as carrying out return operations to bring them back to their home countries... . establishment of **a common EU list of "safe countries of origin"**"* [emphasis added]

Council of the European Union: Justice and Home Affairs Council, 20 July 2015

Background Note (pdf) This will be a Mixed Committee (with Iceland, Liechtenstein, Norway and Switzerland attending) meeting discussing:

"Home affairs ministers will discuss the implementation package of the European Agenda on Migration as regards the resettlement and relocation of 60 000 persons in clear need of protection in the member states. Ministers are also expected to adopt conclusions on the designation of certain third countries as safe countries of origin within the meaning of the Asylum Procedures directive."

Statement from Informal JHA meeting on 9 July (pdf)

See: Statewatch: **Migration crisis: EU discussing common list of "safe countries of origin" and resettlement programmes** Documents under discussion:

Draft Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 displaced persons in clear need of international protection (LIMITE doc no: 10595/1/15, pdf)

Draft Resolution of the Representatives of the Governments of the Member States meeting within the Council on relocating from Greece and Italy 40 000 persons in clear need of international protection (LIMITE doc no: 10849/15, pdf)

Draft Council Conclusions on safe countries of origin (LIMITE doc no: 10687/15, pdf)

Statewatch coverage of the migrant crisis in the Mediterranean 15 July 2015 (pdf): 14 new key documents and 21 news stories

2. **Eurodac fingerprint database under fire by human rights activists** (euractiv, link):

"The German Institute for Human Rights has criticised the repurposing of the EU's fingerprint database, Eurodac, for registering asylum seekers. Tagesspiegel reports. Biometric information, to which the police will soon be given access, will be stored there for ten years, just because an individual has fled their country, activists have warned."

The German Institute for Human Rights (DIMR) has come out strongly against the biometric registration of asylum seekers at Europe's external borders. The new regulation on Eurodac, scheduled to take effect on 20 July, is a misuse of the EU database and allows for "considerable interference into fundamental rights", said Eric Töpfer, a research associate at the institute."

and see: **ECRE expresses concern over the European Commission's guidance on Eurodac fingerprinting** (aida, link): "ECRE has published comments on the European Commission's **Staff Working Document "on Implementation of the Eurodac Regulation as regards the obligation to take fingerprints"**, issued on 27 May 2015 as part of the first round of implementing measures announced by the European Agenda on Migration. These comments point to some alarming elements in the Commission's guidance that challenges several underlying principles of the EU Charter of Fundamental Rights."

Also: **Fingerprinting by force: secret discussions on "systematic identification" of migrants and asylum seekers - Including "fingerprinting [with] the use of a proportionate degree of coercion" on "vulnerable persons, such as minors or pregnant women"** (Statewatch) and **Official reports on EU databases show massive increases in "discreet surveillance" and asylum seeker fingerprinting** (Statewatch)

3. UK: UNDERCOVER POLICE: Attorney-General: Mark Ellison QC and Alison Morgan's: **REVIEW OF POSSIBLE MISCARRIAGES OF JUSTICE: Impact of Undisclosed Undercover Police Activity on the Safety of Convictions Report** (57 pages, pdf).

[Convictions of 83 political campaigners in doubt over undercover police failings - Report finds officers deployed to infiltrate groups appeared in trials using fake personas and allowed false evidence to be presented in court](#) (Guardian, link) and [Doreen Lawrence calls for undercover police who spied on family to be named - Mother of murdered teenager Stephen says officers who infiltrated political groups should be named at public inquiry](#) (Guardian, link)

See: [Home Secretary announces terms of reference for undercover policing inquiry - Theresa May also establishes miscarriages of justice panel to sit alongside inquiry following Mark Ellison's review](#) (Home Office, link)

And see: [National Undercover Scrutiny Panel – more minutes released](#) (Undercover, link)

4. UK: SURVEILLANCE: [High court rules data retention and surveillance legislation unlawful - Victory for Tory MP David Davis and Labour's Tom Watson, who said there were insufficient privacy safeguards, as judges find Dripa inconsistent with EU law](#) (Guardian, link):

"The high court has found that emergency surveillance legislation introduced by the coalition government last year is unlawful. A judicial challenge by the Labour MP Tom Watson and the Conservative MP David Davis has overturned the Data Retention and Investigatory Powers Act (Dripa) 2014. The judges ruled that data retention powers in the legislation were inconsistent with EU laws. The government has been ordered to pass new legislation that must come into effect by the end of next March..... they argued, were there adequate safeguards against communications data leaving the European Union." and: [Davis and Watson DRIPA challenge: Government surveillance law is unlawful, High Court rules](#) (Liberty, link)

See Judgments by HIGH COURT OF JUSTICE: [DRIPA Davis](#) (pdf) and [DRIPA Davis-Watson Order](#) (pdf)

Also: Statewatch: [Analysis: Mass surveillance of communications in the EU: - CJEU judgment and DRIPA 2014/RIPA 2000 in the UK](#) (pdf)

5. UK: [Privacy campaigners win concessions in UK surveillance report](#) (The Guardian, link):
"Privacy campaigners have secured significant concessions in a key report into surveillance by the British security agencies published on Tuesday. The 132-page report, A Democratic Licence To Operate, which Nick Clegg commissioned last year in the wake of revelations by the US whistleblower Edward Snowden, acknowledges the importance of privacy concerns."

However: *"Despite its concessions to the privacy lobby, the report overall is more favourable to the police and intelligence services than to the campaigners."* The panel that wrote the report included *"three former heads of UK intelligence agencies,"* and *"also calls for an overhaul of existing legislation."*

Full report: [A Democratic Licence to Operate: Report of the Independent Surveillance Review](#) (pdf) and [Statements by Panel Members](#) (pdf)

6. EU: Informal Justice and Home Affairs Council, Luxembourg: [Remarks by Commissioner Avramopoulos after informal Home Affairs Council in Luxembourg](#) (pdf):

"Although a national competence, the European Commission and the EU Agencies can play a crucial role in supporting Member States and facilitating information exchange among EU actors. At European level we need to continue to increase cooperation and intelligence sharing between national authorities.,,,

*on the 1st of July, Europol launched the Internet Referral Unit (IRU). This Unit, which will become fully operational in the next 12 months, will support Member States in identifying and removing online terrorist material. It is also **essential to have strong public-private cooperation** in the field of security. To this end, the Commission will establish an Internet Forum that will bring together Member*

States and Internet Service Providers. The aim is to reduce the accessibility of online terrorist material and to counter the terrorist narrative and propaganda." [emphasis added]

See: [Fight against terrorism: Follow-up to the Council \(Justice and Home Affairs\) of 12-13 March 2015 - Implementation of Counter-Terrorism measures](#) (LIMITE doc no: 9418-15, pdf) which says:

*"Europol is expected to establish a European response concerning internet content referral activities with **concerned private industry companies**, with Member States envisaging support to the EU IRU by appointing national EU IRU contact points. **Referral activities will not constitute an enforceable act, thus the decision and related implementation of the referral is taken under full responsibility and accountability of the concerned service provider.**"* [p8, emphasis added]

7. EU: European Parliament Resolution: [European Agenda on Security: European Parliament resolution of 9 July 2015](#) (pdf): Adopted (by 250 votes to 204, with 184 abstentions).

Agence Europe reported that: "Monika Hohlmeier (PPE) regretted... that the link between irregular immigration and terrorism was rejected by MEPs. This approach to security is, in her view "reckless and unacceptable"... [the Resolution] condemned any lumping together of terrorism, immigration and Islam, and also serious violations of fundamental rights, epitomised by the secret CIA prisons in Europe."

See: Statewatch Analysis: [Full compliance: the EU's new security agenda](#) (pdf) by Chris Jones and European Commission: [The European Agenda on Security](#) (pdf)

8. UK: [Former girlfriend of undercover spy sues corporate security firm - Environmental activist who had a relationship with spy Mark Kennedy is taking legal action against Global Open – thought to be first lawsuit of its kind](#) (Guardian, link): "The woman is taking legal action against Global Open, a commercial firm hired by companies to monitor protesters. She alleges in the high court case that Mark Kennedy pursued her to start the relationship, while, she says, he worked undercover for Global Open."

See ["Global Open"](#) (link)

9. [Caspar Bowden Legacy Fund for privacy advocacy and technology](#) (link): "Caspar Bowden worked for over 20 years to protect fundamental freedoms on-line and off-line, and in particular the right to privacy and freedom from mass surveillance... In the hospital Caspar Bowden asked that we work to ensure equal protection regardless of nationality. Privacy is a universal human right."

10. UK: [Government deradicalisation plan will brand Muslims with beards as terrorists, say academics](#) (Independent, link)

And see [Letter](#): "PREVENT will have a chilling effect on open debate, free speech and political dissent - The latest addition to the United Kingdom's counter-terrorism framework remains fixated on ideology as the primary driver of terrorism" (link)

11. EU: DATA PROTECTION REGULATION - TRILOGUE -Latest: 8.7.15: [Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data \(General Data Protection Regulation\)](#) (LIMITE doc no: 10391-15, 683 pages, MB4.4, pdf):

"Delegations will find in annex the 4 column table on the General Data Protection Regulation which comprises the Commission proposal, the first reading Position of the European Parliament and the General Approach of the Council." [New text is highlighted]

Previous versions: (dated 2.7.15): [Preparation for trilogue](#) (LIMITE Council doc no: 10366-15, 93 pages, pdf): Run-up to the trilogues are: [LIMITE doc no 9985-REV-2-15](#) (26 June 2015, 79 pages, pdf) and [LIMITE doc no 9565-15](#) (201 pages, 11 June 2015, pdf)

And see: [European Parliament negotiating position set out in the Annex to this report](#) (pdf)

12. EU: [Official reports on EU databases show massive increases in "discreet surveillance" and asylum seeker fingerprinting](#)

Two new reports on EU databases have been released by the EU's Agency for Large-Scale IT Systems (eu-LISA), which is responsible for managing and developing the Schengen Information System (SIS), the Visa Information System (VIS) and Eurodac (used by Member States to compare the fingerprints of migrants and asylum seekers). The new reports concern SIS and Eurodac.

13. Institute of Race Relations (IRR): [Self defence or a licence to kill?](#) (link): *"When we look at the figures of young African Americans shot dead, some might comfort themselves with the mantra 'thank goodness our police forces, unlike those of the US, are not routinely armed' - But look at our record of BAME killings when they are armed."*

14. EU: Informal Justice and Home Affairs Council, Luxembourg, 9-10 July 2015:

- [A brief update on the state of play of cooperation between security and intelligence services in the fight against terrorism](#) (pdf)

Contains an extraordinary proposal to consider giving intelligence and internal security agencies right to intervene in policy-making by finding: *"ways in which policy initiatives at the EU level could take into account the concerns, opinions and suggestions from security services at an early stage in the legislative process."* and allowing: *"access by security services to information such as the PNR, SIS, and call detail records, as essential tools in the fight against terrorism"*

- [Directive of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law](#) (pdf)

- [Reflections on a revision of Council Regulation \(EC\) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation \(EC\) No 1347/2000](#) (pdf)

Background: [Draft Conclusions of the representatives of the governments of the Member States on the Commission Recommendation of 8 June 2015 on a European resettlement scheme](#) (LIMITE doc no: 10595-15, 6 July 2015, pdf): There is still nothing new here on asylum applicants' rights to be consulted and to agree to the relocation, or how to deal with the problem if Member States do not actually propose 40,000 places. The target numbers to be relocated have been moved from the main text to the preamble and [Proposal for a Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece](#) (LIMITE doc no: 10596-15, 6 July 2014, pdf)

15. CoE: European Commission against Racism and Intolerance (ECRI): [Dramatic increase in antisemitism, Islamophobia, online hate speech: annual report from Council of Europe's anti-racism commission](#) (link):

"Strasbourg, 9 July 2015 – With conflicts in the Middle East, acts of Islamist violence in Europe and incidents of unprecedented mass arrivals of migrants, the annual report of the European Commission against Racism and Intolerance (ECRI), published today, identifies a dramatic increase in antisemitism, Islamophobia, online hate speech and xenophobic political discourse as main trends in 2014."

And see: [Annual Report](#) (pdf)

16. UN: [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere](#) (pdf): "Racial and ethnic profiling, defined as a reliance by law enforcement, security and border control personnel on race, colour, descent or national or ethnic origin as a basis for subjecting persons to detailed searches, identity checks and investigations, or for determining whether an individual is engaged in criminal activity, has been a persistent and pervasive issue in law enforcement, and its use has often arisen in connection with policies on national security and immigration."

See: [UN Racism Rapporteur Presents Road Map to End Ethnic Profiling](#) (Liberties.eu, link).

17. EU: European Asylum Support Office (EASO): [Annual Report for 2014](#) (pdf)

Agence Europe reports: "The latest annual report - for 2014 - from the European Asylum Support Office (EASO) published on Wednesday 8 July confirmed the record rise in asylum requests. More than 660,000 requests for international protection were received by the 28 EU member states, plus Norway and Switzerland. Of these, 128,000 were from Syrian nationals. The 660,000 asylum applications is a 43% increase on 2013 and a record number since data were first gathered in 2008, EASO states."

18. EU: European Parliament study: [Adoption without consent](#) (pdf):

"At the request of the PETI Committee and on the basis of petitions submitted on the matter of adoption without parental consent in England and Wales, this study examines the law and practice in England and Wales, in comparison to other jurisdictions within the European Union. It further details the procedures followed by the English courts in relation to child protection proceedings involving a child who has a connection to another EU Member State, and gives recommendations for cooperation between States in future proceedings."

19. EU Council of the European Union: **Combating racism, Protecting Public Figures, Cybersecurity, DAPIX, Piracy, Europol/Customs & Visa Code**

- [Combating racism - state of play of work in the Council](#) (EU: doc no: 9499-15, pdf). The Council adopted a [Framework Decision](#) in 2008 (pdf) and [Report on the Framework Decision](#) (2014, pdf). Historical reminder: European Parliament: [Report drawn up on behalf of the Committee of Inquiry into Racism and Xenophobia on the findings of the Committee of Inquiry](#) (Rapporteur: Glyn Ford: 1991, pdf)

- [Law Enforcement Working Party \(European Network for the Protection of Public Figures - ENPPF\) Subject: ENPPF work programme](#) (LIMITE doc no: 9742-15, pdf) among the concerns are: "Unmanned Aerial Vehicles".

- [EU Cybersecurity Strategy: Road map development](#) (LIMITE doc no: 6183-Rev-2-15, pdf)
Detailed six-column document (23 pages)

- [Working Group on Information Exchange and Data Protection \(DAPIX\): Subject: Future of DAPIX expert meetings](#) (CM 2886-15, LIMITE, pdf): "During the LV Presidency, some Member States emphasised the need to maintain expert meetings on DNA, FP, VRD topics. However, the incoming Presidency estimates that such meetings should only take place if a substantial agenda is available."

- [Results of the European Firearms Experts \(EFE\) meeting held on 14-15 April 2015 in Helsinki \(Finland\) - Assignment of commercial security staff - Piracy against vessels](#) (LIMITE doc no: 9718-15, pdf): "The spiralling incidents involving piracy are causing shipping companies to also assign armed private security forces on their vessels in order to better fend off attacks by pirates. New questions which impact the control of weapons crime and the prevention of arms trafficking are therefore arising where government action and police co-operation are concerned."

- [Strategic review: Europol and Customs](#) LIMITE doc no: 9572-15, pdf): "Europol has access to only a fraction of the information and expertise available at national level as Europol is generally not the preferred channel of communication for Customs."

- [Draft Regulation of the European Parliament and of the Council on the Union Code on Visas \(Visa Code\) \(recast\)](#) (LIMITE doc no 9450-15, pdf) and [Draft Regulation of the European Parliament and of the Council on the Union Code on Visas \(Visa Code\) \(recast\)](#) (LIMITE doc no 9029-15, pdf) With Member States' positions. See also: [EU visa policy: A dash for growth?](#) (EU Law Analysis (link))

20. UK: [Walk down the wrong street and you're back in prison: the Kafkaesque life of a terror suspect in Britain - Since Algerian asylum seeker Y was arrested in 2003, he has spent years behind bars or unable to move more than a few miles, yet he has never been convicted of a crime. What is it like to exist under such extraordinary restrictions?](#) (Guardian, link):

"By order of a court, the Guardian cannot publish Y's real name. We may identify him only as Y. If we breach the order, I may be sent to jail. All this is happening in Britain in 2015".

21. EU: Council of the European Union: [Europol: To: Standing Committee on operational cooperation on internal security Subject: Proposals from Europol: Improving information and intelligence exchange in the area of counter terrorism across the EU](#) (LIMITE doc no: 7272-15, pdf)

"Europol's experience, supported by the figures below, is that the expectations generated by these political decisions have not been generally met, with the potentials for the full and proper use of Europol's information management capabilities not realised in the area of counter terrorism."

Europol's new roles on counter-terrorism derive from political direction given by the Justice and Home Affairs Council of 12 March 2015 and the Paris and Riga statements. The legal basis for Europol's new role such as Check the Web, Focal Point Travellers and using existing mechanisms like SIENA and the Europol Information System is the [Council Decision 2005/671/JHA of 20 September 2005 on the exchange of information and cooperation concerning terrorist offences](#) (pdf). This Decision states all information concerning terrorist investigations should be sent to Europol and Eurojust (Article 2) and sent, under Article 6 to "other interested Member States". The Decision makes no provision for the correction of the data/intelligence files provided nor for its deletion should an investigated or detained person(s) be released, not charged or acquitted. It should be noted that most terrorist investigation files will concern more than one person (the suspect), possibly involving their family and friends.

22. UK: [Police facing claims that senior officers knew about spying on Stephen Lawrence family - Officers have said that information about Stephen Lawrence's family gathered by an undercover operation reached senior levels in Scotland Yard](#) (Guardian, link):

"The police watchdog has recently widened its investigation into claims that five officers were involved in spying on the family of Stephen Lawrence, the teenager murdered by a racist gang. The investigation by the Independent Police Complaints Commission (IPCC) is examining allegations that the Metropolitan Police planted an undercover officer in "the Lawrence family camp".

At the moment, however, it is unclear how far up the Met's chain of command knowledge of the espionage went - a question that presumably the IPCC is looking at. Two officers involved in the police's covert work have said that information about the Lawrences that had been gathered by the Met's undercover unit was passed to, or requested by, the senior echelons of Scotland Yard."

See: [THE STEPHEN LAWRENCE INDEPENDENT REVIEW: Possible corruption and the role of undercover policing in the Stephen Lawrence case Summary of Findings](#) (link) and [Report and summary of findings from Mark Ellison's independent review](#) (link)

23. EU: EUROPOL: Terrorist propaganda: SITES TO BE REFERRED TO INTERNET SERVICE PROVIDERS TO TAKE DOWN: [European Union Internet Referral Unit \(EU IRU\) to combat terrorist propaganda and related violent extremist activities on the internet](#) (pdf):

*"European Union (EU) Member States decided to implement a coherent and coordinated European prevention approach. On 12 March 2015, the Justice and Home Affairs Council of the European Union mandated Europol to establish a dedicated unit aimed at reducing the level and impact of terrorist and violent extremist propaganda on the internet. The European Union **Internet Referral Unit at Europol will identify and refer relevant online content towards concerned internet service providers** and support Member States with operational and strategic analysis."* [emphasis added]

See: [Fight against terrorism: Follow-up to the Council \(Justice and Home Affairs\) of 12-13 March 2015 - Implementation of Counter-Terrorism measures](#) (LIMITE doc no: 9418-15, pdf) which says:

*"Europol is expected to establish a European response concerning internet content referral activities with **concerned private industry companies**, with Member States envisaging support to the EU IRU by appointing national EU IRU contact points. **Referral activities will not constitute an enforceable act, thus the decision and related implementation of the referral is taken under full responsibility and accountability of the concerned service provider.**"* [p8, emphasis added]

24. EU: Important challenge to secrecy of EU decision-making: [How the EU "legislative triangle" is becoming a "Bermudes, triangle"](#)... (EASFJ, link):

Emilio de Capitani applied to the European Parliament for documents summarising negotiations between the Council of the European Union and the European Parliament is secret trilogue meetings, namely:

"multicolumn tables (describing the Commission proposal, the Parliamentary Committee orientation, the Council internal bodies suggested amendments and, if existing, suggested draft compromises) submitted to trilogues for the current pending co-decision procedures"

The parliament refused access largely on the grounds that multi-column documents in its position had been produced by the Council and therefore could not be released. They also claimed that there are a large number of such documents - exactly

25. EU: European Data Protection Supervisor (EDPS): [EU Data Protection Reform: a historic opportunity for Europe](#) (pdf):

"Giovanni Buttarelli, EDPS, said: "Europe has long been the flag bearer with its data protection law and there are great expectations for this to continue with the reformed rules. As the European Union grapples with a range of economic difficulties facing its member countries, the EU Data Protection Reform is an opportunity for hope. Europe must seize the opportunity to be at the forefront in shaping a global standard for privacy and data protection, a standard centred on the rights and the dignity of the individual."

See also: Launched EDPS: [Annual Report for 2014](#) (pdf)

26. UK: [Police publish secret training manual telling undercover cops to have 'fleeting, disastrous' affairs with targets](#) (Mirror, link)

"The Metropolitan Police have released the 'tradecraft' manual for the Special Demonstration Squad, who infiltrated protest groups,,, the Metropolitan Police have published the manual used to train undercover spies to infiltrate protest groups for the first time. The so-called 'tradecraft' manual, given to members of the Met's Special Demonstration Squad, instructs new recruits on how to steal the identities of dead babies using methods inspired by a Frederick Forsyth novel. The document, finally

published yesterday after numerous Freedom of Information requests, also suggests agents should: "try to have fleeting, disastrous relationships" with group members."

See: [Special Demonstration Squad - Manual](#) (pdf) 60 pages, massively censored.

27. Council of Europe: PNR: [Passenger Name Records, data mining & data protection: the need for strong safeguards](#) (pdf): Prepared by Douwe Korff, Emeritus Professor of International Law, London Metropolitan University, Associate, Oxford Martin School, University of Oxford, with advice, comments and review by Marie Georges, Council of Europe Expert:

"Much has been said and written about Passenger Name Records (PNR) in the last decade and a half. When we were asked to write a short report for the Consultative Committee about PNR, "in the wider contexts", we therefore thought we could confine ourselves to a relatively straightforward overview of the literature and arguments.

However, the task turned out to be more complex than anticipated. In particular, the context has changed as a result of the Snowden revelations. Much of what was said and written about PNR before his exposés had looked at the issues narrowly, as only related to the "identification" of "known or [clearly 'identified'] suspected terrorists" (and perhaps other major international criminals). However, the most recent details of what US and European authorities are doing, or plan to do, with PNR data show that they are part of the global surveillance operations we now know about."

28. GERMANY: MASSIVE RISE IN RECORDED RACIST ATTACKS: [2014 Annual Report on the Protection of the Constitution Facts and Trends](#) (pdf):

"Two aspects should be noted:

- a rise in the number of violent offences motivated by right-wing extremism (the largest number since 2008) and xenophobia (highest level since the current definition of politically motivated crime was introduced in 2001); and*
- an enormous increase in the number of crimes and violent offences in the category of politically motivated crime by foreigners."*

['Euphoria' among jihadists in Europe, says German security agency](#) (euractiv, link):

"The number of violent acts committed by right-wing extremists increased by 24% last year. A total of 990 violent crimes were recorded. De Maizière said now one in two right-wing extremists is considered to be violence-oriented, indicating that the 512 attacks against foreigners are troubling.

Attacks on refugee camps motivated by right-wing extremism also increased from 55 recorded in 2013 to 170 last year. This year, the number could be even higher. In the first half of 2015, there were already 150 crimes of this kind, according to de Maizière. There should be "no silent understanding and especially no silent consent" for this, he said."

29. SLOVAKIA: MANDATORY DATA RETENTION UNLAWFUL: [Full version of the decision invalidating the data retention in Slovakia - the legislator has 6 months to come up with compliant provisions](#) (link) and [Judgment: Full-text](#) (link):

"The Constitutional Court denounced mass and preventive collection of data – data about the location, duration, and the participants involved, based on the provisions of the Electronic Communications Act (Act No. 351/2011 Coll.) - as an extensive infringement of the fundamental right to privacy. According to the Constitutional Court, the extensiveness of the infringement was demonstrated by the very fact that collected data concerned a huge and unpredictable number of communicating parties and such collection could have induced a feeling of constant surveillance."

30. UK: [Watershed moment - INQUEST welcomes call for "radical change" in report on deaths of young people in prison](#) (link) and Harris Review: [Changing Prisons, Saving Lives: Report of the Independent Review into Self-inflicted Deaths in Custody of 18-24 year olds](#) (pdf)

Deborah Coles, Co-Director of INQUEST said: *"This important report is a devastating indictment of a flawed system that is systematically failing. That its findings echo what has been said repeatedly and that so many deaths could have been avoided if already-known lessons had been acted upon is all the more shocking."*

Government can either ignore this report at its peril or do something radically different that could be a lasting legacy. Already this year eight young people have taken their own lives in prison."

31. UK: New [Prevent Duty Guidance: for England and Wales Guidance for specified authorities in England and Wales on the duty in Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.](#) (pdf) and the [Counter Terrorism and Security Act 2015](#) (pdf) come into effect.

And see: [Cameron backing counter-extremism strategy marks a fundamental shift - Analysis: Theresa May's drive against 'non-violent extremists' will mean acting against individuals and groups based on ideas and not actions](#) (Guardian, link):

"David Cameron is to press ahead with Theresa May's controversial counter-extremism strategy which includes blacklisting "extremists" from appearing on the airwaves and speaking at universities..... The agreed definition of extremism, which the Home Office will use to decide who to blacklist, is this:

"The vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and the mutual respect and tolerance of different faiths and beliefs. We also regard calls for the death of members of our armed forces as extremist."

And: [Teachers on the frontline against terror: what should schools do about radicalisation?](#) (The Conversation, link) and [Jails and universities obliged to prevent radicalisation as new act becomes law - Counter-Terrorism Act, which also applies to NHS trusts, schools and further education institutions, comes into force"](#) (Guardian, link)

32. EU: DRONES: Article 29 Working Party on data protection: [Opinion 01/2015 on Privacy and Data Protection Issues relating to the Utilisation of Drones](#) (pdf):

"In light of the progressive integration of drones into the European civil airspace and the emergence of numerous applications of drones (ranging from leisure, services, photography, logistics, surveillance of infrastructures) there is a real need to focus on the challenges that a large-scale deployment of drone and sensor technology could bring about for individuals' privacy and civil and political liberties and to assess the measures necessary to ensure the respect for fundamental rights and data protection."

33. EU: LEGAL AID: Council of the European Union: [Proposal for a Directive of the European Parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings - Preparation for the 1st trilogue \(14 July 2015, Brussels\)](#) (LIMITE doc no: 10296-15, 71 pages, pdf) Start of trilogue meetings: Multi-column document containing the Commission proposal, the European Parliament and Council positions

34. EU: LEAs PERSONAL DATA EXCHANGE DIRECTIVE: Council of the European Union: Directive on the exchange of personal data between EU law enforcement agencies: [Proposal for a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data - Discussion on questions suggested by the Presidency](#) (LIMITE doc no: 10208-15, pdf)

35. GREECE: [The 'Super-Panopticon' Scandal of Áthens 2004 Olympics and its Legacy](#) (Book Abstract, Pella, N.Y. 2014, pdf) by Minas Samatas:

"This book elucidates the "super-panopticon" scandal at the Athens 2004 Olympics, that is the technological fiasco of the C4I—Command, Control, Coordination, Communication, and Integration—surveillance system, designed by the American SAIC corporation and subcontracted to the German company Siemens AG, which did not work during and long after the Games, despite its multi-million cost.... As a critical "glocal" analysis, it relates the nature and legacy of this scandal to post-9/11 neoliberal "securitization," which has transformed the Olympics into security-surveillance and consumption Games with a loss of any true Olympic meaning, and finally thus reviving the discussion for alternative, pure Olympics."

36. FRANCE: [Report on detention centres for 2014 - Increased use of detention, including of children and EU nationals](#)

The fifth report on French detention centres, published jointly by the associations ASSFAM, *Forum Réfugiés - Cosi*, *France terre d'asile*, *La Cimade* and *Ordre de Malta France*, provides a wealth of official data, statistics and critical analysis concerning detention centres and places of detention for migrants on the French mainland and overseas territories for 2014.... [and] a practice initially introduced to target third-country nationals was later extended to Romanians and Bulgarians, and is now being used to deal with citizens of several EU member states..

37. UK: [Universities will be allowed to host extremist speakers – within limits: External speakers at campuses must share platform with opponents under compromise on government's Prevent counter-extremism strategy](#) (Guardian, link) and see new: [Prevent Duty Guidance: for further education institutions in England and Wales](#) (pdf)

38. EU-PNR: [MEPs back surveillance and profiling of air passengers as Council discusses "global approach" to PNR deals with non-EU states](#)

The European Parliament's civil liberties committee has approved a proposed text for the EU PNR (Passenger Name Record) Directive, by 32 votes to 27. The legislation will be finalised later in the year through secret trilogue discussions between the Parliament, the Council and the Commission. Jan Phillip Albrecht, a Green MEP, has long been a critic of the proposed scheme. Remarking upon the deal, he said: *"If these proposal do not infringe constitutional or treaty provisions, then civil rights in the EU is meaningless."*

And: other developments: the text of a secret Council discussion document on a "global approach" to PNR deals with non-EU states; EU and Mexico open negotiations on PNR agreement: See: [Passenger Name Record \(PNR\) data to third countries: a global approach?](#) (LIMITE doc no: 10838/15, pdf)

39. EU: **FRONTEX: Latest statistics and analysis from EU border agency Frontex**

The publication is divided into two sections.

1. A "situational overview" covering risk analysis indicators; surveillance; border checks; "situation in the EU"; and fraudulent documents.
2. A series of "featured risk analyses" on: South-Eastern Europe: Migrants from Kosovo ranked first in Q1; Eastern Mediterranean route: Increasing flow of migrants arriving in the Eastern Aegean Sea; Central Mediterranean route: Winter low followed by spring increase; and Effective returns: Comparison with other indicators shows different patterns.

The annex contains statistical tables.

See: [Frontex Risk Analysis Network Quarterly: Quarter 1, January-March 2015](#) (pdf)

40. EU: **EUROJUST: Judicial cooperation agency dealing with growing number of cross-border criminal cases**

"Eurojust's Annual Report 2014 reveals that the number of serious organised crime cases registered with Eurojust has grown steadily every year since 2002, when Eurojust had 202 cases. In 2014, the number of cases increased to 1 804, an increase over 2013 of 14.5 %, and demonstrates the increased demand by the Member States for Eurojust's cross-border judicial support."

See:

- Press release: [Eurojust's Annual Report 2014 demonstrates increasing number of criminal cases from Member States](#) (pdf)
- [Eurojust Annual Report 2014](#) (pdf)

41. GERMANY: [Germany's Leading Digital Rights Blog Netzpolitik.org Accused Of 'Treason' After Leaking Bulk Surveillance Plans](#) (Techdirt, link):

"Netzpolitik.org is arguably the most influential German blog in the realm of digital rights. It played a key role in marshalling protests against ACTA three years ago. You'd think the German government would be proud of it as an example of local digital innovation, but instead, it seems to regard it as some kind of traitor: "

See also: [Criminal Charges From Domestic Secret Service: Federal Prosecutor Investigates our Publications, Leaks and Sources](#) (Netzpolitik.org, link)

EU-NSA-GCHQ

1. UK: [Report of the Intelligence Services Commissioner for 2014](#) (pdf): Bulk data collection, the Commissioner reports that:

"I oversee how the intelligence services store and use bulk personal data (BPD). There is no statutory definition of BPD, but in essence BPD refers to data belonging to a range of individuals acquired by or held on one or more analytical systems in the intelligence services. The majority of these individuals are unlikely to be of intelligence interest." [emphasis added]

In 2014 a total of 2,032 surveillance/operations warrants were issued for: the Security Service (MI5), the Secret Intelligence Service (MI6), GCHQ and the Ministry of Defence (MOD). No breakdown of the global figure is given - some warrants are for individuals/groups others are open-ended/general warrants. They cover Intrusive Surveillance, Directed Surveillance and Covert Human Intelligence Sources (CHIS). There are also Property Interference Warrants (Intelligence Services Act), Section 5:

"A property warrant may be used for remote interference with a computer in order to obtain information from the computer"

Plus "class authorisations" for GCHQ and MI6 under "Section 7 of ISA the Secretary of State (in practice normally the Foreign Secretary) may authorise SIS or GCHQ to undertake acts outside the United Kingdom.... **Section 7 authorisations can be used for highly intrusive activities"**

2. [Hacking Team Leaks Reveal Spyware Industry's Growth, Negligence of Human Rights](#) (EFF, link): *"This week's document leak from surveillance software vendor Hacking Team **provided new details** on the burgeoning growth of a private surveillance industry which has spread globally without any meaningful oversight. While revealing many new and concerning aspects of Hacking Team's activities, it also confirmed a number of theories we've long suspected about their operations."* With global map.

3. SURVEILLANCE: Interesting historical review: [Editorial - Before and After Snowden](#) (pdf):

"In retrospect, it seems somewhat premature to have issued a call on Surveillance and Security Intelligence after Snowden."

At the time of writing, despite his enforced exile in Russia, former National Security Agency (NSA) contractor and whistleblower, Edward Snowden, seems almost ubiquitous as a participant in debates on transnational surveillance, even appearing virtually on one occasion in a Canadian High School (Bradshaw 2015). And, as with all such impromptu historical periodizations, there is always also a case to be made to say that Snowden's revelations didn't change as much as we thought it might, or at least, rested on a legacy of former events or long-standing processes.

In the case of surveillance and security intelligence, the latter is certainly true. The former remains open as revelations and discussion resulting from both the documents taken by Snowden continue in the broader context of the changed climate of transparency resulting from his revelations and other major initiatives like Wikileaks."

And see: [Surveillance & Society](#) (link)

4. USA-GERMANY: [ALL THE CHANCELLOR'S MEN](#) (Wikileaks, link): "Wednesday 8 July at 1800 CEST, WikiLeaks publishes three NSA intercepts of German Chancellor Angela Merkel, together with a list of 56 National Security Agency (NSA) target selectors for the Chancellor and the Chancellery. It lists not only confidential numbers for the Chancellor, but also for her top officials, her aides, her chief of staff, her political office and even her fax machine. The combined German NSA target lists released by WikiLeaks so far shows the NSA explicitly targeted for long-term surveillance 125 phone numbers for top German officials and did so for political and economic reasons, according to its own designations."

And see documents: [NSA high priority targets for Germany - All The Chancellor's Men](#) (link)

Also: [WikiLeaks says NSA spied on top German politicians 'for decades'](#): "Documents released by WikiLeaks appear to show the US spied on close aides of German Chancellor Angela Merkel and other officials for years. The leaks show Merkel's private and professional opinions on a range of issues." (DW, link)

5. SURVEILLANCE: [Keys Under Doormats: Mandating insecurity by requiring government access to all data and communications](#) (MIT Computer Science and Artificial Intelligence Laboratory Technical Report, pdf):

"we set out in detail the questions for which policymakers should require answers if the demand for exceptional access is to be taken seriously. Absent a concrete technical proposal, and without adequate answers to the questions raised in this report, legislators should reject out of hand any proposal to return to the failed cryptography control policy of the 1990s."

See also: [UK and US demands to access encrypted data are 'unprincipled and unworkable' - Influential group of international cryptographers and computer scientists says proposals will open door to criminals and malicious nation states](#) (Guardian, link)

6. [European Digital Rights asks the European Commission to investigate illegal data retention laws in the EU](#) (link): "European Digital Rights (EDRi) this morning sent a [letter to European Commission First Vice-President Frans Timmermans](#), asking the European Commission to investigate the data retention laws in EU Member States which appear to be illegal in light of the Court of Justice of the European Union (CJEU) ruling on this issue from 8 April last year."

7. [UK.gov spied on human rights warriors at Amnesty International - Snooping could cost lives, group claims](#) (The Register, link):

"The British government has admitted that its spook agency GCHQ spied on Amnesty International, according to campaigners at the human rights group.

Amnesty said on Wednesday that it had received an email from the Investigatory Powers Tribunal (IPT) – the organization responsible for policing the UK's surveillance of its own citizens – revealing

that the government intercepted, accessed and stored its communications for an unspecified period of time"

And see: [UK was illegally spying on Amnesty International, 'mistakenly' forgot to tell human rights group](#) (Independent, link): "The UK government was illegally spying on civil rights group Amnesty International — and neglected to tell it the surveillance was going on, after a mistake."

8. GERMANY-NSA: [WikiLeaks: US spied on Angela Merkel's ministers too, says German newspaper - The NSA did not just tap German chancellor Angela Merkel's phone but also listened in on finance, economy, agriculture and other ministers](#) (Guardian, link):

"The United States did not just tap chancellor Angela Merkel's phone but also eavesdropped on several of her ministers, the German daily Sueddeutsche Zeitung has reported, citing documents from WikiLeaks."

and see: [Wikileaks](#) (link) and also: [Wikileaks: 'Massive' NSA spying on top German officials](#) (DW, link): "Wikileaks says its latest release of documents shows the wide reach of economic espionage conducted by the NSA in Germany. Documents released by the whistleblowers suggest an intense interest in the Greek debt crisis."

9. USA-NSA: [XKEYSCORE: NSA's Google for the World's Private Communications](#) (The Intercept, link): "The Intercept is publishing 48 top-secret and other classified documents about XKEYSCORE dated up to 2013, which shed new light on the breadth, depth and functionality of this critical spy system — one of the largest releases yet of documents provided by NSA whistleblower Edward Snowden."

10. FRANCE-NSA: [WikiLeaks continues "Espionnage Élysée", our ongoing publication of a collection of TOP SECRET documents from United States surveillance operations against France](#) (link):

"publication comprises seven top secret documents detailing how the US has had a decade- long policy of economic espionage against France, including the interception of all French corporate contracts and negotiations valued at more than \$200 million. The documents demonstrate that the US National Security Agency, far from being a rogue organisation, is carrying out an economic espionage policy created by the US Director of National Intelligence. The documents detail the intelligence process, from the tasking of the NSA with collection of desired economic information to the production of developed intelligence reports, which are sent to "Supported Elements" of the US government, including the US Department of Commerce, the US Trade Representative, the US Treasury and the Central Intelligence Agency."

See: [L'espionnage économique, priorité de la NSA](#) (Le Monde, link)

11. [NSA spied on French presidents: WikiLeaks](#) (Reuters, link). See: [Espionnage Élysée](#) (Wikileaks, links): "Today, 23 June 2015, WikiLeaks began publishing "Espionnage Élysée", a collection of TOP SECRET intelligence reports and technical documents from the US National Security Agency (NSA) concerning targeting and signals intelligence intercepts of the communications of high-level officials from successive French governments over the last ten years." See: [US Intercepts of France Complaining About US Intercepts of France](#) (2 pages, pdf) also: [NSA: 14 page dossier on spying on three French Presidents](#) (pdf)

USING THE STATEWATCH WEBSITE

News Online: <http://www.statewatch.org/news/newsfull.htm>

Whats New (all new items): <http://www.statewatch.org/whatsnew.htm>

In the News: <http://www.statewatch.org/news/Newsinbrief.htm>

Observatories (20): <http://www.statewatch.org/observatories.htm>

Analyses (1999 - ongoing): <http://www.statewatch.org/analyses.htm>

Statewatch Bulletin/Journal: Archive: Since 1991: <http://www.statewatch.org/subscriber/>

Database, over 31,000 items: <http://database.statewatch.org/search.asp>

Statewatch European Monitoring & Documentation Centre on Justice and Home Affairs in the EU:

<http://www.statewatch.org/semDOC/>

JHA Archive - EU Justice and Home Affairs documents from 1976 onwards:

<http://www.statewatch.org/semDOC/index.php?id=1143>

About Statewatch: <http://www.statewatch.org/about.htm>